

6

State of Misconsin 2023 - 2024 LEGISLATURE

LRBb0606/1 ALL:all

SENATE AMENDMENT 1, TO SENATE SUBSTITUTE AMENDMENT 2, TO SENATE BILL 70

June 28, 2023 - Offered by Senators Agard, Carpenter, Hesselbein, L. Johnson, Larson, Pfaff, Roys, Smith, Spreitzer, Taylor and Wirch.

- 1 At the locations indicated, amend the substitute amendment as follows:
- 1. Page 22, line 15: under compensation reserves on page 23, delete the dollar amount under fiscal year 2023–24 and substitute "365,260,700" and delete the dollar amount under fiscal year 2024–25 and substitute "581,614,700".
 - **2.** Page 24, line 1: delete that line and substitute:

"SUMMARY OF COMPENSATION RESERVES — ALL FUNDS

	2023-24	2024-25
General Purpose Revenue	\$ 365,260,700	\$ 581,614,700
Federal Revenue	80,773,600	112,308,700
Program Revenue	141,762,100	197,108,000
Segregated Revenue	79,684,500	110,794,400
TOTAL	\$ 667.480.900	\$ 1.001.825.800".

 $\mathbf{2}$

- **3.** Page 45, line 13: increase the dollar amount for fiscal year 2023-24 by \$36,700 and increase the dollar amount for fiscal year 2024-25 by \$47,100 to increase the authorized FTE positions by 0.5 PR position to establish an agency equity officer responsible for collaborating with the chief equity officer in the department of administration and with other agency equity officers to identify opportunities to advance equity in government operations.
- **4.** Page 45, line 13: increase the dollar amount for fiscal year 2023-24 by \$247,500 and increase the dollar amount for fiscal year 2024-25 by \$275,000 to implement and administer the ABLE program under s. 224.55 and to increase the authorized FTE positions by 1.0 PR position for this purpose.
- **5.** Page 45, line 13: increase the dollar amount for fiscal year 2023-24 by \$3,393,100 and increase the dollar amount for fiscal year 2024-25 by \$3,393,100 to provide operational funding including for the maintenance and upgrade of critical information technology infrastructure, financial examiner travel and training costs, and accreditation costs, along with limited-term-employee salary and fringe costs.
- **6.** Page 45, line 13: increase the dollar amount for fiscal year 2024-25 by \$1,115,900 for onetime funding to modernize the department of financial institutions' charitable and professional organizations technology system.
- **7.** Page 45, line 13: increase the dollar amount for fiscal year 2023-24 by \$724,500 for modernization of the department of financial institutions' Uniform Commercial Code and trademark processing and filing technology systems.
- **8.** Page 45, line 13: increase the dollar amount for fiscal year 2024–25 by \$1,038,900 in onetime funding to update and enhance the department of financial institutions' securities filing technology systems.

4

8

9

10

11

12

13

14

15

16

17

18

19

20

21

9. Page 47, line 14: after that line insert:

2 "Section 1. 20.005 (3) (schedule) of the statutes: at the appropriate place,

insert the following amounts for the purposes indicated:

2023-24 2024-25

20.144 Financial Institutions, Department of

- 5 (4) SMALL BUSINESS RETIREMENT SAVINGS PROGRAM
- 6 (a) General program operations GPR A 2,000,000 -0-
- 7 (g) Program operations; other funds PR C 63,200 81,000".
 - 10. Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$84,650 and increase the dollar amount for fiscal year 2024-25 by \$84,650 to increase the authorized FTE positions by 1.0 PR position in the division of legal services and compliance in the department of safety and professional services for an attorney for business and trades complaints and other compliance.
 - 11. Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$169,250 and increase the dollar amount for fiscal year 2024-25 by \$169,500 to increase the authorized FTE positions by 2.0 PR positions in the division of legal services and compliance in the department of safety and professional services for attorneys for the prescription drug monitoring program.
 - 12. Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$146,000 and increase the dollar amount for fiscal year 2024-25 by \$146,000 to increase the authorized FTE positions by 1.0 PR position in the division of legal services and compliance in the department of safety and professional services for a

pharmacy practices consultant for inspections of primarily nonretail pharmacy locations.

- 13. Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$78,550 and increase the dollar amount for fiscal year 2024-25 by \$78,550 to increase the authorized FTE positions by 1.0 PR position in the division of legal services and compliance in the department of safety and professional services for a real estate specialist for appraisals attorneys for the prescription drug monitoring program.
- 14. Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$151,200 and increase the dollar amount for fiscal year 2024-25 by \$151,200 to increase the authorized FTE positions by 2.0 PR positions in the division of legal services and compliance in the department of safety and professional services for a consumer protection investigator and a consumer protection investigator-senior for investigations related to the prescription drug monitoring program.
- **15.** Page 51, line 15: increase the dollar amount for fiscal year 2023–24 by \$78,550 and increase the dollar amount for fiscal year 2024–25 by \$78,550 to increase the authorized FTE positions by 1.0 PR project position in the division of legal services and compliance in the department of safety and professional services for a 2-year project program and policy analyst for credential board data analysis and informational responses to internal and external parties.
- **16.** Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$78,550 and increase the dollar amount for fiscal year 2024-25 by \$78,550 to increase the authorized FTE positions by 1.0 PR position in the division of policy development in the department of safety and professional services for an

administrative policy advisor for facilitating operations of credentialing and examining boards.

- 17. Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$78,550 and increase the dollar amount for fiscal year 2024-25 by \$78,550 to increase the authorized FTE positions by 1.0 PR position in the division of policy development in the department of safety and professional services for an administrative rules coordinator for facilitating operations of credentialing and examining boards.
- 18. Page 51, line 15: increase the dollar amount for fiscal year 2023–24 by \$1,771,800 and increase the dollar amount for fiscal year 2024–25 by \$1,771,800 for the purpose for which the appropriation is made.
- **19.** Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$479,600 and increase the dollar amount for fiscal year 2024-25 by \$617,300 to increase the authorized FTE positions by 8.0 PR license and permit program associate positions.
- **20.** Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$113,200 and increase the dollar amount for fiscal year 2024-25 by \$292,000 to support information technology function costs charged by the division of enterprise technology in the department of administration.
- **21.** Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$113,200 and increase the dollar amount for fiscal year 2024-25 by \$143,000 to provide funding to help individuals navigate the credentialing process and to increase the authorized FTE positions by 2.0 PR positions for this purpose.

 $\mathbf{2}$

- **22.** Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$121,400 and increase the dollar amount for fiscal year 2024-25 by \$154,800 to provide funding to increase the authorized FTE positions by 2.0 PR positions for interstate compact development and licensure research.
- **23.** Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$219,800 and increase the dollar amount for fiscal year 2024-25 by \$280,100 to provide funding to increase the authorized FTE positions by 3.0 PR positions to expedite licensing for applicants with out-of-state credentials.
- **24.** Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$37,600 and increase the dollar amount for fiscal year 2024-25 by \$48,300 to increase the authorized FTE positions by 0.5 PR position to establish an agency equity officer responsible for collaborating with the chief equity officer in the department of administration and with other agency equity officers to identify opportunities to advance equity in government operations.
- **25.** Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$72,200 and increase the dollar amount for fiscal year 2024-25 by \$93,600 to increase the authorized FTE positions by 1.0 PR records management supervisor position.
- **26.** Page 51, line 15: increase the dollar amount for fiscal year 2023-24 by \$465,600 and increase the dollar amount for fiscal year 2024-25 by \$581,800 to increase the authorized FTE positions by 8.0 PR customer service call center positions.
- **27.** Page 55, line 14: decrease the dollar amount for fiscal year 2023-24 by \$4,550,700 and decrease the dollar amount for fiscal year 2024-25 by \$4,550,700 for

- the purpose of restructuring the Wisconsin Economic Development Corporation's
 funding structure.
 - **28.** Page 55, line 16: increase the dollar amount for fiscal year 2023–24 by \$5,000,000 and increase the dollar amount for fiscal year 2024–25 by \$5,000,000 for the purpose of talent attraction and retention initiatives.
 - **29.** Page 56, line 4: increase the dollar amount for fiscal year 2023-24 by \$10,000,000 and increase the dollar amount for fiscal year 2024-25 by \$9,000,000 for the purpose of restructuring the Wisconsin Economic Development Corporation's funding structure.
 - **30.** Page 114, line 8: increase the dollar amount for fiscal year 2023-24 by \$1,400 and increase the dollar amount for fiscal year 2024-25 by \$1,400 to increase agency supplies and services funding. The proposed increases would be provided to appropriations that meet the following criteria: in 2021-22, the agency expended 95 percent or more of the amount budgeted for supplies and services; and, for the 2023-25 biennium, no other additional supplies and services funding is being proposed for a similar purpose.
 - **31.** Page 114, line 8: increase the dollar amount for fiscal year 2023-24 by \$64,600 and increase the dollar amount for fiscal year 2024-25 by \$86,200 to increase the authorized FTE positions by 1.0 position to create an agency tribal liaison position. The agency tribal liaison would be responsible for working with Native American tribes and bands on behalf of the agency, as well as coordinating with the Director of Native American Affairs in Department of Administration.
 - **32.** Page 114, line 8: increase the dollar amount for fiscal year 2023-24 by \$38,100 and increase the dollar amount for fiscal year 2024-25 by \$48,900 to

- increase the authorized FTE positions by 0.5 position to create an agency equity officer position. The agency equity officer would be responsible for collaborating with the chief equity officer in the Department of Administration and with other agency equity officers to identify opportunities to advance equity in government operations.
- **33.** Page 114, line 8: increase the dollar amount for fiscal year 2023–24 by \$1,498,200 and increase the dollar amount for fiscal year 2024–25 by \$1,445,000 for additional operations funding for supplies or contracted services.
- **34.** Page 114, line 8: increase the dollar amount for fiscal year 2023-24 by \$46,100 and increase the dollar amount for fiscal year 2024-25 by \$58,000 to increase the authorized FTE positions by 1.0 position to create a social media assistant position.
- **35.** Page 114, line 8: increase the dollar amount for fiscal year 2023-24 by \$46,100 and increase the dollar amount for fiscal year 2024-25 by \$58,000 to increase the authorized FTE positions by 1.0 position to create a consumer communications specialist position.
- **36.** Page 114, line 8: increase the dollar amount for fiscal year 2023-24 by \$54,800 and increase the dollar amount for fiscal year 2024-25 by \$69,500 to increase the authorized FTE positions by 1.0 position to create a content marketing writer position.
- **37.** Page 114, line 8: increase the dollar amount for fiscal year 2023-24 by \$54,800 and increase the dollar amount for fiscal year 2024-25 by \$69,500 to increase the authorized FTE positions by 1.0 position to create a marketing coordinator position.

- **38.** Page 114, line 8: increase the dollar amount for fiscal year 2023–24 by \$54,800 and increase the dollar amount for fiscal year 2024–25 by \$69,500 for the purpose of increasing the authorized FTE positions by 1.0 position to create a permanent position.
- **39.** Page 114, line 8: increase the dollar amount for fiscal year 2023-24 by \$149,800 and increase the dollar amount for fiscal year 2024-25 by \$149,800 and increase the authorized FTE positions by 1.0 position to transfer the position and related salary, fringe, and supplies funding from the Office of Marketing Services to the general program operations appropriation.
- **40.** Page 114, line 8: increase the dollar amount for fiscal year 2023–24 by \$1,314,300 and increase the dollar amount for fiscal year 2024–25 by \$1,352,500 to create a Meetings, Conventions, and Sports Bureau and increase the authorized FTE positions by 3.0 positions.
- **41.** Page 114, line 8: increase the dollar amount for fiscal year 2023–24 by \$282,500 and increase the dollar amount for fiscal year 2024–25 by \$282,500 for additional supplies and services for the Office of Outdoor Recreation.
- **42.** Page 114, line 8: increase the dollar amount for fiscal year 2023–24 by \$237,000 and increase the dollar amount for fiscal year 2024–25 by \$290,200 to increase the authorized FTE positions by 3.0 permanent positions for the Office of Outdoor Recreation.
- **43.** Page 114, line 10: increase the dollar amount for fiscal year 2023–24 by \$33,600,000 to expand marketing and advertising initiatives.

- **44.** Page 115, line 17: increase the dollar amount for fiscal year 2023-24 by \$600 and increase the dollar amount for fiscal year 2024-25 by \$600 to increase agency supplies and services funding. The proposed increases would be provided to appropriations that meet the following criteria: in 2021-22, the agency expended 95 percent or more of the amount budgeted for supplies and services; and, for the 2023-25 biennium, no other additional supplies and services funding is being proposed for a similar purpose.
- **45.** Page 116, line 3: increase the dollar amount for fiscal year 2023-24 by \$407,200 and increase the dollar amount for fiscal year 2024-25 by \$366,900 for state aid for the arts.
- **46.** Page 165, line 3: increase the dollar amount for fiscal year 2023-24 by \$391,200 and increase the dollar amount for fiscal year 2024-25 by \$391,200 for the purpose of contracting for access to a national database to identify relatives of a child.
- **47.** Page 165, line 3: increase the dollar amount for fiscal year 2023-24 by \$740,900 and increase the dollar amount for fiscal year 2024-25 by \$740,900 to increase the authorized FTE positions by 3.2 GPR contracted positions to develop a youth justice case management and reporting system.
- **48.** Page 165, line 3: increase the dollar amount for fiscal year 2023-24 by \$2,687,700 and increase the dollar amount for fiscal year 2024-25 by \$2,687,700 for the purpose of funding statewide automated child welfare information system enhancements.
- **49.** Page 165, line 3: increase the dollar amount for fiscal year 2023-24 by \$195,800 and increase the dollar amount for fiscal year 2024-25 by \$204,600 for the

purpose of funding licensing fees and costs for a youth assessment and screening instrument.

- **50.** Page 165, line 3: decrease the dollar amount for fiscal year 2023–24 by \$2,000 and decrease the dollar amount for fiscal year 2024–25 by \$2,000 for the purpose of more accurately reflecting the current needs and organizational structure of the agency.
- **51.** Page 165, line 3: increase the dollar amount for fiscal year 2023-24 by \$600,000 and increase the dollar amount for fiscal year 2024-25 by \$600,000 to support the estimated costs of disregarding up to \$10,000 of income of direct care workers when applying for and calculating Wisconsin Shares subsidies.
- **52.** Page 165, line 3: increase the dollar amount for fiscal year 2023-24 by \$3,852,500 and increase the dollar amount for fiscal year 2024-25 by \$3,852,500 to maintain and enhance services provided to assist youth age 18 to 23 who were formerly in out-of-home care, such as foster care, transition to independent living.
- **53.** Page 165, line 3: increase the dollar amount for fiscal year 2023-24 by \$2,020,000 and increase the dollar amount for fiscal year 2024-25 by \$2,020,000 for programs that provide services to runaway and homeless youth.
- **54.** Page 165, line 3: increase the dollar amount for fiscal year 2023–24 by \$1,185,800 and increase the dollar amount for fiscal year 2024–25 by \$1,185,800 for the department of children and families to develop and implement a comprehensive cybersecurity plan for critical infrastructure, data, systems, and user accounts across all of its information technology systems.
- **55.** Page 165, line 3: increase the dollar amount for fiscal year 2023–24 by \$4,865,600 and increase the dollar amount for fiscal year 2024–25 by \$11,849,900 to

- increase the authorized FTE positions by 4.6 positions and to fund agency services and staff.
 - **56.** Page 165, line 5: increase the dollar amount for fiscal year 2023–24 by \$1,200,000 and increase the dollar amount for fiscal year 2024–25 by \$3,896,000 for the purpose of expanding the home visitation program under s. 48.983.
 - **57.** Page 165, line 10: increase the dollar amount for fiscal year 2023–24 by \$4,264,900 and increase the dollar amount for fiscal year 2024–25 by \$4,264,900 for the purpose of funding grants for youth services under s. 48.481.
 - **58.** Page 165, line 15: increase the dollar amount for fiscal year 2023–24 by \$6,217,300 and increase the dollar amount for fiscal year 2024–25 by \$6,217,300 for the purpose of increasing funding under the domestic abuse shelter and services program.
 - **59.** Page 165, line 20: increase the dollar amount for fiscal year 2023–24 by \$124,000 and increase the dollar amount for fiscal year 2024–25 by \$166,100 for the purpose of providing funding for the office of legal counsel to address increased workloads.
 - **60.** Page 166, line 3: increase the dollar amount for fiscal year 2023-24 by \$366,100 and increase the dollar amount for fiscal year 2024-25 by \$732,200 for the purpose of offering short-term respite child care and shelter for families in emergencies.
 - **61.** Page 166, line 7: increase the dollar amount for fiscal year 2023-24 by \$256,600 and increase the dollar amount for fiscal year 2024-25 by \$282,600 for the purpose of reimbursing tribes and bands for the cost of subsidized guardianships.
 - **62.** Page 166, line 11: delete lines 11 to 13.

- **63.** Page 166, line 13: delete that line.
- **64.** Page 166, line 15: delete lines 15 and 16.
- **65.** Page 168, line 6: increase the dollar amount for fiscal year 2023-24 by \$435,100 and increase the dollar amount for fiscal year 2024-25 by \$435,100 to increase the authorized FTE positions by 1.8 FED contracted positions to develop a youth justice case management and reporting system.
 - **66.** Page 168, line 12: increase the dollar amount for fiscal year 2023-24 by \$10,900 and increase the dollar amount for fiscal year 2024-25 by \$14,500 for the purpose of providing funding for the office of legal counsel to address increased workloads.
 - **67.** Page 168, line 15: increase the dollar amount for fiscal year 2023–24 by \$26,300 and increase the dollar amount for fiscal year 2024–25 by \$35,000 to increase the authorized FTE positions by 0.4 positions and to fund agency services and staff.
 - **68.** Page 168, line 22: increase the dollar amount for fiscal year 2023–24 by \$139,000 and increase the dollar amount for fiscal year 2024–25 by \$153,000 for the purpose of reimbursing tribes and bands for the cost of subsidized guardianships.
 - **69.** Page 169, line 5: increase the dollar amount for fiscal year 2023–24 by \$2,435,600 and increase the dollar amount for fiscal year 2024–25 by \$6,975,900 for the KIDS IT modernization project.
 - **70.** Page 169, line 6: increase the dollar amount for fiscal year 2023–24 by \$5,000,000 and increase the dollar amount for fiscal year 2024–25 by \$5,000,000 for local child support enforcement.

 $\mathbf{2}$

- **71.** Page 169, line 10: increase the dollar amount for fiscal year 2023-24 by \$6,100 and increase the dollar amount for fiscal year 2024-25 by \$6,700 for the purpose of kinship care exceptional payments due to the inclusion of like-kin as eligible.
- **72.** Page 169, line 10: increase the dollar amount for fiscal year 2023–24 by \$13,200 and increase the dollar amount for fiscal year 2024–25 by \$26,400 for the purpose of kinship care payment increases due to the inclusion of like-kin as eligible.
- **73.** Page 170, line 9: increase the dollar amount for fiscal year 2023-24 by \$111,900 and increase the dollar amount for fiscal year 2024-25 by \$111,900 to increase the authorized FTE positions by 1.0 PR position to more accurately reflect the current needs and organizational structure of the agency.
- **74.** Page 170, line 18: increase the dollar amount for fiscal year 2023–24 by \$700 and increase the dollar amount for fiscal year 2024–25 by \$700 for the purpose of more accurately reflecting the current needs and organizational structure of the agency.
- **75.** Page 170, line 19: decrease the dollar amount for fiscal year 2023–24 by \$15,440,600 and increase the dollar amount for fiscal year 2024–25 by \$17,379,300 for the purpose for which the appropriation is made.
- **76.** Page 170, line 19: increase the dollar amount for fiscal year 2023–24 by \$13,155,900 and increase the dollar amount for fiscal year 2024–25 by \$24,050,000 for the purpose of kinship care payment increases due to the inclusion of like-kin as eligible.

- **77.** Page 170, line 19: increase the dollar amount for fiscal year 2023-24 by \$2,077,200 and increase the dollar amount for fiscal year 2024-25 by \$4,203,900 for the purpose of kinship care exceptional payments due to the inclusion of like-kin as eligible.
- **78.** Page 170, line 19: increase the dollar amount for fiscal year 2024–25 by \$104,000 for the purpose of expanding the home visitation program under s. 48.983.
 - **79.** Page 170, line 19: increase the dollar amount for fiscal year 2023-24 by \$1,182,600 and increase the dollar amount for fiscal year 2024-25 by \$1,182,600 for the purpose of funding statewide automated child welfare information system enhancements.
 - **80.** Page 170, line 19: increase the dollar amount for fiscal year 2023–24 by \$250,000 and increase the dollar amount for fiscal year 2024–25 by \$250,000 for the purpose of increasing the funding allocated for the FAST program.
 - **81.** Page 170, line 19: increase the dollar amount for fiscal year 2023–24 by \$500,000 and increase the dollar amount for fiscal year 2024–25 by \$500,000 to expand legal services grants to include cases involving evictions.
 - **82.** Page 170, line 19: decrease the dollar amount for fiscal year 2023–24 by \$250,000 and decrease the dollar amount for fiscal year 2024–25 by \$250,000 for the purpose of establishing the skills enhancement program.
 - **83.** Page 170, line 19: increase the dollar amount for fiscal year 2023–24 by \$500,000 and increase the dollar amount for fiscal year 2024–25 by \$500,000 for the purpose of increasing the grant the Department of Children and Families provides to the Boys and Girls Clubs of Wisconsin in s. 49.175 (1) (z).

- **84.** Page 170, line 19: decrease the dollar amount for fiscal year 2023–24 by \$6,611,200 and decrease the dollar amount for fiscal year 2024–25 by \$5,339,000 to account for the increase in caretaker supplement benefit payments.
- **85.** Page 171, line 4: increase the dollar amount for fiscal year 2023–24 by \$4,728,100 and increase the dollar amount for fiscal year 2024–25 by \$13,541,300 for the KIDS IT modernization project.
- **86.** Page 171, line 6: increase the dollar amount for fiscal year 2023-24 by \$9,705,900 and increase the dollar amount for fiscal year 2024-25 by \$9,705,900 for local child support enforcement.
- **87.** Page 171, line 18: increase the dollar amount for fiscal year 2023–24 by \$75,100 and increase the dollar amount for fiscal year 2024–25 by \$96,400 to increase the authorized FTE positions by 1.0 GPR position to establish an agency equity officer responsible for collaborating with the chief equity officer in the department of administration and with other agency equity officers to identify opportunities to advance equity in government operations.
- **88.** Page 172, line 2: increase the dollar amount for fiscal year 2023–24 by \$110,600 and increase the dollar amount for fiscal year 2024–25 by \$147,500 for the purpose of providing funding for the office of legal counsel to address increased workloads.
- **89.** Page 174, line 6: increase the dollar amount for fiscal year 2023–24 by \$119,300 and increase the dollar amount for fiscal year 2024–25 by \$405,600 for the administration and enforcement of a substance abuse prevention program and to increase the authorized FTE positions by 3.0 GPR positions for that purpose.

- **90.** Page 174, line 6: increase the dollar amount for fiscal year 2023-24 by \$304,200 and increase the dollar amount for fiscal year 2024-25 by \$405,600 to increase job center staffing and to increase the authorized FTE positions by 3.0 GPR positions for that purpose.
- **91.** Page 174, line 6: increase the dollar amount for fiscal year 2023-24 by \$379,800 and increase the dollar amount for fiscal year 2024-25 by \$506,400 to increase correctional institution job center staffing and to increase the authorized FTE positions by 6.0 GPR positions for that purpose.
- **92.** Page 174, line 6: increase the dollar amount for fiscal year 2023-24 by \$801,400 and increase the dollar amount for fiscal year 2024-25 by \$936,600 to expand registered apprenticeship to the health care sector and to increase the authorized FTE positions by 1.0 GPR position for that purpose.
- **93.** Page 174, line 6: increase the dollar amount for fiscal year 2023–24 by \$9,000,000 to expand registered apprenticeship within the information technology sector.
- **94.** Page 174, line 6: increase the dollar amount for fiscal year 2023-24 by \$64,700 and increase the dollar amount for fiscal year 2024-25 by \$86,300 to increase the authorized FTE positions by 1.0 GPR position, for working with Native American tribes and bands and coordinating with the director of Native American affairs in the department of administration.
- **95.** Page 174, line 6: increase the dollar amount for fiscal year 2023-24 by \$450,000 and increase the dollar amount for fiscal year 2024-25 by \$450,000 to expand training and technical assistance support for employers by promoting outreach services and on-the-job learning services for veterans.

- **96.** Page 174, line 12: decrease the dollar amount for fiscal year 2023-24 by \$1,000,000 and decrease the dollar amount for fiscal year 2024-25 by \$1,000,000 to decrease funding for the purposes for which the appropriation is made.
- **97.** Page 176, line 17: increase the dollar amount for fiscal year 2023-24 by \$76,100 and increase the dollar amount for fiscal year 2024-25 by \$97,800 to increase the authorized FTE positions by 1.0 PR position to establish an agency equity officer responsible for collaborating with the chief equity officer in the department of administration and with other agency equity officers to identify opportunities to advance equity in government operations.
- **98.** Page 209, line 16: increase the dollar amount for fiscal year 2023–24 by \$2,000,000 and increase the dollar amount for fiscal year 2024–25 by \$2,000,000 for the purpose of funding the homelessness prevention program and a diversion program, as recommended by the Interagency Council on Homelessness in its February, 2022, statewide action plan.
 - **99.** Page 313, line 13: delete lines 13 to 17.
- **100.** Page 314, line 9: delete lines 9 to 11.
- **101.** Page 315, line 21: delete the material beginning with that line and ending with page 316, line 16.
- **102.** Page 316, line 17: delete lines 17 to 23.
- **103.** Page 319, line 13: delete lines 13 to 18.
 - **104.** Page 322, line 15: delete the material beginning with that line and ending with page 324, line 16.
 - **105.** Page 325, line 17: after that line insert:

1	"Section 2. 71.07 (8s) of the statutes is created to read:				
2	71.07 (8s) Flood insurance premiums credit. (a) Definitions. In this				
3	subsection:				
4	1. "Claimant" means an individual who files a claim under this subsection.				
5	2. "Flood insurance" means a flood insurance policy that covers the principal				
6	dwelling of the claimant.				
7	(b) Filing claims. Subject to the limitations provided in this subsection, for				
8	taxable years beginning after December 31, 2022, a claimant may claim as a credit				
9	against the tax imposed under s. 71.02, up to the amount of those taxes, an amount				
10	equal to 10 percent of the amount of the premiums the claimant paid in the taxable				
11	year for flood insurance, but the amount of the credit may not exceed \$60 in any				
12	taxable year.				
13	(c) Limitations. 1. No credit may be claimed under this subsection by a				
14	part-year resident or a nonresident of this state.				
15	2. No credit may be allowed under this subsection unless it is claimed within				
16	the period specified in s. 71.75 (2).				
17	3. No credit may be allowed under this subsection for a taxable year covering				
18	a period of less than 12 months, except for a taxable year closed by reason of the death				
19	of the taxpayer.				
20	(d) Administration. Subsection (9e) (d), to the extent that it applies to the credit				
21	under that subsection, applies to the credit under this subsection.				
22	Section 3. 71.10 (4) (hg) of the statutes is created to read:				
23	71.10 (4) (hg) Flood insurance premiums credit under s. 71.07 (8s).".				

 ${f 106.}$ Page 327, line 13: after that line insert:

"Section 4. 77.52 (2) (a) 21. of the statutes is created to read:

77.52 (2) (a) 21. The sale of the right to access and use prewritten computer software, as defined in s. 77.51 (10r), if possession of the prewritten computer software is maintained by the seller or a 3rd party, including sales made on a per use, per user, per license, or subscription basis, or some other basis. This subdivision includes the sale of the right to access and use prewritten computer software to perform data processing and information services, regardless of whether the primary purpose of the transaction is the processed data, including check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities."

107. Page 374, line 11: after that line insert:

"Section 1. 49.775 (4) of the statutes is amended to read:

49.775 (4) PAYMENT AMOUNT. The payment under sub. (2) is \$250 per month for one dependent child and \$150 per month for each additional dependent child, except that beginning in the 2023–24 fiscal year, the payment under sub. (2) is \$300 per month for one dependent child and \$180 per month for each additional dependent child.".

108. Page 374, line 11: after that line insert:

"Section 9101. Nonstatutory provisions; Administration.

(7e) Homeless case management grant program. The authorized FTE positions for the department of administration are increased by 3.0 GPR positions to administer affordable workforce housing grants, municipal home rehabilitation grants, whole-home upgrade grants, and rental housing safety grants and by 2.0

22

on individual unemployability.

GPR positions to administer, all to be funded from the appropriation under s. 20.505 1 $\mathbf{2}$ (7) (a). 3 SECTION 9201. Fiscal changes; Administration. 4 (7e) HOMELESS CASE MANAGEMENT GRANT PROGRAM. In the schedule under s. 5 20.005 (3) for the appropriation to the department of administration under s. 20.505 6 (7) (a), the dollar amount for fiscal year 2023-24 is increased by \$363,100 and the 7 dollar amount for fiscal year 2024–25 is increased by \$484,100.". 8 **109.** Page 374, line 11: after that line insert: 9 **"Section 5.** 71.07 (6e) (a) 2. b. of the statutes is amended to read: 10 71.07 (6e) (a) 2. b. An individual who had served on active duty under 11 honorable conditions in the U.S. armed forces or in forces incorporated as part of the 12 U.S. armed forces; who was a resident of this state at the time of entry into that active 13 service or who had been a resident of this state for any consecutive 5-year period 14 after entry into that active duty service; who was a resident of this state at the time 15 of his or her death; and who had either a service-connected disability rating of 100 at least 70 percent under 38 USC 1114 or 1134 or a 100 percent disability rating based 16 17 on individual unemployability. 18 **Section 6.** 71.07 (6e) (a) 3. d. of the statutes is amended to read: 71.07 (6e) (a) 3. d. Has either a service-connected disability rating of 100 at 19 20 <u>least 70</u> percent under 38 USC 1114 or 1134 or a 100 percent disability rating based

Section 7. 71.07 (6e) (c) 4. of the statutes is created to read:

 $\mathbf{2}$

71.07 (6e) (c) 4. If a service-connected disability rating is less than 100 percent,
the amount that the claimant may claim under this subsection shall be multiplied
by a percentage that equals that service-connected disability rating.

Section 9337. Initial applicability; Revenue.

- (1s) Veterans property tax credit expansion. The treatment of s. 71.07 (6e) (a) 2. b. and 3. d. and (c) 4. first applies to taxable years beginning after December 31, 2022.".
 - **110.** Page 374, line 11: after that line insert:
- **"Section 8.** 15.185 (6) of the statutes is created to read:
- 15.185 (6) Small business retirement savings board that is attached to the department of financial institutions under s. 15.03. The board shall consist of the following members:
 - 1. The secretary of financial institutions or his or her designee.
 - 2. One member who has a favorable reputation for skill, knowledge, and experience in the field of retirement saving and investments, appointed by the governor.
 - 3. One member who has a favorable reputation for skill, knowledge, and experience relating to small business, appointed by the governor.
 - 4. One member who is a representative of an association representing employees or who has a favorable reputation for skill, knowledge, and experience in the interests of employees in retirement saving, appointed by the speaker of the assembly.

1	5. One member who has a favorable reputation for skill, knowledge, and
2	experience in the interests of employers in retirement saving, appointed by the
3	president of the senate.
4	6. One member who has a favorable reputation for skill, knowledge, and
5	experience in retirement investment products or retirement plan designs, appointed
6	by the secretary of financial institutions.
7	7. One member appointed by the investment board.
8	(b) The members under par. (a) 2. to 7. shall be appointed for 4-year terms.
9	Section 9. 16.705 (1b) (d) of the statutes is amended to read:
10	16.705 (1b) (d) The department of financial institutions under s. 224.51 or the
11	small business retirement savings board under s. 224.56.
12	Section 10. 16.71 (5r) of the statutes is amended to read:
13	16.71 (5r) The department shall delegate authority to the department of
14	financial institutions to enter into vendor contracts under s. 224.51 and to the small
15	business retirement savings board to enter into vendor contracts under s. 224.56.
16	Section 11. 20.144 (4) (title) of the statutes is created to read:
17	20.144 (4) (title) Small business retirement savings program.
18	Section 12. 20.144 (4) (a) of the statutes is created to read:
19	20.144 (4) (a) General program operations. The amounts in the schedule for
20	the small business retirement savings program under s. 224.56.
21	Section 13. 20.144 (4) (g) of the statutes is created to read:
22	20.144 (4) (g) Program operations; other funds. All moneys received for the
23	small business retirement savings program under s. 224.56, for the purposes for
24	which received.
25	Section 14. 224.56 of the statutes is created to read:

1. Investment services.

1	224.56 Small business retirement savings program. (1) Definitions. In
2	this section:
3	(a) "Account" means a retirement savings account established for an eligible
4	employee under the program under this section.
5	(b) "Board" means the small business retirement savings board.
6	(c) "Eligible employee" means an individual who resides in this state and who
7	is any of the following:
8	1. Employed by a private employer that does not offer a retirement savings
9	plan.
10	2. Employed by a private employer and not eligible to participate in a
11	retirement savings plan offered by the private employer.
12	(d) "Investment administrator" means the vendor with which the board has
13	contracted under sub. (2) (b).
14	(e) "Participating employer" means a private employer that qualifies for and
15	has elected to participate in the program as provided in sub. (4) (a).
16	(f) "Roth IRA" has the meaning given in 26 USC 408A (b).
17	(g) "Traditional IRA" means an individual retirement account under 26 USC
18	408.
19	(2) Establishment of program. (a) Subject to par. (b), the board shall establish
20	and oversee a small business retirement savings program that meets the
21	requirements specified in this section.
22	(b) After soliciting competitive sealed proposals under s. 16.75 (2m), the board
23	shall select and contract with a vendor to provide the following services in
24	administering the small business retirement savings program:

- 2. Accounting and record-keeping services.
 - 3. Any other professional services considered necessary by the board.
- (3) GENERAL PROGRAM REQUIREMENTS. The board shall design the program under this section so that it meets all of the following requirements:
- (a) The program allows eligible employees to contribute to their accounts through payroll deductions and requires participating employers to withhold from employees' wages, through payroll deductions, employees' account contributions and remit those contributions directly to the investment administrator.
- (b) Subject to the record-keeping requirement under sub. (6) (b), the program allows the investment administrator to pool accounts for investment purposes and designates the investment administrator as the trustee of account contributions and earnings.
- (c) The administrative costs of the program are low, and the fee that the investment administrator may charge an eligible employee is limited to a fixed monthly fee in an amount approved by the board.
- (d) The program does not require an eligible employee to maintain a minimum account balance if the employee makes contributions to the account each pay period.
- (e) The program allows account consolidation and roll over, including roll over to a retirement savings option not part of the program to the extent allowed under the Internal Revenue Code.
- (f) The program allows an eligible employee who has established an account to continue the account after separating from employment with a participating employer if the account is maintained with a positive balance.
- (g) The program incorporates maximum contribution limits established by the board in accordance with the Internal Revenue Code contribution limits for Roth

- IRAs, separately and in combination with traditional IRAs, as well as any similar contribution limit for account types other than a Roth IRA if the account type is offered under sub. (5) (a) 2.
- (4) Participating employers; eligible employees. (a) A private employer may participate in the program under this section if all of the following apply:
 - 1. The employer does not offer a retirement savings plan to all employees.
- 2. The employer provides notice to the board, in the form and manner prescribed by the board, of the employer's election to participate in the program and the employer certifies that, on the date of this notice, the employer had 50 or fewer employees.
 - 3. The employer has at least one employee who is a resident of this state.
- (b) After a private employer has elected under par. (a) to participate in the program, the employer shall provide notice to each of its eligible employees of the eligible employee's right to decline participation in the program. After providing this notice, the employer shall enroll the eligible employee in the program unless the eligible employee informs the employer of the eligible employee's decision not to participate in the program.
- (5) Specific program requirements. (a) 1. Except as provided in subd. 2., the program under this section shall provide for an eligible employee who has enrolled in the program to make contributions to a Roth IRA account.
- 2. The program may also offer options for account types other than a Roth IRA, and if other options are offered, the program shall allow an enrolled eligible employee to select any of these other account types for investing contributions under the program.

 $\mathbf{2}$

- (b) 1. The program under this section shall provide an eligible employee who has enrolled in the program with at least 5 investment options within each account type, including all of the following investment options:
 - a. A stable value or capital preservation fund.
- b. A target date index fund or age-based fund that automatically rebalances asset allocations based on the eligible employee's age.
 - c. A low-cost fund focused on income generation.
 - d. A low-cost fund focused on asset growth.
 - e. A low-cost fund focused on balancing risk and return.
- 2. The program under this section shall require the investment administrator to offer to each enrolled eligible employee, before the employee makes his or her investment selections, a tool allowing the employee to identify the employee's risk tolerance and projected retirement date as an aid to the employee in selecting suitable investments under the program.
- 3. The program under this section shall require that the first \$1,000 of an enrolled eligible employee's contributions be deposited in a fund described in subd.

 1. a. and thereafter, unless the employee selects a different investment option, the employee's contributions be deposited in a fund described in subd. 1. b.
- (c) 1. Except as provided in subds. 3. and 4., during an eligible employee's first year of enrollment in the program, the participating employer's payroll deduction each pay period shall be at a rate of 5 percent of the employee's gross wages, and this deducted amount shall be remitted to the investment administrator as the employee's account contribution.

- 2. Except as provided in subds. 3. and 4., a participating employer shall increase the payroll deduction rate under subd. 1. by 1 percent per year until a maximum payroll deduction rate of 10 percent is reached.
- 3. An enrolled eligible employee may elect a different payroll deduction rate than that provided for in subds. 1. and 2., except the rate may not be less than 1 percent nor more than 10 percent.
- 4. A participating employer shall make a good faith effort to establish an employee's payroll deduction at a rate that will not result in the employee's total annual contributions exceeding the contribution limits established under sub. (3) (g), but the participating employer is not responsible if excess contributions occur.
- (6) Record-keeping requirements. (a) Subject to par. (b), the board shall establish the record-keeping requirements for the investment administrator, including the nature and extent of the record-keeping services and performance metrics for measuring compliance with these requirements.
- (b) The program shall require the maintenance of separate records and accounting for each account.
- (7) ABANDONED ACCOUNTS. (a) An account is considered abandoned if any of the following applies:
- 1. There has been no account activity for at least 6 months and the account balance is less than \$250.
 - 2. There has been no account activity for at least 2 years.
- (b) If an account is considered abandoned under par. (a), the investment administrator shall close the account and disburse the account balance to the individual who established the account.

 $\mathbf{2}$

- (8) POWERS OF BOARD; DEPARTMENTAL ASSISTANCE; RULES. (a) The board may do any of the following:
- 1. In establishing the program under this section, create or impose any requirement or condition not inconsistent with this section that the board considers necessary for the effective functioning and widespread utilization of the program.
- 2. Enter into contracts or other arrangements for any services necessary for establishing and overseeing the program under this section or for otherwise carrying out the purposes of this section, including the services of financial institutions, attorneys, investment advisers, accountants, consultants, and other professionals.
- 3. Exercise any other powers necessary to establish and oversee the program under this section or otherwise carry out the purposes of this section.
 - 4. Promulgate rules to carry out the purposes of this section.
- (b) The department shall provide the board with any assistance necessary to carry out the purposes of this section, including staff, equipment, and office space. The board may delegate to the department responsibility for carrying out any day-to-day board function related to the program under this section.

SECTION 9116. Nonstatutory provisions; Financial Institutions.

- (1) Small business retirement savings board; staggered terms. Notwithstanding the length of terms specified for the members of the small business retirement savings board under s. 15.185 (6) (b), the members appointed under s. 15.185 (6) (a) 2., 4., and 6. shall be appointed for initial terms expiring on May 1, 2025.
- (2) Small business retirement savings program position. The authorized FTE positions for the department of financial institutions are increased by 1.0 PR position, to be funded from the appropriation under s. 20.144 (4) (g), to establish and administer the small business retirement savings program under s. 224.56.".

1	111. Page 374, line 11: after that line insert:				
2	"Section 15. 16.3069 of the statutes is created to read:				
3	16.3069 Whole-home upgrade grants. (1) Grants. (a) From the				
4	appropriation under s. 20.505 (7) (fr), the department shall award one or more grants				
5	to the Walnut Way Conservation Corporation and Elevate, Inc., for the purpose o				
6	funding home improvements in low-income households in a 1st class city that have				
7	one or more of the following goals:				
8	1. Reducing carbon emissions.				
9	2. Reducing energy burdens.				
10	3. Creating cost savings.				
11	4. Creating healthier living environments.				
12	(b) The department may establish eligibility requirements and other program				
13	guidelines for the grant program under this subsection.				
14	(2) Sunset. No grants may be awarded under sub. (1) after June 30, 2025.				
15	Section 16. 20.005 (3) (schedule) of the statutes: at the appropriate place				
16	insert the following amounts for the purposes indicated:				
	2023-24 2024-25				
17	20.505 Administration, department of				
18	(7) Housing and community development				
19	(fr) Whole-home upgrade grants GPR B 7,250,000 -0-				
20	Section 17. 20.505 (7) (fr) of the statutes is created to read:				
21	20.505 (7) (fr) Whole-home upgrade grants. Biennially, the amounts in the				
22	schedule for grants under s. 16.3069.".				

112. Page 374, line 11: after that line insert:

1	"Section 18. 20.144 (1) (g) of the statutes is amended to read:
2	20.144 (1) (g) General program operations. The amounts in the schedule for
3	the general program operations of the department of financial institutions. Except
4	as provided in pars. (a), (h), (i), (j), and (u) and sub. (3), all moneys received by the
5	department, other than by the office of credit unions and the division of banking, and
6	88 percent of all moneys received by the office of credit unions and the department's
7	division of banking shall be credited to this appropriation, but any balance at the
8	close of a fiscal year under this appropriation shall lapse to the general fund.
9	Annually, \$150,000 \$260,000 of the amounts received under this appropriation
10	account shall be transferred to the appropriation account under s. $20.575\ (1)\ (g)$.".
11	113. Page 374, line 11: after that line insert:
12	"Section 19. 71.05 (6) (a) 28. of the statutes is amended to read:
13	71.05 (6) (a) 28. Upon the termination of an account as described under s.
14	16.643 or 224.55, any amount in the account that is returned to an account owner's
15	estate.
16	Section 20. 224.55 of the statutes is created to read:
17	224.55 Support accounts for individuals with disabilities. (1)
18	DEFINITIONS. In this section:
19	(a) "ABLE account" means an account established under an ABLE program.
20	(b) "ABLE program" means a qualified ABLE program under section 529A of
21	the Internal Revenue Code.
22	(2) Department to establish ABLE program. (a) Implementation directly or
23	by agreement. The department shall implement and administer an ABLE program,
24	either directly or by entering into a formal or informal agreement with another state,

- or with an entity representing an alliance of states, to establish an ABLE program or otherwise administer ABLE program services for the residents of this state.
- (b) Review of other states' partnership programs. The department shall review section 529A ABLE state partnership programs offered by other states and, no later than the first day of the 10th month beginning after the effective date of this paragraph [LRB inserts date], determine whether, as the best option for Wisconsin residents, the department will implement the ABLE program under par. (a) directly or by entering into an agreement.
- (c) Agreement terms. An agreement under par. (a) may require the party contracting with the department, in addition to providing any other services, to do any of the following:
- 1. Develop and implement an ABLE program in accordance with all requirements under section 529A of the Internal Revenue Code, and modify this ABLE program as necessary for participants in the ABLE program to qualify for the federal income tax benefits or treatment provided under section 529A of the Internal Revenue Code and rules adopted under section 529A.
- 2. Engage the services of vendors on a contractual basis for rendering professional and technical assistance and advice in developing marketing plans and promotional materials to publicize the ABLE program.
- 3. Work with organizations with expertise in supporting people with disabilities and their families in administering the agreement and ensuring accessibility of the ABLE program for people with disabilities.
- 4. Take any other action necessary to implement and administer the ABLE program.

1	(d) Information about ABLE accounts. The department shall include on its						
2	website information concerning ABLE accounts.						
3	(3) CONFIDENTIALITY. The department shall keep confidential any personal and						
4	financial information maintained by the department relating to an ABLE account						
5	(4) Funding; Rules. (a) All expenses incurred by the department under this						
6	section shall be paid from the appropriation under s. $20.144\ (1)\ (g)$.						
7	(b) The department may promulgate rules to implement and administer this						
8	section.".						
9	114. Page 374, line 11: after that line insert:						
10	"Section 21. 16.3078 of the statutes is created to read:						
11	16.3078 Rental assistance grants for homeless veterans. From the						
12	appropriation under s. 20.505 (7) (bq), the department shall award grants to each						
13	continuum of care organization in this state designated by the federal department						
14	of housing and urban development. All grant funds shall be used to provide						
15	tenant-based rental assistance to homeless veterans in this state.						
16	Section 22. 20.005 (3) (schedule) of the statutes: at the appropriate place						
17	insert the following amounts for the purposes indicated:						
	2023-24 2024-25						
18	20.505 Administration, department of						
19	(7) Housing and community development						
20	(bq) Rental assistance for homeless						
21	veterans GPR A 1,000,000 1,000,000						
22	SECTION 23. 20.505 (7) (bq) of the statutes is created to read:						

20.505 (7) (bq) Rental assistance for homeless veterans. The amounts in the schedule for the rental assistance grants awarded under s. 16.3078.".

115. Page 374, line 11: after that line insert:

"Section 24. 13.121 (4) of the statutes is amended to read:

13.121 (4) Insurance. For the purpose of premium determinations under s. 40.05 (4) and (5) each member of the legislature shall accrue sick leave at a rate equivalent to a percentage of time worked recommended for such positions by the administrator of the division of personnel management in the department of administration and approved by the joint committee on employment relations in the same manner as compensation for such positions is determined under s. 20.923. This percentage of time worked shall be applied to the sick leave accrual rate established under s. 230.35 (2). The approved percentage shall be incorporated into the compensation plan under s. 230.12 (1).

Section 25. 40.03 (1) (i) of the statutes is amended to read:

40.03 (1) (i) May determine that some or all of the disability annuities and death benefits provided from the Wisconsin retirement system shall instead be provided through group insurance plans to be established by the group insurance board either as separate plans or as integral parts of the group life and income continuation insurance plans established under this chapter.

Section 26. 40.03 (1) (p) of the statutes is amended to read:

40.03 (1) (p) May, upon the recommendation of the actuary, transfer in whole or in part the assets and reserves held in any account described in s. 40.04 (9) to a different account described in s. 40.04 (9), for the purpose of providing any group insurance benefit offered by the group insurance board.

SECTION 27.	40.03(1)	q) of the	statutes is	created to	read:
-------------	----------	-----------	-------------	------------	-------

- 40.03 (1) (q) For the purposes of the group income continuation insurance plan established under ss. 40.61 and 40.62 and the group long-term disability insurance plan established under s. 40.64:
- 1. May, on behalf of the state, enter into a contract or contracts with one or more insurers authorized to transact insurance business in this state for the purpose of providing the plans.
- 2. May, wholly or partially in lieu of subd. 1., on behalf of the state, provide the plans on a self-insured basis.
- 3. May take any action as trustees that is considered advisable and not specifically prohibited or delegated to some other governmental agency to carry out the purpose and intent of the plans.
- 4. May apportion all excess moneys becoming available to the board through operation of the plans to reduce premium payments in following contract years or to establish reserves to stabilize costs in subsequent years. If the board determines that the excess became available due to favorable experience of specific groups of employers or specific employee groups, the board may make the apportionment in a manner designated to benefit the specific employers or employee groups only or to a greater extent than other employers and employee groups.
- 5. Shall take prompt action to liquidate any actuarial or cash deficit that occurs in the accounts and reserves maintained in the fund for the plans.
- 6. Shall accept timely appeals of determinations made by the department affecting any right or benefit under the plans.
 - **SECTION 28.** 40.03 (2) (i) of the statutes is amended to read:

40.03 (2) (i) Shall Except as provided under pars. (ig) and (ir), shall promulgate, with the approval of the board, all rules, except rules promulgated under par. (ig) or (ir), that are required for the efficient administration of the fund or of any of the benefit plans established by this chapter. In addition to being approved by the board, and shall promulgate rules as necessary for a group long-term disability insurance plan established under s. 40.64. All rules promulgated under this paragraph are subject to board approval under sub. (1) (m). Except for rules promulgated under s. 40.30 (6), the rules promulgated under this paragraph relating to teachers must be approved are subject to approval by the teachers retirement board and under sub. (7) (d). Except for rules promulgated under s. 40.30 (6), the rules promulgated under this paragraph relating to participants other than teachers must be approved are subject to approval by the Wisconsin retirement board, except rules promulgated under s. 40.30 (g), the rules promulgated under s. 40.30 (g) (d).

Section 29. 40.03 (2) (ig) of the statutes is amended to read:

40.03 (2) (ig) Shall promulgate, with the approval of the group insurance board, all rules required for the administration of the group health, long-term care, income continuation or life insurance plans established under subchs. IV to and VI and health savings accounts under subch. IV.

Section 30. 40.03 (6) (intro.) of the statutes is amended to read:

40.03 **(6)** Group insurance board. (intro.) The With respect to the group insurance plans provided for by this chapter other than the group income continuation insurance plan established under ss. 40.61 and 40.62 and the group long-term disability insurance plan established under s. 40.64, the group insurance board:

Section 31. 40.03 (6) (a) 1. of the statutes is amended to read:

40.03 (6) (a) 1. Except as provided in par. (m), shall, on behalf of the state, enter
into a contract or contracts with one or more insurers authorized to transact
insurance business in this state for the purpose of providing the group insurance
plans provided for by this chapter; or
Section 32. 40.03 (6) (d) (intro.) of the statutes is amended to read:

40.03 (6) (d) (intro.) May take any action as trustees which that is deemed advisable and not specifically prohibited or delegated to some other governmental agency, to carry out the purpose and intent of the group insurance plans provided under this chapter, including, but not limited to, provisions in the appropriate contracts relating to:

SECTION 33. 40.03 (6) (i) of the statutes is amended to read:

40.03 **(6)** (i) Shall accept timely appeals of determinations made by the department affecting any right or benefit under any group insurance plan provided for under this chapter that is overseen by the group insurance board.

SECTION 34. 40.05 (5) (intro.) of the statutes is renumbered 40.05 (5) and amended to read:

40.05 (5) Income continuation insurance provided under subch. V ss. 40.61 and 40.62, the employee shall pay the amount remaining after the employer has contributed the following an amount equal to the gross premium payable for insurance coverage that includes the longest waiting period available to the employee under the insurance contract by rule or, if different, the amount determined under a collective bargaining agreement under subch. V of ch. 111 or s. 230.12 or 233.10:

Section 35. 40.05 (5) (a) of the statutes is repealed.

Section 36. 40.05 (5) (b) of the statutes is repealed.

SECTION 37. 40.23 (1) (bm) of the statutes is renumbered 40.23 (1) (bm) 1. and amended to read:

40.23 (1) (bm) 1. If an application by a participant age 55 or over, or by a protective occupation participant age 50 or over, for group long-term disability insurance benefits <u>under s. 40.64</u> is disapproved under rules promulgated by the department, the date which would have been the effective date for the insurance benefits <u>shall be is</u> the retirement annuity effective date if requested by the applicant within 60 days of the disapproval or, if the disapproval is appealed, within 60 days of the final disposition of the appeal.

SECTION 38. 40.61 (1) of the statutes is amended to read:

40.61 (1) The procedures and provisions pertaining to enrollment, premium transmitted and coverage of eligible employees for group income continuation benefits shall be established by contract or rule except as otherwise specifically provided by this chapter.

Section 39. 40.61 (2) of the statutes is amended to read:

40.61 (2) Except as provided in sub. (4), any an eligible employee may become covered by group income continuation insurance by electing coverage within 30 days of initial eligibility, to be effective as of the first day of the month that first occurs during the 30-day period, or by electing coverage within 60 days of initially becoming eligible for a higher level of employer contribution towards the premium cost to be effective as of the first day of the month following the date of eligibility for teachers employed by the university and effective as of the following April 1 for all other employees. Any An employee who does not so elect at one of these times, or who subsequently cancels the insurance, may not thereafter become insured unless the employee furnishes evidence of insurability under the terms of the contract, or as

otherwise provided by rule for employees under sub. (3), at the employee's own expense or obtains coverage subject to contractual waiting periods if contractual waiting periods are provided for by the contract or by rule for employees under sub. (3). An employee who furnishes satisfactory evidence of insurability under the terms of the contract shall become insured as of the first day of the month following the date of approval of evidence. The method to be used shall be determined by the group insurance board under sub. (1).

SECTION 40. 40.61 (2) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

40.61 (2) Except as provided in sub. (4), an eligible employee may become covered by group income continuation insurance by electing coverage within 30 days of initial eligibility, to be effective as of the first day of the month that first occurs during the 30-day period, or by electing coverage within 60 days of initially becoming eligible for a higher level of employer contribution towards the premium cost to be effective as of the first day of the month following the date of eligibility for teachers employed by the university and effective as of the following April 1 for all other employees. An employee who does not so elect at one of these times, or who subsequently cancels the insurance, may not thereafter become insured unless the employee furnishes evidence of insurability under the terms of the contract, or as otherwise provided by rule for employees under sub. (3), at the employee's own expense or obtains coverage subject to contractual waiting periods if contractual waiting periods are provided for by the contract or by rule for employees under sub. (3). An employee who furnishes satisfactory evidence of insurability under the terms of the contract shall become insured as of the first day of the month following the date

of approval of evidence. The method to be used shall be determined by the board under sub. (1).

Section 41. 40.61 (3) of the statutes is amended to read:

40.61 (3) Any An employer under s. 40.02 (28), other than the state, may offer to all of its employees an a group income continuation insurance plan through a program offered by the group insurance board. Notwithstanding sub. (2) and ss. 40.05 (5) and 40.62, the department may by rule establish different eligibility standards or contribution requirements for such those employees and employers and may by rule limit the categories of employers which that may be included as participating employers under this subchapter.

SECTION 42. 40.62 (1) of the statutes is amended to read:

40.62 (1) The group—insurance board shall establish an a group income continuation insurance plan providing for full or partial payment of the financial loss of earnings incurred as a result of injury or illness with separate provisions for short-term insurance with a benefit duration of no more than one year and long-term insurance covering injury or illness of indefinite duration. Employees An employee insured under the plan shall be is eligible for benefits upon exhaustion of accumulated sick leave and completion of the elimination waiting period established by the group insurance board.

SECTION 43. 40.62 (1) of the statutes, as affected by 2023 Wisconsin Act (this act), is renumbered 40.62 and amended to read:

40.62 Income continuation insurance benefits. The board shall establish a group income continuation insurance plan providing for full or partial payment of the financial loss of earnings incurred as a result of injury or illness with separate provisions for short-term insurance with a benefit duration of no more than one year

23

24

25

1	and long-term insurance covering injury or illness of indefinite duration. An
2	employee insured under the plan is eligible for benefits upon exhaustion of
3	accumulated sick leave and completion of the a waiting period selected by the
4	employee from the available options established by the board.
5	SECTION 44. 40.62 (1m) of the statutes is repealed.
6	Section 45. 40.62 (2) of the statutes is repealed.
7	Section 46. 40.63 (7) of the statutes is renumbered 40.23 (1) (bm) 2.
8	Section 47. 40.64 of the statutes is created to read:
9	40.64 Long-term disability insurance coverage. The board may establish
10	a group long-term disability insurance plan.
11	SECTION 48. 757.02 (5) of the statutes is amended to read:
12	757.02 (5) Except for retired judges appointed under s. 753.075, each supreme
13	court justice, court of appeals judge and circuit court judge included under ch. 40
14	shall accrue sick leave at the rate established under s. 230.35 (2) for the purpose of
15	credits under s. $40.05(4)(b)$ and for premium payment determinations under s. $40.05(4)(b)$
16	(4) and (5).
17	Section 9113. Nonstatutory provisions; Employee Trust Funds.
18	(1k) Transfer of oversight of group disability benefit insurance plans.
19	(a) Tangible personal property. On the effective date of this paragraph, all
20	tangible personal property, including records, of the group insurance board that is
21	primarily related to the group income continuation insurance plan or long-term

disability insurance plan, as determined by the secretary of employee trust funds,

on the effective date of this paragraph that are primarily related to the group income

(b) Contracts. All contracts entered into by the group insurance board in effect

is transferred to the employee trust funds board.

- continuation insurance plan or long-term disability insurance plan, as determined by the secretary of employee trust funds, remain in effect and are transferred to the employee trust funds board. The employee trust funds board shall carry out any obligations under those contracts unless modified or rescinded by the employee trust funds board to the extent allowed under the contract.
- (c) Rules. All rules promulgated by the secretary of employee trust funds and approved by the group insurance board in effect on the effective date of this paragraph that are primarily related to the group income continuation insurance plan or long-term disability insurance plan remain in effect until their specified expiration dates or until amended or repealed by the employee trust funds board.
- (d) *Pending matters*. Any matter pending with the group insurance board on the effective date of this paragraph that is primarily related to the group income continuation insurance plan or long-term disability insurance plan, as determined by the secretary of employee trust funds, is transferred to the employee trust funds board. All materials submitted to or actions taken by the group insurance board with respect to the pending matter are considered as having been submitted to or taken by the employee trust funds board.

Section 9313. Initial applicability; Employee Trust Funds.

(1k) Income continuation insurance premiums. The treatment of ss. 13.121 (4), 40.05 (5) (intro.), (a), and (b), and 757.02 (5) first applies to premiums paid on the effective date of this subsection.

SECTION 9413. Effective dates; Employee Trust Funds.

(1k) Income continuation insurance premiums; election of income continuation insurance coverage; eligibility for income continuation insurance benefits. The treatment of ss. 13.121 (4), 40.05 (5) (intro.), (a), and (b), 40.61 (2) (by

1	Section 40), 40.62 (1m) and (2), and 757.02 (5), the renumbering and amendment of
2	s. 40.62 (1), and Section 9313 (1k) of this act take effect on January 1, 2025.".
3	116. Page 374, line 11: after that line insert:
4	"Section 49. 40.03 (1) (i) of the statutes is amended to read:
5	40.03 (1) (i) May determine that some or all of the disability annuities and
6	death benefits provided from the Wisconsin retirement system shall instead be
7	provided through group insurance plans to be established by the group insurance
8	board either as separate plans or as integral parts of the group life and income
9	continuation insurance plans established under this chapter.
10	Section 50. 40.03 (1) (p) of the statutes is amended to read:
11	40.03 (1) (p) May, upon the recommendation of the actuary, transfer in whole
12	or in part the assets and reserves held in any account described in s. 40.04 (9) to a
13	different account described in s. 40.04 (9), for the purpose of providing any group
14	insurance benefit offered by the group insurance board.
15	Section 51. 40.03 (1) (q) of the statutes is created to read:
16	40.03 (1) (q) For the purposes of the group income continuation insurance plan
17	established under ss. 40.61 and 40.62 and the group long-term disability insurance
18	plan established under s. 40.64:
19	1. May, on behalf of the state, enter into a contract or contracts with one or more
20	insurers authorized to transact insurance business in this state for the purpose of
21	providing the plans.
22	2. May, wholly or partially in lieu of subd. 1., on behalf of the state, provide the
23	plans on a self-insured basis.

- 3. May take any action as trustees that is considered advisable and not specifically prohibited or delegated to some other governmental agency to carry out the purpose and intent of the plans.
- 4. May apportion all excess moneys becoming available to the board through operation of the plans to reduce premium payments in following contract years or to establish reserves to stabilize costs in subsequent years. If the board determines that the excess became available due to favorable experience of specific groups of employers or specific employee groups, the board may make the apportionment in a manner designated to benefit the specific employers or employee groups only or to a greater extent than other employers and employee groups.
- 5. Shall take prompt action to liquidate any actuarial or cash deficit that occurs in the accounts and reserves maintained in the fund for the plans.
- 6. Shall accept timely appeals of determinations made by the department affecting any right or benefit under the plans.

Section 52. 40.03 (2) (i) of the statutes is amended to read:

40.03 (2) (i) Shall Except as provided under pars. (ig) and (ir), shall promulgate, with the approval of the board, all rules, except rules promulgated under par. (ig) or (ir), that are required for the efficient administration of the fund or of any of the benefit plans established by this chapter. In addition to being approved by the board, rules promulgated under this paragraph relating to teachers must be approved by the teachers retirement board and rules promulgated under this paragraph relating to participants other than teachers must be approved by the Wisconsin retirement board, except rules promulgated under s. 40.30 and shall promulgate rules as necessary for a group long-term disability insurance plan established under s. 40.64.

1	All rules promulgated under this paragraph are subject to board approval under sub-
2	<u>(1) (m)</u> .
3	Section 53. 40.03 (2) (ig) of the statutes is amended to read:
4	40.03 (2) (ig) Shall promulgate, with the approval of the group insurance board,
5	all rules required for the administration of the group health, long-term care, income
6	continuation or life insurance plans established under subchs. IV to and VI and
7	health savings accounts under subch. IV.
8	Section 54. 40.03 (6) (intro.) of the statutes is amended to read:
9	40.03 (6) Group insurance board. (intro.) The With respect to the group
10	insurance plans provided for by this chapter other than the group income
11	continuation insurance plan established under ss. 40.61 and 40.62 and the group
12	long-term disability insurance plan established under s. 40.64, the group insurance
13	board:
14	Section 55. 40.03 (6) (a) 1. of the statutes is amended to read:
15	40.03 (6) (a) 1. Except as provided in par. (m), shall, on behalf of the state, enter
16	into a contract or contracts with one or more insurers authorized to transact
17	insurance business in this state for the purpose of providing the group insurance
18	plans provided for by this chapter ; or
19	Section 56. 40.03 (6) (d) (intro.) of the statutes is amended to read:
20	40.03 (6) (d) (intro.) May take any action as trustees which that is deemed
21	advisable and not specifically prohibited or delegated to some other governmental
22	agency, to carry out the purpose and intent of the group insurance plans provided
23	under this chapter, including, but not limited to, provisions in the appropriate
24	contracts relating to:

SECTION 57. 40.03 (6) (i) of the statutes is amended to read:

40.03 **(6)** (i) Shall accept timely appeals of determinations made by the department affecting any right or benefit under any group insurance plan provided for under this chapter that the group insurance board oversees.

Section 58. 40.23 (1) (bm) of the statutes is amended to read:

40.23 (1) (bm) If an application by a participant age 55 or over, or by a protective occupation participant age 50 or over, for group long-term disability insurance benefits under s. 40.64 is disapproved under rules promulgated by the department, the date which would have been the effective date for the insurance benefits shall be is the retirement annuity effective date if requested by the applicant within 60 days of the disapproval or, if the disapproval is appealed, within 60 days of the final disposition of the appeal.

Section 59. 40.61 (2) of the statutes is amended to read:

40.61 (2) Except as provided in sub. (4), any an eligible employee may become covered by group income continuation insurance by electing coverage within 30 days of initial eligibility, to be effective as of the first day of the month that first occurs during the 30-day period, or by electing coverage within 60 days of initially becoming eligible for a higher level of employer contribution towards the premium cost to be effective as of the first day of the month following the date of eligibility for teachers employed by the university and effective as of the following April 1 for all other employees. Any An employee who does not so elect at one of these times, or who subsequently cancels the insurance, may not thereafter become insured unless the employee furnishes evidence of insurability under the terms of the contract, or as otherwise provided by rule for employees under sub. (3), at the employee's own expense or obtains coverage subject to contractual waiting periods if contractual waiting periods are provided for by the contract or by rule for employees under sub.

 $\mathbf{2}$

(3). An employee who furnishes satisfactory evidence of insurability under the terms of the contract shall become insured as of the first day of the month following the date of approval of evidence. The method to be used shall be determined by the group insurance board under sub. (1).

Section 60. 40.61 (3) of the statutes is amended to read:

40.61 (3) Any An employer under s. 40.02 (28), other than the state, may offer to all of its employees an a group income continuation insurance plan through a program offered by the group insurance board. Notwithstanding sub. (2) and ss. 40.05 (5) and 40.62, the department may by rule establish different eligibility standards or contribution requirements for such those employees and employers and may by rule limit the categories of employers which that may be included as participating employers under this subchapter.

Section 61. 40.62 (1) of the statutes is amended to read:

40.62 (1) The group-insurance board shall establish an <u>a group</u> income continuation insurance plan providing for full or partial payment of the financial loss of earnings incurred as a result of injury or illness with separate provisions for short-term insurance with a benefit duration of no more than one year and long-term insurance covering injury or illness of indefinite duration. Employees An employee insured under the plan shall be <u>is</u> eligible for benefits upon exhaustion of accumulated sick leave and completion of the elimination waiting period established by the group insurance board.

Section 62. 40.64 of the statutes is created to read:

40.64 Long-term disability insurance coverage. The board may establish a group long-term disability insurance plan.

Section 9113. Nonstatutory provisions; Employee Trust Funds.

- (1) Transfer of oversight of group disability benefit insurance plans.
- (a) *Tangible personal property*. On the effective date of this paragraph, all tangible personal property, including records, of the group insurance board that is primarily related to the group income continuation insurance plan or long-term disability insurance plan, as determined by the secretary of employee trust funds, is transferred to the employee trust funds board.
- (b) *Contracts*. All contracts entered into by the group insurance board in effect on the effective date of this paragraph that are primarily related to the group income continuation insurance plan or long-term disability insurance plan, as determined by the secretary of employee trust funds, remain in effect and are transferred to the employee trust funds board. The employee trust funds board shall carry out any obligations under those contracts unless modified or rescinded by the employee trust funds board to the extent allowed under the contract.
- (c) Rules. All rules promulgated by the secretary of employee trust funds and approved by the group insurance board in effect on the effective date of this paragraph that are primarily related to the group income continuation insurance plan or long-term disability insurance plan remain in effect until their specified expiration dates or until amended or repealed by the employee trust funds board.
- (d) *Pending matters*. Any matter pending with the group insurance board on the effective date of this paragraph that is primarily related to the group income continuation insurance plan or long-term disability insurance plan, as determined by the secretary of employee trust funds, is transferred to the employee trust funds board. All materials submitted to or actions taken by the group insurance board with respect to the pending matter are considered as having been submitted to or taken by the employee trust funds board."

1	117. Page 374, line 11: after that line insert:
2	"Section 63. 15.165 (title) of the statutes is amended to read:
3	15.165 (title) Same; attached boards and offices.
4	Section 64. 15.165 (5) of the statutes is created to read:
5	15.165 (5) Office of internal audit. There is created an office of internal audit
6	that is attached to the department of employee trust funds under s. 15.03. The office
7	shall be under the direction and supervision of an internal auditor who shall be
8	appointed by the employee trust funds board in the classified service. The internal
9	auditor shall report directly to the employee trust funds board.
10	Section 65. 40.03 (1) (dm) of the statutes is created to read:
11	40.03 (1) (dm) Shall develop and implement policies, principles, and directives
12	for the office of internal audit and determine the qualifications of and appoint, in the
13	classified service, staff for the office of internal audit. Staff appointed under this
L 4	paragraph shall report directly to the board.
15	Section 66. 40.03 (4m) of the statutes is created to read:
16	40.03 (4m) Office of Internal Audit. (a) The office of internal audit shall
L7	provide independent assurance that the public employee trust fund assets under the
18	control of the department are safeguarded for the purpose of ensuring the fulfillment
19	of the benefit commitments to individuals under this chapter.
20	(b) The internal auditor may review any activity, information, or record of the
21	department that relates to the administration of the fund.
22	(c) The internal auditor shall plan and conduct audit activities, including
23	external audits, risk assessments, research projects, and management reviews,

under the direction of the board and in accordance with policies, principles, and directives determined by the board.

(d) The internal auditor shall monitor the department's compliance with applicable legal requirements and contracts entered into by the department and the board.

SECTION 9113. Nonstatutory provisions; Employee Trust Funds.

- (1) Incumbent internal auditor. The individual holding the position of internal auditor in the department of employee trust funds on the day before the effective date of this subsection shall continue to serve in that position until an internal auditor is appointed under s. 15.165 (5).
- (2) Incumbent staff. Individuals holding positions as staff internal auditors in the department of employee trust funds on the day before the effective date of this subsection shall continue to serve in those positions until staff are appointed under s. 40.03 (1) (dm).".
 - **118.** Page 374, line 11: after that line insert:

"Section 67. 40.04 (3) (a) of the statutes is amended to read:

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

1	the decrease within the period in the value of the assets resulting from the sale or
2	the depreciation in value of any investments of the trust.
3	Section 68. 40.04 (3) (am) 3. (intro.) of the statutes is amended to read:
4	40.04 (3) (am) 3. (intro.) Annually, on December 31, the sum of all of the
5	following shall be distributed from the market recognition account to each
6	participating account in the core retirement investment trust in the same ratio as
7	each account's average daily balance bears to the total average daily balance of all
8	participating accounts in the trust:".
9	119. Page 374, line 11: after that line insert:
10	"Section 69. 40.02 (8) (b) 3. of the statutes is repealed.
11	Section 70. 40.02 (21d) (intro.) of the statutes is amended to read:
12	40.02 (21d) (intro.) "Domestic partnership" means a relationship between 2
13	individuals, who submitted an affidavit of domestic partnership to the department
14	before September 23, 2017, that satisfies all of the following:
15	Section 71. 40.51 (2m) (a) of the statutes is repealed.
16	SECTION 72. 40.51 (2m) (b) of the statutes is renumbered 40.51 (2m) and
17	amended to read:
18	40.51 (2m) If an eligible employee is divorced or was a domestic partner in a
19	dissolved domestic partnership, the eligible employee may not enroll a new spouse
20	or domestic partner in a group health insurance plan under this subchapter until 6
21	months have elapsed since the date of the divorce or dissolved domestic partnership.
22	Section 73. 40.513 (3) (b) of the statutes is amended to read:
23	40.513 (3) (b) The employee's spouse or domestic partner is receiving health
24	care coverage under s. 40.51 (6).

Section 74. 40.52 (2) of the statutes is amended to read:

40.52 (2) Health insurance benefits under this subchapter shall be integrated, with exceptions determined appropriate by the group insurance board, with benefits under federal plans for hospital and health care for the aged and disabled. Exclusions and limitations with respect to benefits and different rates may be established for persons eligible under federal plans for hospital and health care for the aged and disabled in recognition of the utilization by persons within the age limits eligible under the federal program. The plan may include special provisions for spouses, domestic partners, and other dependents covered under a plan established under this subchapter where one spouse or domestic partner is eligible under federal plans for hospital and health care for the aged but the others are not eligible because of age or other reasons. As part of the integration, the department may, out of premiums collected under s. 40.05 (4), pay premiums for the federal health insurance.

Section 75. 40.55 (1) of the statutes is amended to read:

40.55 (1) Except as provided in sub. (5), the state shall offer, through the group insurance board, to eligible employees under s. 40.02 (25) (bm) and to state annuitants long-term care insurance policies which have been filed with the office of the commissioner of insurance and which have been approved for offering under contracts established by the group insurance board. The state shall also allow an eligible employee or a state annuitant to purchase those policies for his or her spouse, domestic partner, or parent.

Section 76. 40.65 (7) (am) 1. of the statutes is amended to read:

40.65 (7) (am) 1. To the surviving spouse <u>or surviving domestic partner</u> until the surviving spouse remarries, <u>or the surviving domestic partner enters into a new</u>

domestic partnership or marries, if the <u>surviving</u> spouse was married to the participant on the date that the participant was disabled under sub. (4), or the <u>surviving domestic partner was in a domestic partnership on the date that the participant was disabled under sub. (4), 50 percent of the participant's monthly salary at the time of death, but reduced by any amount payable under sub. (5) (b) 1. to 6.</u>

6 to 6

 $\mathbf{2}$

Section 77. 40.65 (7) (am) 1g. of the statutes is repealed.

Section 78. 40.65 (7) (am) 1m. of the statutes is repealed.

SECTION 79. 40.65 (7) (am) 3. of the statutes is amended to read:

40.65 (7) (am) 3. The total monthly amount paid under subds. 1., 1g., 1m., and 2. may not exceed 70 percent of the participant's monthly salary at the time of death reduced by any amounts under sub. (5) (b) 1. to 6. that relate to the participant's work record.

SECTION 80. 40.65 (7) (ar) 1. a. of the statutes is amended to read:

40.65 (7) (ar) 1. a. To the surviving spouse or the surviving domestic partner until the surviving spouse remarries, or the surviving domestic partner enters into a new domestic partnership or marries, if the surviving spouse was married to the participant on the date that the participant was disabled under sub. (4), or the surviving domestic partner was in a domestic partnership with the participant on the date that the participant was disabled under sub. (4), 70 percent of the participant's monthly salary at the time of death, but reduced by any amount payable under sub. (5) (b) 1. to 6.

SECTION 81. 40.65 (7) (ar) 1. ag. of the statutes is repealed.

SECTION 82. 40.65 (7) (ar) 1. am. of the statutes is repealed.

SECTION 83. 40.80 (2r) (a) 1. of the statutes is amended to read:

1	40.80 (2r) (a) 1. Relates to a marriage or domestic partnership that terminated
2	after December 1, 2001.
3	Section 84. 40.80 (2r) (a) 2. of the statutes is amended to read:
4	40.80 (2r) (a) 2. Assigns all or part of a participant's accumulated assets held
5	in a deferred compensation plan under this subchapter to a spouse, former spouse,
6	domestic partner, former domestic partner, child, or other dependent to satisfy a
7	family support or marital property obligation.
8	Section 9313. Initial applicability; Employee Trust Funds.
9	(1) Deferred compensation; domestic partners. The treatment of s. 40.02 (8)
10	(b) 3. first applies to benefits paid to a surviving domestic partner of a participant
11	who dies on the effective date of this subsection.
12	(2) Duty disability death benefits; domestic partners. The treatment of s.
13	40.65 (7) (am) 1. and (ar) 1. a. first applies to a surviving domestic partner of a
14	participant who dies on the effective date of this subsection.".
15	120. Page 374, line 11: after that line insert:
16	"Section 85. 40.22 (1) of the statutes is amended to read:
17	40.22 (1) Except as otherwise provided in sub. (2) and s. 40.26 (6) (1), each
18	employee currently in the service of, and receiving earnings from, a state agency or
19	other participating employer shall be included within the provisions of the Wisconsin
20	retirement system as a participating employee of that state agency or participating
21	employer.

Section 86. 40.22(2)(L) of the statutes is amended to read:

40.22 **(2)** (L) The employee is employed by a participating employer after the person becomes an annuitant, unless the service is after the annuity is suspended by the election of the employee under s. 40.26.

Section 87. 40.22 (2m) (intro.) of the statutes is amended to read:

40.22 (2m) (intro.) Except as otherwise provided in s. 40.26 (6) (1), an employee who was a participating employee before July 1, 2011, who is not expected to work at least one-third of what is considered full-time employment by the department, as determined by rule, and who is not otherwise excluded under sub. (2) from becoming a participating employee shall become a participating employee if he or she is subsequently employed by the state agency or other participating employer for either of the following periods:

Section 88. 40.22 (2r) (intro.) of the statutes is amended to read:

40.22 (2r) (intro.) Except as otherwise provided in s. 40.26 (6) (1), an employee who was not a participating employee before July 1, 2011, who is not expected to work at least two-thirds of what is considered full-time employment by the department, as determined by rule, and who is not otherwise excluded under sub. (2) from becoming a participating employee shall become a participating employee if he or she is subsequently employed by the state agency or other participating employer for either of the following periods:

Section 89. 40.22 (3) (intro.) of the statutes is amended to read:

40.22 (3) (intro.) Except as otherwise provided in s. 40.26 (6) (1), a person who qualifies as a participating employee shall be included within, and shall be subject to, the Wisconsin retirement system effective on one of the following dates:

Section 90. 40.26 (1) of the statutes is amended to read:

40.26 (1) Except as provided in sub. (1m) and ss. 40.05 (2) (g) 2. and 40.23 (1) (am), if a participant receiving a retirement annuity, or a disability annuitant who has attained his or her normal retirement date, receives earnings that are subject to s. 40.05 (1) or that would be subject to s. 40.05 (1) except for the exclusion specified in s. 40.22 (2) (L), the annuity shall be suspended, including any amount provided by additional contributions, and no annuity payment shall be payable after the month in which the participant files with the department a written election to be included within the provisions of the Wisconsin retirement system as a participating employee.

SECTION 91. 40.26 (1m) of the statutes is repealed.

SECTION 92. 40.26 (2) (intro.) of the statutes is amended to read:

40.26 **(2)** (intro.) Upon suspension of an annuity under sub. (1) or (1m), the retirement account of the participant whose annuity is so suspended shall be established on the following basis:

SECTION 93. 40.26 (5) (intro.) of the statutes is amended to read:

40.26 **(5)** (intro.) Except as otherwise provided in sub. (5m), if If a participant applies for an annuity or lump sum payment during the period in which less than 75 30 days have elapsed between the termination of employment with a participating employer and becoming a participating employee with any participating employer, all of the following shall apply:

SECTION 94. 40.26 (5m) of the statutes is repealed.

Section 95. 40.26 (6) of the statutes is repealed.

Section 96. 323.19 (3) and (4) of the statutes are repealed.

Section 9113. Nonstatutory provisions; Employee Trust Funds.

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

19

20

21

22

23

(1) Election to continue annuity suspension. No later than 60 days after the
effective date of this subsection, if an individual who is employed by a covered
employer under the Wisconsin Retirement System has his or her annuity suspended
under s. 40.26 (1m), 2021 stats., on the effective date of this subsection and wants
to continue the suspension, the individual shall notify the department of employee
trust funds on a form provided by the department. An election to continue the
suspension is irrevocable.".

121. Page 374, line 11: after that line insert:

"Section 9113. Nonstatutory provisions; Employee Trust Funds.

- (1) 2025-27 BIENNIAL BUDGET REQUEST. In submitting information under s. 16.42 for purposes of the 2025-27 biennial budget bill, the department of employee trust funds shall include a request for funding for the modernization of the department's pension administration system.".
 - **122.** Page 374, line 11: after that line insert:
- "Section 97. 230.12 (9m) of the statutes is created to read:
- 16 230.12 (9m) PAID FAMILY AND MEDICAL LEAVE. (a) Definitions. In this subsection:
- 17 1. "Family leave" means leave from employment for a reason specified in s. 103.10 (3) (b) 1. to 3.
 - 2. "Medical leave" means leave from employment when an employee has a serious health condition that makes the employee unable to perform his or her employment duties, or makes the employee unable to perform the duties of any suitable employment.
 - 3. "Serious health condition" has the meaning given in s. 103.10 (1) (g).

(b) <i>Program</i> . The administrator shall develop and recommend to the joint
committee on employment relations a program, administered by the division, that
provides paid family and medical leave for 12 weeks per year to employees whose
compensation is established under this section or s. 20.923 (2) or (3) but does not
include employees of the Board of Regents of the University of Wisconsin System.
The approval process for the program is the same as that provided under sub. (3) (b),
and, if approved, the program shall be incorporated into the compensation plan
under sub. (1).

(c) *Rules*. The administrator may promulgate rules to implement the family and medical leave program under par. (b).

Section 9101. Nonstatutory provisions; Administration.

(1k) PAID FAMILY AND MEDICAL LEAVE. If the paid family and medical leave program under s. 230.12 (9m) is approved by the joint committee on employment relations, it shall go into effect immediately upon approval by the joint committee on employment relations.

Section 9147. Nonstatutory provisions; University of Wisconsin System.

- (1k) PAID FAMILY AND MEDICAL LEAVE.
- (a) *Definitions*. In this subsection:
- 1. "Family leave" means leave from employment for a reason specified in s. 103.10 (3) (b) 1. to 3.
 - 2. "Medical leave" means leave from employment when an employee has a serious health condition that makes the employee unable to perform his or her employment duties, or makes the employee unable to perform the duties of any suitable employment.

 $\mathbf{2}$

3

4

5

6

7

8

11

12

- 3. "Serious health condition" has the meaning given in s. 103.10 (1) (g).
 - (b) *Program plan*. The Board of Regents of the University of Wisconsin System shall submit to the administrator of the division of personnel management in the department of administration, with its recommendations for adjustments to compensation and employee benefits for employees of the system under s. 230.12 (3) (e) 1. for 2023–25, a plan for a program to provide paid family and medical leave for 12 weeks annually to employees of the system.".
 - **123.** Page 374, line 11: after that line insert:

9 "Section 98. 20.005 (3) (schedule) of the statutes: at the appropriate place, 10 insert the following amounts for the purposes indicated:

2023-24 2024-25

20.445 Workforce development, department of

(1) Workforce Development

13 (bj) Local workforce development 14 boards; grants for youth services 15 4,400,000 and training **GPR** \mathbf{C} 4,400,000 16 (bp) Wisconsin green jobs training 17 2,000,000 program; grants GPR \mathbf{C} -0-18 Clean energy training and reem-(bq) 19 GPR \mathbf{C} 5,000,000 5,000,000 ployment program 20 Workforce innovation grants \mathbf{C} 200,000,000 (bw) GPR -0-21 \mathbf{C} Worker advancement initiative GPR 15,500,000 11,000,000

					2023-24	2024-25
1	(fd)	Enforcement of laws related to				
2		migrant workers	GPR	A	451,600	282,000
3	(rr)	Worker's compensation opera-				
4		tions fund; special assessment				
5		insurer reimbursements	SEG	A	5,000,000	5,000,000
6	(6)	FAMILY AND MEDICAL LEAVE INSURANCE	CE PROG	RAM		
7	(q)	Payment of benefits; family and				
8		medical leave benefits insurance				
9		trust fund	SEG	S	-0-	158,866,600
10	(r)	Administrative expenses; family				
11		and medical leave insurance				
12		trust fund	SEG	В	65,767,800	18,779,000
13	\$	SECTION 99. 16.75 (1p) of the statu	tes is r	epealed		
14	\$	SECTION 100. 16.765 (1) of the stat	utes is	amende	d to read:	
15	1	16.765 (1) Contracting agencies, t	he Uni	versity o	of Wisconsin l	Hospitals and
16	Clinic	s Authority, the Fox River Navig	ational	System	Authority, t	he Wisconsin
17	Aeros	pace Authority, the Lower Fox Riv	ver Ren	nediatio	n Authority, t	the Wisconsin
18	Econo	mic Development Corporation,	and t	he Bra	dley Center	Sports and
19	Enter	tainment Corporation shall inclu	de in	all cont	racts execute	d by them a
20	provis	sion obligating the contractor not	to disc	riminat	e against any	employee or
21	applic	ant for employment because of age,	race, re	eligion, c	olor, handicap	, sex, physical
22	condit	cion, developmental disability, as de	efined i	n s. 51.0	1 (5), sexual c	orientation, as
23	define	ed in s. 111.32 (13m), gender expre	ession,	as defin	ed in s. 111.3	2 (7j), gender

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

identity, as defined in s. 111.32 (7k), or national origin and, except with respect to sexual orientation, gender expression, and gender identity, obligating the contractor to take affirmative action to ensure equal employment opportunities.

Section 101. 16.765 (2) of the statutes is amended to read:

16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall include the following provision in every contract executed by them: "In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability, as defined in s. 51.01 (5), sexual orientation, gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, gender expression, and gender identity, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause". clause."

Section 102. 16.855 (1p) of the statutes is repealed.

Section 103. 19.36 (12) of the statutes is created to read:

19.36 (12) Information relating to certain employees. Unless access is specifically authorized or required by statute, an authority may not provide access to a record prepared or provided by an employer performing work on a project to which s. 66.0903, 103.49, or 103.50 applies, or on which the employer is otherwise required to pay prevailing wages, if that record contains the name or other personally identifiable information relating to an employee of that employer, unless the employee authorizes the authority to provide access to that information. In this subsection, "personally identifiable information" does not include an employee's work classification, hours of work, or wage or benefit payments received for work on such a project.

Section 104. 20.445 (1) (bj) of the statutes is created to read:

20.445 (1) (bj) Local workforce development boards; grants for youth services and training. As a continuing appropriation, the amounts in the schedule for grants to local workforce development boards under s. 106.112.

Section 105. 20.445 (1) (bm) of the statutes is amended to read:

20.445 (1) (bm) Workforce training; administration. Biennially, the amounts in the schedule for the administration of the local youth apprenticeship grant program under s. 106.13 (3m), the youth summer jobs program under s. 106.18, the employment transit assistance grant program under s. 106.26, the workforce training program programs under s. 106.27, the teacher development program grants under s. 106.272, the career and technical education incentive grant program under s. 106.273, the technical education equipment grant program under s. 106.275, and the apprentice programs under subch. I of ch. 106.

SECTION 106. 20.445 (1) (bp) of the statutes is created to read:

1	20.445 (1) (bp) Wisconsin green jobs training program; grants. As a continuing
2	appropriation, the amounts in the schedule for green jobs training program grants
3	under s. 106.27 (1p).
4	Section 107. 20.445 (1) (bq) of the statutes is created to read:
5	20.445 (1) (bq) Clean energy training and reemployment program. As a
6	continuing appropriation, the amounts in the schedule for program administration
7	and associated costs under s. 106.28.
8	Section 108. 20.445 (1) (bw) of the statutes is created to read:
9	20.445 (1) (bw) Workforce innovation grants. As a continuing appropriation,
10	the amounts in the schedule for workforce innovation grants under s. 106.29.
11	Section 109. 20.445 (1) (cm) of the statutes is created to read:
12	20.445 (1) (cm) Worker advancement initiative. As a continuing appropriation,
13	the amounts in the schedule for the worker advancement initiative under s. 106.145.
14	Section 110. 20.445 (1) (fd) of the statutes is created to read:
15	20.445 (1) (fd) Enforcement of laws related to migrant workers. The amounts
16	in the schedule for enforcement activities related to wages, hours, and working
17	conditions of migrant workers, the certification, maintenance, and inspection of
18	migrant labor camps, and the recruitment and hiring of migrant workers under ss.
19	103.905 to 103.97.
20	Section 111. 20.445 (1) (ga) of the statutes is amended to read:
21	20.445 (1) (ga) Auxiliary services. All moneys received from fees collected
22	under ss. 102.16 (2m) (d), 103.005 (15), 103.91 (3), 103.92 (1) (a), and 106.09 (7) for
23	the delivery of services under ss. 102.16 (2m) (f), 103.005 (15), and 106.09 and ch. 108,
24	and for administrative services under ss. 103.905 to 103.97.
25	SECTION 112. 20.445 (1) (ra) of the statutes is amended to read:

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

Section 113. 20.445 (1) (rr) of the statutes is created to read:

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

Section 114. 20.445 (1) (sm) of the statutes is amended to read:

20.445 (1) (sm) *Uninsured employers fund; payments*. From the uninsured employers fund, a sum sufficient to make all moneys received from sources identified under s. 102.80 (1m) for the purpose of making the payments under s. 102.81 (1) and

1	to obtain reinsurance under s. 102.81 (2). No moneys may be expended or
2	encumbered under this paragraph until the first day of the first July beginning after
3	the day that the secretary of workforce development files the certificate under s.
4	102.80 (3) (a).
5	Section 115. 20.445 (6) (q) of the statutes is created to read:
6	20.445 (6) (q) Payment of benefits; family and medical leave benefits insurance
7	trust fund. From the family and medical leave benefits insurance trust fund, a sum
8	sufficient to pay for the payment of benefits under s. 103.105 (3) and to refund
9	moneys erroneously paid into the fund.
10	Section 116. 20.445 (6) (r) of the statutes is created to read:
11	20.445 (6) (r) Administrative expenses; family and medical leave benefits
12	insurance trust fund. Biennially, from the family and medical leave benefits
13	insurance trust fund, the amounts in the schedule for the administrative expenses
14	of the family and medical leave benefits insurance program.
15	Section 117. 25.17 (1) (er) of the statutes is created to read:
16	25.17 (1) (er) Family and medical leave benefits insurance trust fund (s. 25.52);
17	Section 118. 25.52 of the statutes is created to read:
18	25.52 Family and medical leave benefits insurance trust fund. There
19	is created a separate nonlapsible trust fund designated as the family and medical
20	leave benefits insurance trust fund, to consist of all moneys deposited in that fund
21	under s. 103.105 (8).
22	Section 119. 36.09 (1) (e) of the statutes is amended to read:
23	36.09 (1) (e) Subject to par. (em), the board shall appoint a president of the
24	system; a chancellor for each institution; a dean for each college campus; the state
25	geologist; the director of the laboratory of hygiene; the director of the psychiatric

institute; the state cartographer; and the requisite number of officers, other than the vice presidents, associate vice presidents, and assistant vice presidents of the system; faculty; academic staff; and other employees and fix the salaries, subject to the limitations under par. (j) and s. 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and s. 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president, and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin, or sex, sexual orientation, as defined in s. 111.32 (13m), gender expression, as defined in s. 111.32 (7j), or gender identity, as defined in s. 111.32 (7k), shall ever be allowed or exercised in the appointment of the employees of the system.

Section 120. 47.02 (3m) (f) of the statutes is amended to read:

47.02 (3m) (f) Assure that eligibility for vocational rehabilitation services under this chapter is determined without regard to the sex, race, age, creed, color, or national origin, sexual orientation, as defined in s. 111.32 (13m), gender expression, as defined in s. 111.32 (7j), or gender identity, as defined in s. 111.32 (7k), of the individual applying for services, that no class of individuals is found ineligible solely on the basis of type of disability, and that no age limitations for eligibility exist which that, by themselves, would result in ineligibility for vocational rehabilitation services.

Section 121. 66.0129 (5) of the statutes is amended to read:

66.0129 (5) BIDS FOR CONSTRUCTION. The nonprofit corporation shall let all contracts exceeding \$1,000 for the construction, maintenance or repair of hospital facilities to the lowest responsible bidder after advertising for bids by the publication

of a class 2 notice under ch. 985. Section Sections 66.0901 applies and 66.0903 apply
to bids and contracts under this subsection.

Section 122. 66.0134 of the statutes is repealed.

Section 123. 66.0408 (2) (d) of the statutes is repealed.

SECTION 124. 66.0901 (1) (ae) of the statutes is repealed.

SECTION 125. 66.0901 (1) (am) of the statutes is repealed.

SECTION 126. 66.0901 (6) of the statutes is amended to read:

66.0901 (6) Separation of contracts; classification of contractors. In public contracts for the construction, repair, remodeling or improvement of a public building or structure, other than highway structures and facilities, a municipality may bid projects based on a single or multiple division of the work. Public contracts shall be awarded according to the division of work selected for bidding. Except as provided in sub. (6m), the The municipality may set out in any public contract reasonable and lawful conditions as to the hours of labor, wages, residence, character and classification of workers to be employed by any contractor, classify contractors as to their financial responsibility, competency and ability to perform work and set up a classified list of contractors. The municipality may reject the bid of any person, if the person has not been classified for the kind or amount of work in the bid.

SECTION 127. 66.0901 (6m) of the statutes is repealed.

SECTION 128. 66.0901 (6s) of the statutes is repealed.

SECTION 129. 66.0903 (1) (a), (am), (b), (cm), (dr), (em), (hm) and (im) of the statutes are created to read:

66.0903 (1) (a) "Area" means the county in which a proposed project of public works that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, "area" means those counties that are

contiguous to that county or, if the department determines that there is insufficient wage data in those counties, "area" means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, "area" means the entire state or, if the department is requested to review a determination under sub. (3) (br), "area" means the city, village, or town in which a proposed project of public works that is subject to this section is located.

- (am) "Bona fide economic benefit" has the meaning given in s. 103.49 (1) (am).
- (b) "Department" means the department of workforce development.
- (cm) "Insufficient wage data" has the meaning given in s. 103.49 (1) (bg).
- (dr) "Minor service or maintenance work" means a project of public works that is limited to minor crack filling, chip or slurry sealing, or other minor pavement patching, not including overlays, that has a projected life span of no longer than 5 years or that is performed for a town and is not funded under s. 86.31, regardless of projected life span; the depositing of gravel on an existing gravel road applied solely to maintain the road; road shoulder maintenance; cleaning of drainage or sewer ditches or structures; or any other limited, minor work on public facilities or equipment that is routinely performed to prevent breakdown or deterioration.
- (em) "Multiple-trade project of public works" has the meaning given in s. $103.49\ (1)\ (br)$.
- (hm) "Single-trade project of public works" has the meaning given in s. 103.49 (1) (em).
- (im) "Supply and installation contract" has the meaning given in s. 103.49 (1) (fm).
 - **Section 130.** 66.0903 (1) (c) of the statutes is amended to read:

1 66.0903 (1) (c) "Hourly basic rate of pay" has the meaning given in s. 16.856 2 103.49 (1) (b), 2015 stats.

SECTION 131. 66.0903 (1) (f) of the statutes is amended to read:

4 66.0903 (1) (f) "Prevailing hours of labor" has the meaning given in s. 16.856 5 103.49 (1) (e), 2015 stats. (c).

SECTION 132. 66.0903 (1) (g) of the statutes is repealed and recreated to read: 66.0903 (1) (g) "Prevailing wage rate" has the meaning given in s. 103.49 (1) (d).

SECTION 133. 66.0903 (1) (j) of the statutes is amended to read:

66.0903 (1) (j) "Truck driver" includes an owner-operator of a truck has the meaning given in s. 103.49 (1) (g).

SECTION 134. 66.0903 (1m) (b) of the statutes is amended to read:

66.0903 (1m) (b) The legislature finds that the enactment of ordinances or other enactments by local governmental units requiring laborers, workers, mechanics, and truck drivers employed on projects of public works or on publicly funded private construction projects to be paid the prevailing wage rate and to be paid at least 1.5 times their hourly basic rate of pay for hours worked in excess of the prevailing hours of labor would be logically inconsistent with, would defeat the purpose of, and would go against the repeals spirit of this section and the repeal of s. 66.0904, 2009 stats., and s. 66.0903 (2) to (12), 2013 stats. Therefore, this section shall be construed as an enactment of statewide concern for the purposes of facilitating broader participation with respect to bidding on projects of public works, ensuring that wages accurately reflect market conditions, providing local governments with the flexibility to reduce costs on capital projects, and reducing spending at all levels of government in this state purpose of providing uniform

prevailing wage rate and prevailing hours of labor requirements throughout the state.

SECTION 135. 66.0903 (2) to (12) of the statutes are created to read:

66.0903 (2) APPLICABILITY. Subject to sub. (5), this section applies to any project of public works erected, constructed, repaired, remodeled, or demolished for a local governmental unit, including all of the following:

- (a) A highway, street, bridge, building, or other infrastructure project.
- (b) A project erected, constructed, repaired, remodeled, or demolished by one local governmental unit for another local governmental unit under a contract under s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically authorizing cooperation between local governmental units.
- (c) A project in which the completed facility is leased, purchased, lease purchased, or otherwise acquired by, or dedicated to, a local governmental unit in lieu of the local governmental unit contracting for the erection, construction, repair, remodeling, or demolition of the facility.
- (d) A road, street, bridge, sanitary sewer, or water main project in which the completed road, street, bridge, sanitary sewer, or water main is acquired by, or dedicated to, a local governmental unit, including under s. 236.13 (2), for ownership or maintenance by the local governmental unit.
- (3) Prevailing wage rates and hours of labor. (am) A local governmental unit, before making a contract by direct negotiation or soliciting bids on a contract for the erection, construction, remodeling, repairing, or demolition of any project of public works, shall apply to the department to determine the prevailing wage rate for each trade or occupation required in the work contemplated. The department shall conduct investigations and hold public hearings as necessary to define the trades or

 $\mathbf{2}$

occupations that are commonly employed on projects of public works that are subject to this section and to inform itself of the prevailing wage rates in all areas of the state for those trades or occupations, in order to determine the prevailing wage rate for each trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the determination with the requesting local governmental unit.

- (ar) The department shall, by January 1 of each year, compile the prevailing wage rates for each trade or occupation in each area. The compilation shall, in addition to the current prevailing wage rates, include future prevailing wage rates when those prevailing wage rates can be determined for any trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. If a project of public works extends into more than one area, the department shall determine only one standard of prevailing wage rates for the entire project.
- (av) In determining prevailing wage rates under par. (am) or (ar), the department may not use data from projects that are subject to this section, s. 103.49 or 103.50, or 40 USC 3142 unless the department determines that there is insufficient wage data in the area to determine those prevailing wage rates, in which case the department may use data from projects that are subject to this section, s. 103.49 or 103.50, or 40 USC 3142. In determining prevailing wage rates under par. (am) or (ar), the department may not use data from any construction work that is performed by a local governmental unit or a state agency.
- (bm) Any person may request a recalculation of any portion of an initial determination within 30 days after the initial determination date if the person submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the initial determination does not represent the

prevailing wage rate for that trade or occupation in the area. The evidence shall include wage rate information reflecting work performed by individuals working in the contested trade or occupation in the area during the current survey period. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

(br) In addition to the recalculation under par. (bm), the local governmental unit that requested the determination under this subsection may request a review of any portion of a determination within 30 days after the date of issuance of the determination if the local governmental unit submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the determination does not represent the prevailing wage rate for that trade or occupation in the city, village, or town in which the proposed project of public works is located. That evidence shall include wage rate information for the contested trade or occupation on at least 3 similar projects located in the city, village, or town where the proposed project of public works is located and on which some work has been performed during the current survey period and which were considered by the department in issuing its most recent compilation under par. (ar). The department shall affirm or modify the determination within 15 days after the date on which the department receives the request for review.

(dm) A local governmental unit that is subject to this section shall include a reference to the prevailing wage rates determined by the department and to the prevailing hours of labor in the notice published for the purpose of securing bids for the project of public works. Except as otherwise provided in this paragraph, if any contract or subcontract for a project of public works is entered into, the prevailing wage rates determined by the department and the prevailing hours of labor shall be

- physically incorporated into and made a part of the contract or subcontract. For a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force.
- (e) No contractor, subcontractor, or contractor's or subcontractor's agent that is subject to this section may do any of the following:
- 1. Pay an individual performing the work described in sub. (4) less than the prevailing wage rate in the same or most similar trade or occupation determined under this subsection.
- 2. Allow an individual performing the work described in sub. (4) to work a greater number of hours per day or per week than the prevailing hours of labor, unless the contractor, subcontractor, or contractor's or subcontractor's agent pays the individual for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the individual's hourly basic rate of pay.
- (4) COVERED EMPLOYEES. (a) Subject to par. (b), any person subject to this section shall pay all of the following employees the prevailing wage rate determined under sub. (3) and may not allow such employees to work a greater number of hours per day or per week than the prevailing hours of labor, unless the person pays the employee for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the employee's hourly basic rate of pay:
- 1. All laborers, workers, mechanics, and truck drivers employed on the site of a project of public works that is subject to this section.

- 2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of a project of public works that is subject to this section or from a facility dedicated exclusively, or nearly so, to a project of public works that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.
- (b) A laborer, worker, mechanic, or truck driver who is employed to process, manufacture, pick up, or deliver materials or products from a commercial establishment that has a fixed place of business from which the establishment supplies processed or manufactured materials or products or from a facility that is not dedicated exclusively, or nearly so, to a project of public works that is subject to this section is not entitled to receive the prevailing wage rate determined under sub.

 (3) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor unless any of the following applies:
- 1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone and deliver that mineral aggregate to the site of a project of public works that is subject to this section by depositing the material directly in final place, from the transporting vehicle or through spreaders from the transporting vehicle.
- 2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a project of public works that is subject to this section, pick up excavated material or spoil from the site of the project, and transport that excavated material or spoil away from the site of the project.

- (c) A person subject to this section shall pay a truck driver who is an owner-operator of a truck separately for his or her work and for the use of his or her truck.
 - (5) Nonapplicability. This section does not apply to any of the following:
- (a) A single-trade project of public works for which the estimated project cost of completion is less than \$48,000, a multiple-trade project of public works for which the estimated project cost of completion is less than \$100,000, or, in the case of a multiple-trade project of public works erected, constructed, repaired, remodeled, or demolished by a private contractor for a city or village having a population of less than 2,500 or for a town, a multiple-trade project of public works for which the estimated project cost of completion is less than \$234,000.
- (b) Work performed on a project of public works for which the local governmental unit contracting for the project is not required to compensate any contractor, subcontractor, contractor's or subcontractor's agent, or individual for performing the work.
- (c) Minor service or maintenance work, warranty work, or work under a supply and installation contract.
- (f) A project of public works involving the erection, construction, repair, remodeling, or demolition of a residential property containing 2 dwelling units or less.
- (g) A road, street, bridge, sanitary sewer, or water main project that is a part of a development in which not less than 90 percent of the lots contain or will contain 2 dwelling units or less, as determined by the local governmental unit at the time of approval of the development, and that, on completion, is acquired by, or dedicated to,

a local governmental unit, including under s. 236.13 (2), for ownership or maintenance by the local governmental unit.

- (8) Posting. A local governmental unit that has contracted for a project of public works shall post the prevailing wage rates determined by the department, the prevailing hours of labor, and the provisions of subs. (10) (a) and (11) (a) in at least one conspicuous place on the site of the project that is easily accessible by employees working on the project, or, if there is no common site on the project, at the place normally used by the local governmental unit to post public notices.
- (9) Compliance. (a) When the department finds that a local governmental unit has not requested a determination under sub. (3) (am) or that a local governmental unit, contractor, or subcontractor has not physically incorporated a determination into a contract or subcontract as required under this section or has not notified a minor subcontractor of a determination in the manner prescribed by the department by rule promulgated under sub. (3) (dm), the department shall notify the local governmental unit, contractor, or subcontractor of the noncompliance and shall file the determination with the local governmental unit, contractor, or subcontractor within 30 days after the notice.
- (b) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until the affidavit is filed in proper form and order.
- (c) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each contractor shall file with the local governmental unit authorizing the work an affidavit stating that the contractor has

 $\mathbf{2}$

complied fully with the requirements of this section and that the contractor has received an affidavit under par. (b) from each of the contractor's agents and subcontractors. A local governmental unit may not authorize a final payment until the affidavit is filed in proper form and order. If a local governmental unit authorizes a final payment before an affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person performing the work specified in sub. (4) has been or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the local governmental unit withhold all or part of the final payment, but the local governmental unit fails to do so, the local governmental unit is liable for all back wages payable up to the amount of the final payment.

- (10) Records; inspection; enforcement. (a) Each contractor, subcontractor, or contractor's or subcontractor's agent that performs work on a project of public works that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every individual performing the work described in sub. (4) and an accurate record of the number of hours worked by each of those individuals and the actual wages paid for the hours worked.
- (b) The department or the contracting local governmental unit may demand and examine, and every contractor, subcontractor, and contractor's or subcontractor's agent shall keep, and furnish upon request by the department or local governmental unit, copies of payrolls and other records and information relating to the wages paid to individuals performing the work described in sub. (4) for work to which this section applies. The department may inspect records in the manner provided in ch. 103. Every contractor, subcontractor, or agent performing

work on a project of public works that is subject to this section is subject to the requirements of ch. 103 relating to the examination of records.

- (c) If requested by any person, the department shall inspect the payroll records of any contractor, subcontractor, or agent performing work on a project of public works that is subject to this section as provided in this paragraph to ensure compliance with this section. On receipt of such a request, the department shall request that the contractor, subcontractor, or agent submit to the department a certified record of the information specified in par. (a), other than personally identifiable information relating to an employee of the contractor, subcontractor, or agent, for no longer than a 4-week period. The department may request that a contractor, subcontractor, or agent submit those records no more than once per calendar quarter for each project of public works on which the contractor, subcontractor, or agent is performing work. The department may not charge a requester a fee for obtaining that information. Certified records submitted to the department under this paragraph are open for public inspection and copying under s. 19.35 (1).
- (d) Section 103.005 (5) (f), (11), (12), and (13) applies to this section, except that s. 103.005 (12) (a) does not apply to a person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) (am) or (ar). Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section, including proceedings under sub. (11) (a).
- (11) Liability and penalties. (a) 1. A contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of

- pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided under subd. 2. or 3., whichever is applicable.
- 2. If the department determines upon inspection under sub. (10) (b) or (c) that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the department shall order the contractor to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages within a period specified by the department in the order.
- 3. In addition to or in lieu of recovering the liability specified in subd. 1. as provided in subd. 2., any employee for and on behalf of that employee and other employees similarly situated may commence an action to recover that liability in any court of competent jurisdiction. If the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

- 5. No employee may be a party plaintiff to an action under subd. 3. unless the employee consents in writing to become a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.
- (b) 1. Except as provided in subds. 2., 4., and 6., any contractor, subcontractor, or contractor's or subcontractor's agent who violates this section may be fined not more than \$200 or imprisoned for not more than 6 months or both. Each day that any violation continues is a separate offense.
- 2. Whoever induces any individual who seeks to be or is employed on any project of public works that is subject to this section to give up, waive, or return any part of the wages to which the individual is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to an individual for work on a project that is not subject to this section during a week in which the individual works both on a project of public works that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).
- 3. Any individual employed on a project of public works that is subject to this section who knowingly allows a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which

 $\mathbf{2}$

- the individual works both on a project of public works that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).
- 4. Whoever induces any individual who seeks to be or is employed on any project of public works that is subject to this section to allow any part of the wages to which the individual is entitled under the contract governing the project to be deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.
- 5. Any individual who is employed on a project of public works that is subject to this section who knowingly allows any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.
- 6. Subdivision 1. does not apply to any person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) (am) or (ar).
- (12) Debarment. (a) Except as provided under pars. (b) and (c), the department shall notify any local governmental unit applying for a determination under sub. (3) of the names of all persons that the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor at any time in the preceding 3 years. The department shall include with each name the address of the person and shall specify when the person failed

to pay the prevailing wage rate and when the person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. A local governmental unit may not award any contract to the person unless otherwise recommended by the department or unless 3 years have elapsed from the date the department issued its findings or the date of final determination by a court of competent jurisdiction, whichever is later.

- (b) The department may not include in a notification under par. (a) the name of any person on the basis of having subcontracted a contract for a project of public works to a person that the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.
- (c) This subsection does not apply to any contractor, subcontractor, or agent who in good faith commits a minor violation of this section, as determined on a case-by-case basis through administrative hearings with all rights to due process afforded to all parties or who has not exhausted or waived all appeals.
- (d) Any person submitting a bid or negotiating a contract on a project of public works that is subject to this section shall, on the date the person submits the bid or negotiates the contract, identify any construction business in which the person, or a shareholder, officer, or partner of the person, if the person is a business, owns, or has owned at least a 25 percent interest on the date the person submits the bid or negotiates the contract or at any other time within 3 years preceding the date the person submits the bid or negotiates the contract, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (3) or to have paid

25

less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the 1 $\mathbf{2}$ prevailing hours of labor. 3 (e) The department shall promulgate rules to administer this subsection. 4 **Section 136.** 84.41 (3) of the statutes is created to read: 5 84.41 (3) EMPLOYMENT REGULATIONS. Employment regulations set forth in s. 6 103.50 pertaining to wages and hours shall apply to all projects constructed under 7 s. 84.40 in the same manner as such laws apply to projects on other state highways. Where applicable, the federal wages and hours law known as the Davis-Bacon act 8 9 shall apply. 10 **Section 137.** 84.54 of the statutes is repealed. 11 **Section 138.** 86.51 of the statutes is repealed. 12 **Section 139.** 102.125 (1m) of the statutes is created to read: 13 102.125 (1m) APPLICATION AND PREMIUM FRAUD. If an insurer has evidence that 14 an application for worker's compensation insurance coverage is fraudulent or that 15 an employer has committed fraud by misclassifying employees to lower the 16 employer's worker's compensation insurance premiums in violation of s. 943.395, the 17 insurer shall report the claim to the department. The department may require an 18 insurer to investigate an allegedly fraudulent application or alleged fraud by 19 misclassification of employees and may provide the insurer with any records of the 20 department relating to that alleged fraud. An insurer that investigates alleged fraud 21 under this subsection shall report the results of that investigation to the department. 22 **Section 140.** 102.125 (2) of the statutes is amended to read: 23 102.125 (2) Assistance by Department of Justice. The department of workforce

development may request the department of justice to assist the department of

workforce development in an investigation under sub. (1) or (1m) or in the

investigation of any other suspected fraudulent activity on the part of an employer, employee, insurer, health care provider, or other person related to worker's compensation.

Section 141. 102.125 (3) of the statutes is amended to read:

102.125 (3) PROSECUTION. If based on an investigation under sub. (1), (1m), or (2) the department has a reasonable basis to believe that a violation of s. 943.20, 943.38, 943.39, 943.392, 943.395, 943.40, or any other criminal law has occurred, the department shall refer the results of the investigation to the department of justice or to the district attorney of the county in which the alleged violation occurred for prosecution.

Section 142. 102.16 (4) of the statutes is amended to read:

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

SECTION 143. 102.17 (9) (a) 1. of the statutes is renumbered 102.17 (9) (a) 1m. and amended to read:

102.17 **(9)** (a) 1m. "Fire fighter" means any person employed on a full-time basis by the state or any political subdivision as a member or officer of a fire department, including the 1st class cities and state fire marshal and deputies <u>or an individual who volunteers as a member or officer of such a department</u>.

is subject to all of the following:

Section 144. 102.17 (9) (a) 1c. of the statutes is created to read: 1 $\mathbf{2}$ 102.17 (9) (a) 1c. "Correctional officer" has the meaning given in s. 102.475 (8) 3 (a). 4 **Section 145.** 102.17 (9) (a) 1e. of the statutes is created to read: 5 102.17 (9) (a) 1e. "Emergency medical responder" has the meaning given in s. 6 256.01 (4p). 7 **Section 146.** 102.17 (9) (a) 1g. of the statutes is created to read: 8 102.17 (9) (a) 1g. "Emergency medical services practitioner" has the meaning 9 given in s. 256.01 (5). 10 **Section 147.** 102.17 (9) (a) 1p. of the statutes is created to read: 11 102.17 (9) (a) 1p. "Medicolegal investigation staff member" includes a chief 12 deputy coroner, a deputy coroner, a deputy medical examiner, and any individual 13 who assists the office of a coroner or medical examiner with an investigation of a 14 death. "Medicolegal investigation staff member" does not include an individual performing solely administrative functions in the office of a coroner or medical 15 16 examiner. 17 **Section 148.** 102.17 (9) (b) (intro.) of the statutes is amended to read: 18 102.17 (9) (b) (intro.) Subject to par. (c), in the case of a mental injury that is 19 not accompanied by a physical injury and that results in a diagnosis of 20 post-traumatic stress disorder in a law enforcement officer, as defined in s. 23.33 (1) 21(ig), an emergency medical responder, an emergency services practitioner, a 22 correctional officer, a public safety answering point dispatcher, a coroner, a medical 23 examiner, a medicolegal investigation staff member, or a fire fighter, the claim for 24 compensation for the mental injury, in order to be compensable under this chapter,

1	Section 149. 102.75 (1m) of the statutes is amended to read:
2	$102.75(1\mathrm{m})$ The moneys collected under subs. (1) and (1g) and under ss. 102.28
3	(2) and 102.31 (7), together with all accrued interest, shall constitute a separate
4	nonlapsible fund designated as the worker's compensation operations fund. Moneys
5	in the fund may be expended only as provided in ss. $20.427(1)(ra)$ and $20.445(1)(ra)$
6	(rb), and (rp), and (rr) and may not be used for any other purpose of the state.
7	Section 150. 102.82 (2) (a) (intro.) of the statutes is amended to read:
8	102.82 (2) (a) (intro.) Except as provided in pars. (ag), (am), and (ar), all for a
9	1st or 2nd determination by the department that an employer was uninsured, an
10	uninsured employers employer shall pay to the department the greater of the
11	following:
12	Section 151. 102.82 (2) (ab) of the statutes is created to read:
13	102.82 (2) (ab) Except as provided in pars. (ag), (am), and (ar), for a 3rd
14	determination by the department that an employer was uninsured, an uninsured
15	employer shall pay to the department the greater of the following:
16	1. Three times the amount determined by the department to equal what the
17	uninsured employer would have paid during periods of illegal nonpayment for
18	worker's compensation in the preceding 3-year period, based on the employer's
19	payroll in the preceding 3 years.
20	2. Three thousand dollars.
21	Section 152. 102.82 (2) (ad) of the statutes is created to read:
22	102.82 (2) (ad) Except as provided in pars. (ag), (am), and (ar), for a 4th or
23	subsequent determination by the department that an employer was uninsured, an
24	uninsured employer shall pay to the department the greater of the following:

1. Four times the amount determined by the department to equal what the
uninsured employer would have paid during periods of illegal nonpayment for
worker's compensation in the preceding 3-year period, based on the employer's
payroll in the preceding 3 years.
2. Four thousand dollars.
Section 153. 102.82 (2) (am) of the statutes is amended to read:
102.82 (2) (am) The department may waive any payment owed under par. (a),
(ab), or (ad) by an uninsured employer if the department determines that the
uninsured employer is subject to this chapter only because the uninsured employer
has elected to become subject to this chapter under s. $102.05\ (2)$ or $102.28\ (2)$.
Section 154. 102.82 (2) (ar) of the statutes is amended to read:
102.82 (2) (ar) The department may waive any payment owed under par. (a),
(ab), (ad), or (ag) or sub. (1) if the department determines that the sole reason for the
uninsured employer's failure to comply with s. 102.28 (2) is that the uninsured
employer was a victim of fraud, misrepresentation or gross negligence by an
insurance agent or insurance broker or by a person whom a reasonable person would
believe is an insurance agent or insurance broker.
Section 155. 102.85 (1) of the statutes is repealed and recreated to read:
102.85 (1) (a) If an employer has failed to comply with s. 102.16 (3) or 102.28
(2), the employer shall, for a first violation, forfeit the greater of \$1,000 or the amount

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

of the premium that would have been payable for each time the employer failed to

comply with s. 102.16 (3) or 102.28 (3).

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

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

Section 156. 102.85 (2) of the statutes is repealed and recreated to read:

- 102.85 (2) (a) No employer who is required to provide worker's compensation insurance coverage under this chapter may give false information about the coverage to his or her employees, the department, or any other person who contracts with the employer and who requests evidence of worker's compensation in relation to that contract.
- (b) No employer who is required to provide worker's compensation insurance coverage under this chapter may fail to notify a person who contracts with the employer that the coverage has been canceled in relation to that contract.
- (c) 1. An employer who violates par. (a) or (b) shall, except as provided in subds.2. and 3., forfeit not less than \$100 and not more than \$1,000.
- 2. An employer who violates par. (a) or (b) shall forfeit \$3,000 for a 3rd violation of par. (a) or (b).
- 3. An employer who violates par. (a) or (b) shall forfeit \$4,000 for a 4th violation of par. (a) or (b).

Section 157. 103.005 (12) (a) of the statutes is amended to read: 1 $\mathbf{2}$ 103.005 (12) (a) If any employer, employee, owner, or other person violates chs. 3 103 to 106, or fails or refuses to perform any duty required under chs. 103 to 106, 4 within the time prescribed by the department, for which no penalty has been 5 specifically provided, or fails, neglects or refuses to obey any lawful order given or 6 made by the department or any judgment or decree made by any court in connection 7 with chs. 103 to 106, for each such violation, failure or refusal, the employer, 8 employee, owner or other person shall forfeit not less than \$10 nor more than \$100 9 for each offense. This paragraph does not apply to any person that fails to provide 10 any information to the department to assist the department in determining 11 prevailing wage rates or prevailing hours of labor under s. 103.49 (3) (a) or (am) or 12 103.50 (3) or (4). 13 **Section 158.** 103.007 of the statutes is repealed. 14 **Section 159.** 103.06 (1) (b) (intro.) of the statutes is amended to read: 15 103.06 (1) (b) (intro.) "Employee" means, for purposes of compliance with the 16 requirements specified in sub. (3) (a), any of the following who is employed by an 17 employer: 18 **Section 160.** 103.06 (1) (c) (intro.) of the statutes is amended to read: 19 103.06 (1) (c) (intro.) "Employer" means, for purposes of compliance with the 20 requirements specified in sub. (3) (a), any of the following that is engaged in the work 21 described in s. 108.18 (2) (c): 22 **Section 161.** 103.06 (2) of the statutes is renumbered 103.06 (10), and 103.06 23 (10) (intro.) and (a), as renumbered, are amended to read: 24 103.06 (10) Worker classification compliance; duties of department. (intro.) 25 For purposes of promoting and achieving compliance by employers with the laws

specified in sub. (3) (a) through the proper classification of persons performing services for an employer as employees and nonemployees, the <u>The</u> department shall do all of the following:

(a) Educate employers, employees, nonemployees, and the public about the

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

Section 162. 103.06 (10) (f) of the statutes is created to read:

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

Section 163. 103.06 (11) of the statutes is created to read:

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

SECTION 164. 103.10 (1) (a) (intro.) of the statutes is renumbered 103.10 (1) (a) and amended to read:

103.10 (1) (a) "Child" means a natural, adopted, or foster child, a stepchild, or a legal ward to whom any of the following applies:

Section 165. 103.10 (1) (a) 1. of the statutes is repealed.

Section 166. 103.10 (1) (a) 2. of the statutes is repealed.

1	SECTION 167. 103.10 (1) (ap) of the statutes is created to read:
2	103.10 (1) (ap) "Covered active duty" means any of the following:
3	1. For a member of a regular component of the U.S. armed forces, duty during
4	the deployment of the member with the U.S. armed forces to a foreign country.
5	2. For a member of a reserve component of the U.S. armed forces, duty during
6	the deployment of the member with the U.S. armed forces to a foreign country under
7	a call or order to active duty under a provision of law specified in 10 USC 101 (a) (13)
8	(B).
9	Section 168. 103.10 (1) (b) of the statutes is amended to read:
10	103.10 (1) (b) Except as provided in sub. (1m) (b) 2. and s. 452.38, "employee"
11	means an individual employed in this state by an employer, except the employer's
12	parent, child, spouse, domestic partner, or child parent, grandparent, grandchild, or
13	sibling.
14	Section 169. 103.10 (1) (dm) of the statutes is created to read:
15	103.10 (1) (dm) "Grandchild" means the child of a child.
16	Section 170. 103.10 (1) (dp) of the statutes is created to read:
17	103.10 (1) (dp) "Grandparent" means the parent of a parent.
18	Section 171. 103.10 (1) (em) of the statutes is created to read:
19	103.10 (1) (em) "Medical isolation" means any of the following:
20	1. When a health care professional, a local health officer, or the department of
21	health services advises that an individual seclude herself or himself from others
22	when the individual is awaiting the result of a diagnostic test for a communicable
23	disease or when the individual is infected with a communicable disease.
24	2. When a local health officer or the department of health services advises that
25	an individual isolate or quarantine under s. 252.06.

1	3. When an individual's employer advises that the individual not come to the
2	workplace due to a concern that the individual may have been exposed to or infected
3	with a communicable disease.
4	Section 172. 103.10 (1) (gm) of the statutes is created to read:
5	103.10 (1) (gm) "Sibling" means a brother, sister, half brother, half sister,
6	stepbrother, or stepsister, whether by blood, marriage, or adoption.
7	Section 173. 103.10 (1m) (b) 1. of the statutes is renumbered 103.10 (1) (an).
8	Section 174. 103.10 (1m) (b) 6. of the statutes is renumbered 103.10 (1) (gd).
9	Section 175. 103.10 (1m) (b) 7. of the statutes is renumbered 103.10 (1) (m).
10	Section 176. 103.10 (2) (c) of the statutes is amended to read:
11	103.10 (2) (c) This section only applies to an employee who has been employed
12	by the same employer for more than 52 consecutive weeks and who worked for the
13	employer for at least $1,000$ $\underline{680}$ hours during the preceding 52-week period.
14	SECTION 177. 103.10 (3) (a) of the statutes is repealed.
15	Section 178. 103.10 (3) (b) 3. of the statutes is amended to read:
16	103.10 (3) (b) 3. To care for the employee's child, spouse, domestic partner, or
17	parent, grandparent, grandchild, or sibling, if the child, spouse, domestic partner, or
18	parent, grandparent, grandchild, or sibling has a serious health condition.
19	Section 179. 103.10 (3) (b) 4. of the statutes is created to read:
20	103.10 (3) (b) 4. Because of any qualifying exigency, as determined by the
21	department by rule, arising out of the fact that the spouse, child, domestic partner,
22	parent, grandparent, grandchild, or sibling of the employee is on covered active duty
23	or has been notified of an impending call or order to covered active duty.
24	Section 180. 103.10 (3) (b) 5. of the statutes is created to read:

1	103.10 (3) (b) 5. Because there is an unforeseen or unexpected short-term gap
2	in childcare for the employee's child, grandchild, or sibling that the employee must
3	fill. The department may define by rule "unforeseen or unexpected short-term gap
4	in childcare."
5	Section 181. 103.10 (3) (b) 6. of the statutes is created to read:
6	103.10 (3) (b) 6. To care for the employee's child, spouse, domestic partner,
7	parent, grandparent, grandchild, or sibling, if the child, spouse, domestic partner,
8	parent, grandparent, grandchild, or sibling is in medical isolation.
9	Section 182. 103.10 (3) (b) 7. of the statutes is created to read:
10	103.10 (3) (b) 7. To address issues of the employee or the employee's child,
11	spouse, domestic partner, parent, grandparent, grandchild, or sibling related to
12	being the victim of domestic abuse, sexual abuse, or stalking.
13	Section 183. 103.10 (4) (a) of the statutes is amended to read:
14	103.10 (4) (a) Subject to pars. (b) and par. (c) and sub. (4m), an employee who
15	is in medical isolation or has a serious health condition which makes the employee
16	unable to perform his or her employment duties may take medical leave for the
17	period during which he or she is unable to perform those duties.
18	Section 184. 103.10 (4) (b) of the statutes is repealed.
19	Section 185. 103.10 (4m) of the statutes is created to read:
20	103.10 (4m) Duration of Leave. In a 12-month period, no employee may take
21	more than 12 weeks of family leave for any combination of reasons specified under
22	sub. (3) or (4).
23	Section 186. 103.10 (6) (b) (intro.) of the statutes is amended to read:
24	103.10 (6) (b) (intro.) If an employee intends to take family leave because of the
25	planned medical treatment or supervision of a child, spouse, domestic partner, or

stating more than the following:

parent, grandparent, grandchild, or sibling or intends to take medical leave because
of the planned medical treatment or supervision of the employee, the employee shall
do all of the following:
SECTION 187. 103.10 (6) (b) 1. of the statutes is amended to read:
103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment
or supervision so that it does not unduly disrupt the employer's operations, subject
to the approval of the health care provider of the child, spouse, domestic partner,
parent, grandparent, grandchild, sibling, or employee.
SECTION 188. 103.10 (6) (c) of the statutes is created to read:
103.10 (6) (c) If the employee intends to take family leave under sub. (3) (b) 4.
that is foreseeable because the spouse, child, domestic partner, parent, grandparent,
grandchild, or sibling of the employee is on covered active duty or has been notified
of an impending call or order to covered active duty, the employee shall provide notice
of that intention to the employer in a reasonable and practicable manner.
Section 189. 103.10 (7) (a) of the statutes is amended to read:
103.10(7)(a) If an employee requests family leave for a reason described in sub.
(3) (b) 3. or requests medical leave <u>due to a serious health condition</u> , the employer
may require the employee to provide certification, as described in par. (b), issued by
the health care provider or Christian Science practitioner of the child, spouse,
domestic partner, parent, grandparent, grandchild, sibling, or employee, whichever
is appropriate.
Section 190. 103.10 (7) (b) (intro.) of the statutes is amended to read:
103.10 (7) (b) (intro.) No employer may require certification under par. (a)

SECTION 191. 103.10 (7) (b) 1. of the statutes is amended to read:

1	103.10 (7) (b) 1. That the child, spouse, domestic partner, parent, grandparent,
2	grandchild, sibling, or employee has a serious health condition.
3	Section 192. 103.10 (7) (cm) of the statutes is created to read:

103.10 (7) (cm) If an employee requests family leave for a reason described in sub. (3) (b) 3., the employer may require the employee to provide certification that the employee is responsible for the care of a child, spouse, domestic partner, parent, grandparent, grandchild, or sibling with a serious health condition.

SECTION 193. 103.10 (7) (d) of the statutes is created to read:

103.10 (7) (d) If an employee requests family leave under sub. (3) (b) 4., the employer may require the employee to provide certification that the spouse, child, domestic partner, parent, grandparent, grandchild, or sibling of the employee is on covered active duty or has been notified of an impending call or order to covered active duty. The certification under this paragraph shall be issued at such time and in such manner as the department may prescribe by rule, and the employee shall provide a copy of that certification to the employer in a timely manner.

Section 194. 103.10 (7) (e) of the statutes is created to read:

103.10 (7) (e) If an employee requests family leave under sub. (3) (b) 5., the employer may require the employee to provide certification that there is an unforeseen or unexpected short-term gap in childcare, as defined in rule by the department, for the employee's child, grandchild, or sibling that the employee must fill. The department may prescribe by rule the form and content of the certification.

Section 195. 103.10 (7) (f) of the statutes is created to read:

103.10 (7) (f) 1. If an employee requests family leave under sub. (3) (b) 6., or medical leave due to medical isolation, the employer may require the employee to provide certification issued by a local public health official, the department of health

services, or a health care provider or Christian Science practitioner of the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee, whichever is appropriate, except that no employer may require certification under this paragraph if the sole reason for the medical isolation is due to the employer's request under sub. (1) (em) 3. No employer may require certification under this subdivision stating more than that the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee is in medical isolation.

2. If an employee requests family leave under sub. (3) (b) 6., the employer may require the employee to provide certification that the employee is responsible for the care of a child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee who is in medical isolation.

Section 196. 103.10 (7) (g) of the statutes is created to read:

103.10 (7) (g) If an employee requests family leave under sub. (3) (b) 7., the employer may require the employee to provide certification that the employee is addressing issues of the employee or the employee's child, spouse, domestic partner, parent, grandparent, grandchild, or sibling related to being the victim of domestic abuse, sexual abuse, or stalking.

Section 197. 103.10 (10) of the statutes is amended to read:

103.10 (10) Alternative employment. Nothing in this section prohibits an employer and an employee with a serious health condition or in medical isolation from mutually agreeing to alternative employment for the employee while the serious health condition or medical isolation lasts. No period of alternative employment, with the same employer, reduces the employee's right to family leave or medical leave.

Section 198. 103.10 (12) (b) of the statutes is amended to read:

 $\mathbf{2}$

103.10 (12) (b) An employee who believes his or her employer has violated sub. (11) (a) or (b) may, within 30 300 days after the violation occurs or the employee should reasonably have known that the violation occurred, whichever is later, file a complaint with the department alleging the violation. Except as provided in s. 230.45 (1m), the department shall investigate the complaint and shall attempt to resolve the complaint by conference, conciliation or persuasion. If the complaint is not resolved and the department finds probable cause to believe a violation has occurred, the department shall proceed with notice and a hearing on the complaint as provided in ch. 227. The hearing shall be held within 60 days after the department receives the complaint.

SECTION 199. 103.10 (12) (c) of the statutes is amended to read:

103.10 (12) (c) If 2 or more health care providers disagree about any of the information required to be certified under sub. (7) (b), the department may appoint another health care provider to examine the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee and render an opinion as soon as possible. The department shall promptly notify the employee and the employer of the appointment. The employer and the employee shall each pay 50 percent of the cost of the examination and opinion.

SECTION 200. 103.10 (14) (a) of the statutes is renumbered 103.10 (14).

SECTION 201. 103.10 (14) (b) of the statutes is repealed.

Section 202. 103.105 of the statutes is created to read:

103.105 Family and medical leave benefits insurance program. (1)

Definitions. In this section:

- (a) "Application year" means the 12-month period beginning on the first day of the first calendar week for which family or medical leave insurance benefits are claimed by a covered individual.
- (b) "Average weekly earnings" means one-thirteenth of the wages paid to an employee during the last completed calendar quarter prior to the covered individual's date of eligibility for benefits under this section and includes all sick, holiday, vacation, and termination pay that is paid directly by an employer to an employee at the employee's usual rate of pay during his or her last completed calendar quarter as a result of employment for an employer and any total or partial disability payments under ch. 102 or a federal law that provides for payments on account of a work-related injury or illness. For self-employed individuals, "average weekly earnings" means one fifty-second of the gross income reported as income to the federal internal revenue service in the most recent tax year in which the individual filed taxes prior to the individual's date of eligibility for benefits under this section.
- (c) "Covered individual" means an employee who satisfies s. 103.10 (2) (c), or a self-employed individual who elects coverage under sub. (2), regardless of whether the individual is employed or unemployed at the time the individual files an application for family or medical leave insurance benefits.
 - (d) "Employee" has the meaning given in s. 103.10 (1) (b).
 - (e) "Employer" has the meaning given in s. 103.10 (1) (c).
- (f) "Family leave" means an individual's leave from employment, self-employment, or availability for employment for a reason specified in s. 103.10 (3) (b) 1. to 7. or 103.11 (4).

- (g) "Family or medical leave insurance benefits" means benefits payable under this section from the family and medical leave benefits insurance trust fund.
- (h) "Medical leave" means leave from employment, self-employment, or availability for employment for any of the reasons in s. 103.10 (4).
- (i) "Self-employed individual" means a sole proprietor, partner of a partnership, member of a limited liability company, or other individual engaged in a vocation, profession, or business for himself or herself and not for an employer.
- (j) "State annual median wage" means the median hourly wage for all occupations in this state in a calendar year, as determined by the bureau of labor statistics of the U.S. department of labor, multiplied by 2,080.
- elect to be covered under this section by filing a written notice of election with the department in a form and manner prescribed by the department by rule. An initial election under this subsection becomes effective on the date on which the notice of election is filed, shall be for a period of not less than 3 years, and may be renewed for subsequent one-year periods by the filing of a written notice with the department that the self-employed individual intends to continue his or her coverage under this section. A self-employed individual who elects coverage under this section may withdraw that election no earlier than 3 years after the date of the initial election or at such other times as the department may prescribe by rule by providing notice of that withdrawal to the department not less than 30 days before the expiration date of the election.
- (3) ELIGIBILITY FOR BENEFITS. (a) Except as otherwise provided in sub. (6), a covered individual who is on family leave or medical leave is eligible to receive family

or medical leave insurance benefits in the amount specified in sub. (4) and for the duration specified in sub. (5).

- (b) To receive family or medical leave insurance benefits, a covered individual shall file a claim for those benefits within the time and in the manner that the department prescribes by rule. On receipt of a claim for family or medical leave insurance benefits, the department may request from the individual's employer or from the self-employed individual any information necessary for the department to determine the individual's eligibility for those benefits and the amount and duration of those benefits. The employer or self-employed individual shall provide that information to the department within the time and in the manner that the department prescribes by rule. If the department determines that a covered individual is eligible to receive family or medical leave insurance benefits, the department shall provide those benefits to the individual as provided in subs. (4) and (5).
- (4) Amount of Benefits. Except as provided in sub. (6), the amount of family or medical leave insurance benefits payable for a week shall be based upon the covered individual's average weekly earnings, as follows:
- (a) For the amount of the covered individual's average weekly earnings that are less than 50 percent of the state annual median wage in the calendar year before the covered individual's application year, 90 percent of the covered individual's average weekly earnings.
- (b) For the amount of the covered individual's average weekly earnings that are more than or equal to 50 percent of the state annual median wage in the calendar year before the covered individual's application year, 50 percent of the covered individual's average weekly earnings.

- (5) DURATION OF BENEFITS. The maximum number of weeks for which family or medical leave insurance benefits are payable in an application year is 12 weeks. A covered individual may be paid family or medical leave insurance benefits continuously, or at the option of the covered individual, intermittently.
- (6) EMPLOYER EXEMPTION FROM PARTICIPATION IN PAID FAMILY AND MEDICAL LEAVE BENEFITS INSURANCE PROGRAM. (a) If an employer provides family and medical leave benefits that are identical to or more generous than benefits provided under this section, the employer may elect to not participate in the paid family and medical leave benefits insurance program under this section. If the department grants an exemption under this subsection, the employer shall pay benefits that are at least identical to benefits under this section, and an employee is entitled to be paid those benefits.
- (b) An employer that elects to not participate in the paid family and medical leave benefits insurance program under this section shall request an exemption from the department in writing, in the manner prescribed by the department. An exemption from participation is not effective until approved by the department in writing.
- (c) The department may grant a written exemption from participation to an employer who complies with this subsection and all rules promulgated by the department under par. (g).
- (d) The department may withdraw its written exemption order granted under par. (c) if the department determines that an employer is not providing paid family and medical leave benefits to employees that are at least identical to those provided under this section.

- (e) If an employee believes that his or her employer that has an exemption under this subsection has violated the employee's right to paid family and medical leave benefits identical to those provided under this section, the employee may file a complaint with the department alleging the violation, and the department shall process the complaint in the same manner as complaints filed under s. 103.10 (12) (b) are processed. If the department finds that an employer has violated this subsection, the department may order the employer to take action to remedy the violation, including providing the paid family and medical leave benefits, and, notwithstanding s. 814.04 (1), paying reasonable actual attorney fees to the employee.
- (f) After the completion of an administrative proceeding under par. (e), including judicial review, an employee or the department may bring an action in circuit court against an employer to recover damages caused by a violation of this subsection. Section 103.10 (13) (b) applies to the commencement of an action under this paragraph.
 - (g) The department shall promulgate rules to implement this subsection.
- (7) FEDERAL TAX TREATMENT OF BENEFITS. With respect to the federal income taxation of family or medical leave insurance benefits, the department shall do all of the following:
- (a) At the time an individual files a claim for those benefits, advise the individual that those benefits may be subject to federal income taxation, that requirements exist under federal law pertaining to estimated tax payments, and that the individual may elect to have federal income taxes withheld from the individual's benefit payments and may change that election not more than one time in an application year.

- (b) Allow the individual to elect to have federal income tax deducted and withheld from the individual's benefit payments, allow the individual to change that election not more than one time in an application year, and deduct and withhold that tax in accordance with the individual's election as provided under 26 USC 3402.
- (c) Upon making a deduction under par. (b), transfer the amount deducted from the family and medical leave insurance trust fund to the federal internal revenue service.
- (d) In deducting and withholding federal income taxes from an individual's benefit payments, follow all procedures specified by the federal internal revenue service pertaining to the deducting and withholding of federal income tax.
- (8) Family and medical leave insurance trust fund. (a) The department shall determine the amount of the required contribution by each employee, self-employed individual who elects coverage under sub. (2), and each employer. The required contribution shall be based on the employee's wages or the self-employed individual's earnings. The required contribution for an employee shall be equally shared between each employee and the employee's employer.
- (b) Each employer shall withhold from the wages of its employees the amount determined by the department under this subsection.
- (c) The department shall promulgate rules to establish procedures for filing wage reports and collecting the contributions withheld by employers and employer-required contributions under par. (a). The department may utilize the quarterly wage reports submitted under s. 108.205 in lieu of separate contribution reports and may utilize the procedures for collecting contributions that apply to the collection of contributions to the unemployment reserve fund under s. 108.17.

- (cm) The department shall promulgate rules providing for a right to a hearing in cases involving the liability of employers for contributions under this subsection. The department's decisions shall be subject to the rights and procedures for contested cases under ch. 227.
- (d) The department shall collect contributions from self-employed individuals pursuant to procedures established by the department under sub. (12) (b).
- (e) The department shall deposit contributions received under this subsection in the family and medical leave benefits insurance trust fund.
- (f) The department shall use moneys deposited in the family and medical leave benefits insurance trust fund to pay benefits under sub. (3), to refund amounts erroneously paid by employers, and to pay for the administration of the family and medical leave benefits insurance program under this section and for no other purpose.
- (9) Denial of claims; overpayments. (a) The department shall promulgate rules providing for a right to a hearing in cases of disputes involving an individual's eligibility for benefits or status as a covered individual under this section. The department's decisions shall be subject to the rights and procedures for contested cases under ch. 227. To the extent necessary and practical, the department may prescribe procedures in conjunction with any rules promulgated for administrative proceedings under ss. 103.10 (12) and 103.11 (12).
- (b) 1. If the department pays family or medical leave insurance benefits to an individual erroneously or as a result of willful misrepresentation, the individual's liability to reimburse the fund for the overpayment may be set forth in a determination that is subject to review under par. (a). The department may prescribe procedures for waiver of overpayments.

 $\mathbf{2}$

- 2. To recover any overpayment to a covered individual that is not otherwise repaid or the recovery of which has not been waived, the department may recoup the amount of the overpayment by, in addition to its other remedies, deducting the amount of the overpayment from benefits the individual would otherwise be eligible to receive.
- 3. The department may establish other procedures for recovering overpayments and may utilize procedures under ch. 108, including the department's remedies for collecting overpayments under ss. 108.22 and 108.225, subject to rules promulgated by the department.
 - 4. The department may not collect any interest on any benefit overpayment.
- (10) PROHIBITED ACTS. (a) No person may interfere with, restrain, or deny the exercise of any right provided under this section.
- (b) No person may discharge or otherwise discriminate against any person for exercising any right provided under this section, opposing a practice prohibited under this section, filing a complaint or attempting to enforce any right provided under this section, or testifying or assisting in any action or proceeding to enforce any right provided under this section.
- (c) No collective bargaining agreement or employer policy may diminish or abridge an employee's rights under this section. Any agreement purporting to waive or modify an employee's rights under this section is void as against public policy and unenforceable.
- (11) Enforcement. (a) Any person who believes that his or her rights under this section have been interfered with, restrained, or denied in violation of sub. (10) (a) or that he or she has been discharged or otherwise discriminated against in violation of sub. (10) (b) may, within 30 days after the violation occurs or the person

- should reasonably have known that the violation occurred, whichever is later, file a complaint with the department alleging the violation, and the department shall process the complaint in the same manner as complaints filed under s. 103.10 (12) (b) are processed. If the department finds that an employer has violated sub. (10) (a) to (c), the department may order the employer to take action to remedy the violation, including providing the requested family leave or medical leave, reinstating an employee, providing back pay accrued not more than 2 years before the complaint was filed, and, notwithstanding s. 814.04 (1), paying reasonable actual attorney fees to the complainant.
- (b) After the completion of an administrative proceeding under par. (a), including judicial review, an employee or the department may bring an action in circuit court against an employer to recover damages caused by a violation of sub. (10) (a) to (c). Section 103.10 (13) (b) applies to the commencement of an action under this paragraph.
- (12) ADMINISTRATION. The department shall administer the family and medical leave benefits insurance program under this section. In administering the program, the department shall do all of the following:
- (a) Establish procedures and forms for the filing of claims for benefits under this section.
- (b) Establish procedures and forms for collecting contributions from self-employed individuals.
 - (c) Promulgate rules to implement this section.
- (d) Use information sharing and integration technology to facilitate the exchange of information as necessary for the department to perform its duties under this section.

- (e) By September 1 of each year, submit a report to the governor, the joint committee on finance, and the appropriate standing committees of the legislature under s. 13.172 (3) on the family and medical leave benefits insurance program under this section. The report shall include the projected and actual rates of participation in the program, the premium rates for coverage under the program, and the balance in the family and medical leave benefits insurance trust fund under s. 25.52.
- (13) Records. (a) The records made or maintained by the department in connection with the administration of this section are confidential and shall be open to public inspection or disclosure only to the extent that the department allows in the interest of the family and medical leave benefits insurance program. No person may allow inspection or disclosure of any record provided by the department unless the department authorizes the inspection or disclosure.
- (b) The department may provide records made or maintained by the department in connection with the administration of this section to any governmental unit, corresponding unit in the government of another state, or any unit of the federal government. No such unit may allow inspection or disclosure of any record provided by the department unless the department authorizes the inspection or disclosure.
- (c) Upon request of the department of revenue, the department may provide information, including social security numbers, concerning covered individuals to the department of revenue for the purpose of administering state taxes, identifying fraudulent tax returns, providing information for tax-related prosecutions, or locating persons or the assets of persons who have failed to file tax returns, who have underreported their taxable income, or who are delinquent debtors. The department

of revenue shall adhere to the limitation on inspection and disclosure of the information under par. (b).

- (14) Benefit amount adjustment. On April 1 of each year, the department may adjust the maximum weekly benefit payment to 90 percent of the state average weekly earnings, which becomes effective on October 1 of that year. The department shall annually have the adjusted amount of the maximum weekly benefit payment published in the Wisconsin Administrative Register.
- (15) Notice Posted. Each employer shall post, on its website and in one or more conspicuous places where notices to employees are customarily posted, a notice in a form approved by the department setting forth employees' rights under this section and any adjustment to benefits as provided in sub. (14). Any employer that violates this subsection shall forfeit not more than \$100 for each violation.

Section 203. 103.12 of the statutes is repealed.

Section 204. 103.135 of the statutes is created to read:

- 103.135 Compensation information of employees and prospective employees. (1) Unlawful employer conduct related to prospective employee compensation information. (a) No employer may directly or indirectly do any of the following:
- 1. Rely on or, subject to par. (b), solicit from a prospective employee or a prospective employee's current or former employer information about the prospective employee's current or prior compensation.
- 2. Require that a prospective employee's current or prior compensation meet certain criteria in order for the prospective employee to be considered for employment.

- 3. Refuse to hire or employ or otherwise discriminate against a prospective employee in compensation or in the terms, conditions, or privileges of employment for opposing a practice prohibited under this paragraph, filing or indicating an intent to file a complaint or otherwise attempting to enforce any right under this paragraph, or testifying, assisting, or participating in any manner in any investigation, action, or proceeding to enforce any right under this paragraph.
- (b) After an employer has offered employment to a prospective employee and the details of compensation have been agreed upon, the employer may obtain the prospective employee's written consent for the employer to solicit information about, or take action to confirm, the prospective employee's current or prior compensation.
- (2) DISCLOSURE OF COMPENSATION INFORMATION BY EMPLOYEES. (a) An employee may disclose the details of the employee's compensation to anyone and, subject to par. (d), may discuss the compensation of other employees of the same employer and may ask other employees of the same employer for details regarding their compensation.
- (b) Except as provided in par. (d), no employer may interfere with, restrain, or deny the exercise of the right of an employee to disclose, discuss, or inquire about compensation as provided in par. (a).
- (c) An employer may not discharge or discriminate against an employee in promotion, in compensation, or in the terms, conditions, or privileges of employment for disclosing, discussing, or inquiring about compensation as provided in par. (a), opposing a practice prohibited under par. (b), filing or indicating an intent to file a complaint or otherwise attempting to enforce any right under par. (a), or testifying, assisting, or participating in any manner in any investigation, action, or proceeding to enforce any right under par. (a).

- (d) Subject to s. 19.35, an employer may prohibit a human resources or payroll employee, a supervisor, or any other employee whose job responsibilities require or allow the employee access to other employees' compensation information from disclosing information about any other employee's compensation without that employee's prior written consent.
- employment, terminated, discharged, or otherwise discriminated against in violation of sub. (1) (a) or (2) (a) to (c) may file a complaint with the department, and the department shall process the complaint in the same manner that employment discrimination complaints are processed under s. 111.39. If the department finds that a violation has occurred, the department may order the employer to take action to remedy the violation, including reinstating the employee, providing compensation in lieu of reinstatement, providing back pay accrued not more than 2 years before the complaint was filed, and paying reasonable actual costs and, notwithstanding s. 814.04 (1), reasonable attorney fees to the complainant.
- (4) NOTICE POSTED. (a) Each employer shall provide notice to employees and prospective employees of their rights under this section by doing all of the following:
- 1. Posting, in one or more conspicuous places where notices to employees are customarily posted, a notice in a form approved by the department setting forth employees' and prospective employees' rights under this section.
- 2. Including, on each listing for a job vacancy or other employment opportunity that is advertised by email, posting on a website, or other electronic means, a notice that includes all of the following information:
- a. A statement that the employer is prohibited from relying on a prospective employee's current or former compensation when determining whether to make an

- offer of employment or setting compensation or when making an offer of employment.
 - b. A statement that the employer is prohibited from asking about a prospective employee's compensation until after the employer has offered the prospective employee employment and they have agreed upon the details of compensation.
 - c. A statement that the employer is prohibited from requiring that a prospective employee's current or prior compensation meet certain criteria in order for the prospective employee to be considered for employment.
 - d. Information, or a hyperlink to information, regarding prohibited bases of discrimination under subch. II of ch. 111.
 - (b) Any employer that violates par. (a) shall forfeit not more than \$100 for each offense.
 - **Section 205.** 103.36 of the statutes is repealed.
- **Section 206.** 103.49 of the statutes is created to read:
- 103.49 Wage rate on state work. (1) Definitions. In this section:
 - (a) "Area" means the county in which a proposed project of public works that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, "area" means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, "area" means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, "area" means the entire state or, if the department is requested to review a determination under sub. (3) (c), "area" means the city, village, or town in which a proposed project of public works that is subject to this section is located.

- (am) "Bona fide economic benefit" means an economic benefit for which an employer makes irrevocable contributions to a trust or fund created under 29 USC 186 (c) or to any other bona fide plan, trust, program, or fund no less often than quarterly or, if an employer makes annual contributions to such a bona fide plan, trust, program, or fund, for which the employer irrevocably escrows moneys at least quarterly based on the employer's expected annual contribution.
- (b) "Hourly basic rate of pay" means the hourly wage paid to any employee, excluding any contributions or payments for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefits, whether paid directly or indirectly.
- (bg) "Insufficient wage data" means less than 500 hours of work performed in a particular trade or occupation on projects that are similar to a proposed project of public works that is subject to this section.
- (bj) "Minor service or maintenance work" means a project of public works that is limited to minor crack filling, chip or slurry sealing, or other minor pavement patching, not including overlays, that has a projected life span of no longer than 5 years; cleaning of drainage or sewer ditches or structures; or any other limited, minor work on public facilities or equipment that is routinely performed to prevent breakdown or deterioration.
- (br) "Multiple-trade project of public works" means a project of public works in which no single trade accounts for 85 percent or more of the total labor cost of the project.
- (c) "Prevailing hours of labor" for any trade or occupation in any area means 10 hours per day and 40 hours per week and may not include any hours worked on a Saturday or Sunday or on any of the following holidays:

- 1. January 1.
- 2 2. The last Monday in May.
- 3. July 4.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

- 4. The first Monday in September.
- 5. The 4th Thursday in November.
- 6 6. December 25.
 - 7. The day before if January 1, July 4, or December 25 falls on a Saturday.
 - 8. The day following if January 1, July 4, or December 25 falls on a Sunday.
 - (d) 1. Except as provided in subd. 2., "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing, or demolition of any project of public works in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for a majority of the hours worked in the trade or occupation on projects in the area.
 - 2. If there is no rate at which a majority of the hours worked in the trade or occupation on projects in the area is paid, "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing, or demolition of any project of public works in any area means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest-paid 51 percent of hours worked in that trade or occupation on projects in that area.

- (em) "Single-trade project of public works" means a project of public works in which a single trade accounts for 85 percent or more of the total labor cost of the project.
- (f) "State agency" means any office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, including the legislature and the courts. "State agency" also includes the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Wisconsin Aerospace Authority.
- (fm) "Supply and installation contract" means a contract under which the material is installed by the supplier, the material is installed by means of simple fasteners or connectors such as screws or nuts and bolts, and no other work is performed on the site of the project of public works, and the total labor cost to install the material does not exceed 20 percent of the total cost of the contract.
 - (g) "Truck driver" includes an owner-operator of a truck.
- (1m) APPLICABILITY. Subject to sub. (3g), this section applies to any project of public works erected, constructed, repaired, remodeled, or demolished for the state or a state agency, including all of the following:
- (a) A project erected, constructed, repaired, remodeled, or demolished by one state agency for another state agency under any contract or under any statute specifically authorizing cooperation between state agencies.
- (b) A project in which the completed facility is leased, purchased, lease purchased, or otherwise acquired by, or dedicated to, the state in lieu of the state or a state agency contracting for the erection, construction, repair, remodeling, or demolition of the facility.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

- (c) A sanitary sewer or water main project in which the completed sanitary sewer or water main is acquired by, or dedicated to, the state for ownership or maintenance by the state.
- (2) Prevailing wage rates and hours of labor. Any contract made for the erection, construction, remodeling, repairing, or demolition of any project of public works to which the state or any state agency is a party shall contain a stipulation that no individual performing the work described in sub. (2m) may be allowed to work a greater number of hours per day or per week than the prevailing hours of labor, except that any such individual may be allowed or required to work more than such prevailing hours of labor per day and per week if he or she is paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of pay; nor may he or she be paid less than the prevailing wage rate determined under sub. (3) in the same or most similar trade or occupation in the area in which the project of public works is situated. The notice published for the purpose of securing bids for the project must contain a reference to the prevailing wage rates determined under sub. (3) and the prevailing hours of labor. Except as otherwise provided in this subsection, if any contract or subcontract for a project of public works that is subject to this section is entered into, the prevailing wage rates determined under sub. (3) and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract. For a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force.

- (2m) COVERED EMPLOYEES. (a) Subject to par. (b), any person subject to this section shall pay all of the following employees the prevailing wage rate determined under sub. (3) and may not allow such employees to work a greater number of hours per day or per week than the prevailing hours of labor, unless the person pays for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the employees' hourly basic rate of pay:
- 1. All laborers, workers, mechanics, and truck drivers employed on the site of a project of public works that is subject to this section.
- 2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of a project of public works that is subject to this section or from a facility dedicated exclusively, or nearly so, to a project of public works that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.
- (b) A laborer, worker, mechanic, or truck driver who is employed to process, manufacture, pick up, or deliver materials or products from a commercial establishment that has a fixed place of business from which the establishment supplies processed or manufactured materials or products or from a facility that is not dedicated exclusively, or nearly so, to a project of public works that is subject to this section is not entitled to receive the prevailing wage rate determined under sub.

 (3) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor unless any of the following applies:
- 1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone and deliver that mineral aggregate to the site of a project of public works that is subject to this section by

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

- depositing the material directly in final place, from the transporting vehicle or through spreaders from the transporting vehicle.
- 2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a project that is subject to this section, pick up excavated material or spoil from the site of the project of public works, and transport that excavated material or spoil away from the site of the project.
- (c) A person that is subject to this section shall pay a truck driver who is an owner-operator of a truck separately for his or her work and for the use of his or her truck.
- (3) Investigation; determination. (a) Before a state agency issues a request for bids for any work to which this section applies, the state agency having the authority to prescribe the specifications shall apply to the department to determine the prevailing wage rate for each trade or occupation required in the work under contemplation in the area in which the work is to be done. The department shall conduct investigations and hold public hearings as necessary to define the trades or occupations that are commonly employed on projects that are subject to this section and to inform itself of the prevailing wage rates in all areas of the state for those trades or occupations, in order to determine the prevailing wage rate for each trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the determination with the requesting state agency. A state agency that has contracted for a project of public works subject to this section shall post the prevailing wage rates determined by the department, the prevailing hours of labor, and the provisions of subs. (2) and (6m) in at least one conspicuous place on the site of the project that is easily accessible by employees working on the project.

(am) The department shall, by January 1 of each year, compile the prevailing wage rates for each trade or occupation in each area. The compilation shall, in addition to the current prevailing wage rates, include future prevailing wage rates when those prevailing wage rates can be determined for any trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. If a project of public works extends into more than one area, the department shall determine only one standard of prevailing wage rates for the entire project.

- (ar) In determining prevailing wage rates under par. (a) or (am), the department may not use data from projects that are subject to this section, s. 66.0903, 103.50, or 229.8275, or 40 USC 3142 unless the department determines that there is insufficient wage data in the area to determine those prevailing wage rates, in which case the department may use data from projects that are subject to this section, s. 66.0903, 103.50, or 229.8275, or 40 USC 3142. In determining prevailing wage rates under par. (a) or (am), the department may not use data from any construction work performed by a state agency or a local governmental unit, as defined in s. 66.0903 (1) (d).
- (b) Any person may request a recalculation of any portion of an initial determination within 30 days after the initial determination date if the person submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the initial determination does not represent the prevailing wage rate for that trade or occupation in the area. The evidence shall include wage rate information reflecting work performed by individuals working in the contested trade or occupation in the area during the current survey period. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

 $\mathbf{2}$

- (c) In addition to the recalculation under par. (b), the state agency that requested the determination under this subsection may request a review of any portion of a determination within 30 days after the date of issuance of the determination if the state agency submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the determination does not represent the prevailing wage rate for that trade or occupation in the city, village, or town in which the proposed project of public works is located. That evidence shall include wage rate information for the contested trade or occupation on at least 3 similar projects located in the city, village, or town where the proposed project of public works is located on which some work has been performed during the current survey period and that were considered by the department in issuing its most recent compilation under par. (am). The department shall affirm or modify the determination within 15 days after the date on which the department receives the request for review.
 - (3g) NONAPPLICABILITY. This section does not apply to any of the following:
- (a) A single-trade project of public works for which the estimated project cost of completion is less than \$48,000 or a multiple-trade project of public works for which the estimated project cost of completion is less than \$100,000.
- (b) Work performed on a project of public works for which the state or the state agency contracting for the project is not required to compensate any contractor, subcontractor, contractor's or subcontractor's agent, or individual for performing the work.
- (c) Minor service or maintenance work, warranty work, or work under a supply and installation contract.
 - (f) A public highway, street, or bridge project.

- (g) A project of public works involving the erection, construction, repair, remodeling, or demolition of a residential property containing 2 dwelling units or less.
- (h) A road, street, bridge, sanitary sewer, or water main project that is a part of a development in which not less than 90 percent of the lots contain or will contain 2 dwelling units or less, as determined by the local governmental unit at the time of approval of the development, and that, on completion, is acquired by, or dedicated to, the state for ownership or maintenance by the state.
- (4r) COMPLIANCE. (a) When the department finds that a state agency has not requested a determination under sub. (3) (a) or that a state agency, contractor, or subcontractor has not physically incorporated a determination into a contract or subcontract as required under sub. (2) or has not notified a minor subcontractor of a determination in the manner prescribed by the department by rule promulgated under sub. (2), the department shall notify the state agency, contractor, or subcontractor of the noncompliance and shall file the determination with the state agency, contractor, or subcontractor within 30 days after the notice.
- (b) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until the affidavit is filed in proper form and order.
- (c) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each contractor shall file with the state agency authorizing the work an affidavit stating that the contractor has complied fully with the requirements of this section and that the contractor has received an

affidavit under par. (b) from each of the contractor's agents and subcontractors. A state agency may not authorize a final payment until the affidavit is filed in proper form and order. If a state agency authorizes a final payment before an affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person performing the work specified in sub. (2m) has been or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the state agency withhold all or part of the final payment, but the state agency fails to do so, the state agency is liable for all back wages payable up to the amount of the final payment.

- (5) Records; inspection; enforcement. (a) Each contractor, subcontractor, or contractor's or subcontractor's agent that performs work on a project of public works that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every individual performing the work described in sub. (2m) and an accurate record of the number of hours worked by each of those individuals and the actual wages paid for the hours worked.
- (b) The department shall enforce this section. The department may demand and examine, and every contractor, subcontractor, and contractor's and subcontractor's agent shall keep, and furnish upon request by the department, copies of payrolls and other records and information relating to the wages paid to individuals performing the work described in sub. (2m) for work to which this section applies. The department may inspect records in the manner provided in this chapter. Every contractor, subcontractor, or agent performing work on a project of public works that is subject to this section is subject to the requirements of this chapter relating to the examination of records. Section 111.322 (2m) applies to discharge and

other discriminatory acts arising in connection with any proceeding under this section.

- (c) If requested by any person, the department shall inspect the payroll records of any contractor, subcontractor, or agent performing work on a project of public works that is subject to this section as provided in this paragraph to ensure compliance with this section. On receipt of such a request, the department shall request that the contractor, subcontractor, or agent submit to the department a certified record of the information specified in par. (a), other than personally identifiable information relating to an employee of the contractor, subcontractor, or agent, for no longer than a 4-week period. The department may request a contractor, subcontractor, or agent to submit those records no more than once per calendar quarter for each project of public works on which the contractor, subcontractor, or agent is performing work. The department may not charge a requester a fee for obtaining that information. Certified records submitted to the department under this paragraph are open for public inspection and copying under s. 19.35 (1).
- (6m) Liability and penalties. (ag) 1. A contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided in subd. 2. or 3., whichever is applicable.
- 2. If the department determines upon inspection under sub. (5) (b) or (c) that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid

less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the department shall order the contractor to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages within a period specified by the department in the order.

- 3. In addition to or in lieu of recovering the liability specified in subd. 1. as provided in subd. 2., any employee for and on behalf of that employee and other employees similarly situated may commence an action to recover that liability in any court of competent jurisdiction. If the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.
- 5. No employee may be a party plaintiff to an action under subd. 3. unless the employee consents in writing to become a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.
- (am) Except as provided in pars. (b), (d), and (f), any contractor, subcontractor, or contractor's or subcontractor's agent who violates this section may be fined not

more than \$200 or imprisoned for not more than 6 months or both. Each day that a violation continues is a separate offense.

- (b) Whoever induces an individual who seeks to be or is employed on any project of public works that is subject to this section to give up, waive, or return any part of the wages to which the individual is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to an individual for work on a project that is not subject to this section during a week in which the individual works both on a project of public works that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).
- (c) Any individual who is employed on a project of public works that is subject to this section who knowingly allows a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the individual works both on a project of public works that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).
- (d) Whoever induces any individual who seeks to be or is employed on any project of public works that is subject to this section to allow any part of the wages to which the individual is entitled under the contract governing the project to be deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless

 $\mathbf{2}$

the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

- (e) Any individual who is employed on a project of public works that is subject to this section who knowingly allows any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.
- (f) Paragraph (am) does not apply to any person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) (a) or (am).
- (7) DEBARMENT. (a) Except as provided under pars. (b) and (c), the department shall distribute to all state agencies a list of all persons that the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor at any time in the preceding 3 years. The department shall include with any name the address of the person and shall specify when the person failed to pay the prevailing wage rate and when the person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. A state agency may not award any contract to the person unless otherwise recommended by the department or unless 3 years have elapsed from the date the department issued its findings or date of final determination by a court of competent jurisdiction, whichever is later.
- (b) The department may not include in a notification under par. (a) the name of any person on the basis of having subcontracted a contract for a project of public

- works to a person that the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.
- (c) This subsection does not apply to any contractor, subcontractor, or agent who in good faith commits a minor violation of this section, as determined on a case-by-case basis through administrative hearings with all rights to due process afforded to all parties or who has not exhausted or waived all appeals.
- (d) Any person submitting a bid on a project of public works that is subject to this section shall, on the date the person submits the bid, identify any construction business in which the person, or a shareholder, officer, or partner of the person if the person is a business, owns or has owned at least a 25 percent interest on the date the person submits the bid or at any other time within 3 years preceding the date the person submits the bid, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.
 - (e) The department shall promulgate rules to administer this subsection.
 - **Section 207.** 103.50 of the statutes is created to read:
 - 103.50 Highway contracts. (1) Definitions. In this section:
- (a) "Area" means the county in which a proposed project that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, "area" means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, "area" means those counties that are contiguous to those counties or, if the

 $\mathbf{2}$

- department determines that there is insufficient wage data in those counties, "area" means the entire state.
 - (b) "Hourly basic rate of pay" has the meaning given in s. 103.49 (1) (b).
 - (bg) "Insufficient wage data" has the meaning given in s. 103.49 (1) (bg).
 - (c) "Prevailing hours of labor" has the meaning given in s. 103.49 (1) (c).
 - (d) 1. Except as provided in subd. 2., "prevailing wage rate" for any trade or occupation in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly, for a majority of the hours worked in the trade or occupation in the area.
 - 2. If there is no rate at which a majority of the hours worked in the trade or occupation in the area is paid, "prevailing wage rate" means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest-paid 51 percent of hours worked in that trade or occupation in that area.
 - (e) "Truck driver" has the meaning given in s. 103.49 (1) (g).
 - (2) Prevailing wage rates and hours of labor. No contractor, subcontractor, agent, or other person performing any work on a project under a contract based on bids as provided in s. 84.06 (2) to which the state is a party for the construction or improvement of any highway may do any of the following:
 - (a) Pay an individual performing the work described in sub. (2m) less than the prevailing wage rate in the area in which the work is to be done determined under sub. (3).

- (b) Allow an individual performing the work described in sub. (2m) to work a greater number of hours per day or per week than the prevailing hours of labor, unless the contractor, subcontractor, or contractor's or subcontractor's agent pays the individual for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the individual's hourly basic rate of pay.
- (2g) Nonapplicability. This section does not apply to a single-trade project of public works, as defined in s. 103.49 (1) (em), for which the estimated project cost of completion is less than \$48,000 or a multiple-trade project of public works, as defined in s. 103.49 (1) (br), for which the estimated project cost of completion is less than \$100,000.
- (2m) COVERED EMPLOYEES. (a) Subject to par. (b), any person subject to this section shall pay all of the following employees the prevailing wage rate determined under sub. (3) and may not allow such employees to work a greater number of hours per day or per week than the prevailing hours of labor, unless the person pays for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the employees' hourly basic rate of pay:
- 1. All laborers, workers, mechanics, and truck drivers employed on the site of a project that is subject to this section.
- 2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of a project that is subject to this section or from a facility dedicated exclusively, or nearly so, to a project that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.
- (b) A laborer, worker, mechanic, or truck driver who is employed to process, manufacture, pick up, or deliver materials or products from a commercial

- establishment that has a fixed place of business from which the establishment supplies processed or manufactured materials or products or from a facility that is not dedicated exclusively, or nearly so, to a project that is subject to this section is not entitled to receive the prevailing wage rate determined under sub. (3) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor unless any of the following applies:
- 1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone and deliver that mineral aggregate to the site of a project that is subject to this section by depositing the material directly in final place, from the transporting vehicle or through spreaders from the transporting vehicle.
- 2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a project that is subject to this section, pick up excavated material or spoil from the site of the project, and transport that excavated material or spoil away from the site of the project and return to the site of the project.
- (c) A contractor, subcontractor, agent, or other person performing work on a project subject to this section shall pay a truck driver who is an owner-operator of a truck separately for his or her work and for the use of his or her truck.
- (3) Investigations; Determinations. The department shall conduct investigations and hold public hearings necessary to define the trades or occupations that are commonly employed in the highway construction industry and to inform the department of the prevailing wage rates in all areas of the state for those trades or occupations, in order to ascertain and determine the prevailing wage rates accordingly.

- (4) Certification of prevailing wage rates. The department of workforce development shall, by May 1 of each year, certify to the department of transportation the prevailing wage rates in each area for all trades or occupations commonly employed in the highway construction industry. The certification shall, in addition to the current prevailing wage rates, include future prevailing wage rates when such prevailing wage rates can be determined for any such trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. The certification shall also include wage rates for work performed on Sundays or the holidays specified in s. 103.49 (1) (c) and shift differentials based on the time of day or night when work is performed. If a construction project extends into more than one area, the department shall determine only one standard of prevailing wage rates for the entire project.
- (4m) Wage rates Data. In determining prevailing wage rates for projects that are subject to this section, the department shall use data from projects that are subject to this section, s. 66.0903 or 103.49, or 40 USC 3142. In determining prevailing wage rates for those projects, the department may not use data from any construction work that is performed by a state agency or a local governmental unit, as defined in s. 66.0903 (1) (d).
- (5) APPEALS TO GOVERNOR. If the department of transportation considers any determination of the department of workforce development of the prevailing wage rates in an area to be incorrect, it may appeal to the governor, whose determination is final.
- (6) CONTENTS OF CONTRACTS. The department of transportation shall include a reference to the prevailing wage rates determined under sub. (3) and the prevailing hours of labor in the notice published for the purpose of securing bids for a project.

 $\mathbf{2}$

Except as otherwise provided in this subsection, if any contract or subcontract for a project that is subject to this section is entered into, the prevailing wage rates determined under sub. (3) and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract. For a minor subcontract, as determined by the department of workforce development, that department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force. The department of transportation shall post the prevailing wage rates determined by the department, the prevailing hours of labor, and the provisions of subs. (2) and (7) in at least one conspicuous place that is easily accessible to the employees on the site of the project.

- (7) PENALTIES. (a) Except as provided in pars. (b), (d), and (f), any contractor, subcontractor, or contractor's or subcontractor's agent who violates this section may be fined not more than \$200 or imprisoned for not more than 6 months or both. Each day that a violation continues is a separate offense.
- (b) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to give up, waive, or return any part of the wages to which the individual is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to an individual for work on a project that is not subject to this section during a week in which the individual works both on a project that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).

- (c) Any individual employed on a project that is subject to this section who knowingly allows a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the individual works both on a project that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).
- (d) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to allow any part of the wages to which the individual is entitled under the contract governing the project to be deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.
- (e) Any individual employed on a project that is subject to this section who knowingly allows any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.
- (f) Paragraph (a) does not apply to any individual who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) or (4).
- (8) Enforcement and prosecution. The department of transportation shall require adherence to subs. (2), (2m), and (6). The department of transportation may

 $\mathbf{2}$

demand and examine, and every contractor, subcontractor, and contractor's or subcontractor's agent shall keep and furnish upon request by the department of transportation, copies of payrolls and other records and information relating to compliance with this section. Upon request of the department of transportation or upon complaint of alleged violation, the district attorney of the county in which the work is located shall investigate as necessary and prosecute violations in a court of competent jurisdiction. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

Section 208. 103.503 (1) (a) of the statutes is amended to read:

103.503 (1) (a) "Accident" means an incident caused, contributed to, or otherwise involving an employee that resulted or could have resulted in death, personal injury, or property damage and that occurred while the employee was performing the work described in s. 66.0903 (4), 2013 stats., or s. 16.856 103.49 (2m), 2015 stats., on a project of public works or while the employee was performing work on a public utility project.

Section 209. 103.503 (1) (e) of the statutes is amended to read:

103.503 (1) (e) "Employee" means a laborer, worker, mechanic, or truck driver who performs the work described in s. 66.0903 (4), 2013 stats., or s. 16.856 103.49 (2m), 2015 stats., on a project of public works or on a public utility project.

SECTION 210. 103.503 (1) (g) of the statutes is repealed and recreated to read: 103.503 (1) (g) "Project of public works" means a project of public works that is subject to s. 66.0903 or 103.49.

Section 211. 103.503 (2) of the statutes is amended to read:

103.503 (2) Substance abuse prohibited. No employee may use, possess, attempt to possess, distribute, deliver, or be under the influence of a drug, or use or

be under the influence of alcohol, while performing the work described in s. 66.0903 (4), 2013 stats., or s. 16.856 103.49 (2m), 2015 stats., on a project of public works or while performing work on a public utility project. An employee is considered to be under the influence of alcohol for purposes of this subsection if he or she has an alcohol concentration that is equal to or greater than the amount specified in s. 885.235 (1g) (d).

Section 212. 103.503 (3) (a) 2. of the statutes is amended to read:

103.503 (3) (a) 2. A requirement that employees performing the work described in s. 66.0903 (4), 2013 stats., or s. 16.856 103.49 (2m), 2015 stats., on a project of public works or performing work on a public utility project submit to random, reasonable suspicion, and post-accident drug and alcohol testing and to drug and alcohol testing before commencing work on the project, except that testing of an employee before commencing work on a project is not required if the employee has been participating in a random testing program during the 90 days preceding the date on which the employee commenced work on the project.

Section 213. 104.001 (3) of the statutes is created to read:

104.001 (3) This section does not affect an ordinance that, subject to s. 66.0903, requires an employee of a city, village, town, or county, an employee who performs work under a contract for the provision of services to a city, village, town, or county, or an employee who performs work that is funded by financial assistance from a city, village, town, or county to be paid at a minimum wage rate specified in the ordinance.

Section 214. 104.001 (4) of the statutes is created to read:

104.001 (4) This section does not affect the requirement that employees employed on a public works project contracted for by a city, village, town, or county

(intro.) and amended to read:

1	be paid at the prevailing wage rate, as defined in s. $66.0903\ (1)\ (g)$, as required under
2	s. 66.0903.
3	Section 215. 104.01 (1h) of the statutes is created to read:
4	104.01 (1h) "Consumer price index" means the average of the consumer price
5	index over each 12-month period for all urban consumers, U.S. city average, all
6	items, not seasonally adjusted, as determined by the bureau of labor statistics of the
7	U.S. department of labor.
8	Section 216. 104.035 (1) (a) of the statutes is renumbered 104.035 (1) (a)
9	(intro.) and amended to read:
10	104.035 (1) (a) Minimum rates. (intro.) Except as provided in subs. (2) to (8)
11	(8m), the minimum wage is as follows:
12	1. For wages earned prior to the effective date of this subdivision [LRB
13	inserts datel, \$7.25 per hour.
14	Section 217. 104.035 (1) (a) 2. of the statutes is created to read:
15	104.035 (1) (a) 2. For wages earned on or after the effective date of this
16	subdivision [LRB inserts date], and prior to January 1, 2025, \$8.25 per hour.
17	Section 218. 104.035 (1) (a) 3. of the statutes is created to read:
18	104.035 (1) (a) 3. For wages earned on or after January 1, 2025, and prior to
19	January 1, 2026, \$9.25.
20	Section 219. 104.035 (1) (a) 4. of the statutes is created to read:
21	104.035 (1) (a) 4. For wages earned on or after January 1, 2026, and prior to
22	January 1, 2027, \$10.25.
23	Section 220. 104.035 (2) (a) of the statutes is renumbered 104.035 (2) (a)

1	104.035 (2) (a) Minimum rates. (intro.) Except as provided in subs. (2m) to (8)
2	(8m), the minimum wage for a minor employee is as follows:
3	1. For wages earned prior to the effective date of this subdivision [LRB
4	inserts datel, \$7.25 per hour.
5	Section 221. 104.035 (2) (a) 2. of the statutes is created to read:
6	104.035 (2) (a) 2. For wages earned on or after the effective date of this
7	subdivision [LRB inserts date], and prior to January 1, 2025, \$8.25 per hour.
8	Section 222. 104.035 (2) (a) 3. of the statutes is created to read:
9	104.035 (2) (a) 3. For wages earned on or after January 1, 2025, and prior to
10	January 1, 2026, \$9.25.
11	Section 223. 104.035 (2) (a) 4. of the statutes is created to read:
12	104.035 (2) (a) 4. For wages earned on or after January 1, 2026, and prior to
13	January 1, 2027, \$10.25.
14	Section 224. $104.035~(2m)~(a)$ of the statutes is renumbered $104.035~(2m)~(a)$
15	(intro.) and amended to read:
16	104.035 (2m) (a) Minimum rates. (intro.) Except as provided in subs. (3) to (8)
17	(8m), the minimum wage for an opportunity employee is as follows:
18	1. For wages earned prior to the effective date of this subdivision [LRB
19	inserts datel, \$5.90 per hour.
20	Section 225. 104.035 (2m) (a) 2. of the statutes is created to read:
21	104.035 (2m) (a) 2. For wages earned on or after the effective date of this
22	subdivision [LRB inserts date], and prior to January 1, 2025, \$6.71 per hour.
23	Section 226. 104.035 (2m) (a) 3. of the statutes is created to read:
24	104.035 (2m) (a) 3. For wages earned on or after January 1, 2025, and prior to
25	January 1, 2026, \$7.52.

1	Section 227. 104.035 (2m) (a) 4. of the statutes is created to read:
2	104.035 (2m) (a) 4. For wages earned on or after January 1, 2026, and prior to
3	January 1, 2027, \$8.33.
4	Section 228. 104.035 (3) (a) (intro.) of the statutes is amended to read:
5	104.035 (3) (a) Minimum rates. (intro.) Except as provided in subs. (4) to (8)
6	(8m), if an employer of a tipped employee establishes by the employer's payroll
7	records that, when adding the tips received by the tipped employee in a week to the
8	wages paid to the tipped employee in that week, the tipped employee receives not less
9	than the applicable minimum wage specified in sub. (1), (2), or (2m), the minimum
10	wage for the tipped employee is as follows:
11	Section 229. 104.035 (3) (a) 1. of the statutes is amended to read:
12	104.035 (3) (a) 1. For wages earned by a tipped employee who is not an
13	opportunity employee prior to the effective date of this subdivision [LRB inserts
14	date, \$2.33 per hour.
15	Section 230. 104.035 (3) (a) 1d. of the statutes is created to read:
16	104.035 (3) (a) 1d. For wages earned by a tipped employee who is not an
L 7	opportunity employee, on or after the effective date of this subdivision [LRB
18	inserts date], and prior to January 1, 2025, \$2.65 per hour.
19	Section 231. 104.035 (3) (a) 1h. of the statutes is created to read:
20	104.035 (3) (a) 1h. For wages earned by a tipped employee who is not an
21	opportunity employee, on or after January 1, 2025, and prior to January 1, 2026,
22	\$2.97 per hour.
23	Section 232. 104.035 (3) (a) 1p. of the statutes is created to read:

1	104.035 (3) (a) 1p. For wages earned by a tipped employee who is not an
2	opportunity employee, on or after January 1, 2026, and prior to January 1, 2027,
3	\$3.29 per hour.
4	Section 233. 104.035 (3) (a) 2. of the statutes is amended to read:
5	104.035 (3) (a) 2. For wages earned by a tipped employee who is an opportunity
6	employee prior to the effective date of this subdivision [LRB inserts date], \$2.13
7	per hour.
8	Section 234. 104.035 (3) (a) 2d. of the statutes is created to read:
9	104.035 (3) (a) 2d. For wages earned by a tipped employee who is an
10	opportunity employee, on or after the effective date of this subdivision [LRB
11	inserts date], and prior to January 1, 2025, \$2.42 per hour.
12	Section 235. 104.035 (3) (a) 2h. of the statutes is created to read:
13	104.035 (3) (a) 2h. For wages earned by a tipped employee who is an
14	opportunity employee, on or after January 1, 2025, and prior to January 1, 2026,
15	\$2.71 per hour.
16	Section 236. 104.035 (3) (a) 2p. of the statutes is created to read:
17	104.035 (3) (a) 2p. For wages earned by a tipped employee who is an
18	opportunity employee, on or after January 1, 2026, and prior to January 1, 2027,
19	\$3.00 per hour.
20	Section 237. 104.035 (4) (a) of the statutes is renumbered 104.035 (4) (a)
21	(intro.) and amended to read:
22	104.035 (4) (a) Minimum rates. (intro.) Except as provided in subs. (7) and (8)
23	to (8m), the minimum wage for an agricultural employee is as follows:
24	1. For wages earned prior to the effective date of this subdivision [LRB
25	inserts datel, \$7.25 per hour.

1	Section 238. 104.035 (4) (a) 2. of the statutes is created to read:
2	104.035 (4) (a) 2. For wages earned on or after the effective date of this
3	subdivision [LRB inserts date], and prior to January 1, 2025, \$8.25 per hour.
4	Section 239. 104.035 (4) (a) 3. of the statutes is created to read:
5	104.035 (4) (a) 3. For wages earned on or after January 1, 2025, and prior to
6	January 1, 2026, \$9.25 per hour.
7	Section 240. 104.035 (4) (a) 4. of the statutes is created to read:
8	104.035 (4) (a) 4. For wages earned on or after January 1, 2026, and prior to
9	January 1, 2027, \$10.25 per hour.
10	Section 241. 104.035 (5) of the statutes is renumbered 104.035 (5) (intro.) and
11	amended to read:
12	104.035 (5) CAMP COUNSELORS. (intro.) The Except as provided in sub. (8m), the
13	minimum wage for a counselor at a seasonal recreational or educational camp,
14	including a day camp, is <u>as follows:</u>
15	(a) Prior to the effective date of this paragraph [LRB inserts date], \$350 per
16	week if meals and lodging are not furnished, \$265 per week if only meals are
L7	furnished, and \$210 per week if both meals and lodging are furnished.
18	Section 242. 104.035 (5) (b) of the statutes is created to read:
19	104.035 (5) (b) On or after the effective date of this paragraph [LRB inserts
20	date], and prior to January 1, 2025, \$398.28 per week if meals and lodging are not
21	furnished, \$301.55 per week if only meals are furnished, and \$238.97 per week if both
22	meals and lodging are furnished.
23	Section 243. 104.035 (5) (c) of the statutes is created to read:

1	104.035 (5) (c) On or after January 1, 2025, and prior to January 1, 2026,
2	\$446.56 per week if meals and lodging are not furnished, \$338.50 per week if only
3	meals are furnished, and \$267.94 per week if both meals and lodging are furnished.
4	Section 244. 104.035 (5) (d) of the statutes is created to read:
5	104.035 (5) (d) On or after January 1, 2026, and prior to January 1, 2027,
6	\$494.84 per week if meals and lodging are not furnished, \$375.09 per week if only
7	meals are furnished, and \$296.91 per week if both meals and lodging are furnished.
8	Section 245. 104.035 (6) of the statutes is renumbered 104.035 (6) (intro.) and
9	amended to read:
10	104.035 (6) GOLF CADDIES. (intro.) The Except as provided in sub. (8m), the
11	minimum wage for a golf caddy is as follows:
12	(a) Prior to the effective date of this paragraph [LRB inserts date], \$10.50
13	for caddying 18 holes and \$5.90 for caddying 9 holes.
14	Section 246. 104.035 (6) (b) of the statutes is created to read:
15	104.035 (6) (b) On or after the effective date of this paragraph [LRB inserts
16	date], and prior to January 1, 2025, \$11.95 for caddying 18 holes and \$6.71 for
17	caddying 9 holes.
18	SECTION 247. 104.035 (6) (c) of the statutes is created to read:
19	104.035 (6) (c) On or after January 1, 2025, and prior to January 1, 2026, \$13.40
20	for caddying 18 holes and \$7.52 for caddying 9 holes.
21	SECTION 248. 104.035 (6) (d) of the statutes is created to read:
22	104.035 (6) (d) On or after January 1, 2026, and prior to January 1, 2027,
23	\$14.85 for caddying 18 holes and \$8.33 for caddying 9 holes.
24	SECTION 249. 104.035 (8m) of the statutes is created to read:

 $\mathbf{2}$

104.035 (8m) MINIMUM WAGE ADJUSTMENTS. Effective on January 1, 2027, and effective on each January 1 thereafter, the department shall revise the minimum wages established under subs. (1) to (6). The department shall determine the revised minimum wage by calculating the percentage difference between the consumer price index for the 12-month period ending on the last day of the last month for which that information is available and the consumer price index for the 12-month period ending on the last day of the month 12 months prior to that month, adjusting the minimum wages then in effect by that percentage difference. The department shall annually have the revised amount published in the Wisconsin Administrative Register and on the department's website.

Section 250. 106.04 of the statutes is created to read:

106.04 Employment of apprentices on state public works projects. (1) DEFINITION. In this section, "project" means a project of public works that is subject to s. 103.49 or 103.50 in which work is performed by employees employed in trades that are apprenticeable under this subchapter.

- (2) WAIVER. If the department grants an exception or modification to any requirement in any contract for the performance of work on a project relating to the employment and training of apprentices, the department shall post that information on its Internet site, together with a detailed explanation for granting the exception or modification.
 - **Section 251.** 106.112 of the statutes is created to read:
- 106.112 Local workforce development boards youth service and training grants. (1) YOUTH SERVICE GRANTS. From the appropriation under s. 20.445 (1) (bj), the department shall award grants to local workforce development boards established under 29 USC 3122 for youth services and training in school and

- outside school settings. Grants awarded under this section may be used for any of the following purposes:
 - (a) Tutoring, paid and unpaid work experiences, preapprenticeship programs, and internships.
 - (b) On-the-job training, occupational skills training, and education offered concurrently with workforce preparation and training.
 - (c) Leadership development opportunities, supportive services, mentoring, follow-up services, and counseling.
 - (d) Financial literacy education and entrepreneurial skills training.
 - (e) Education related to labor market information and employment information, and postsecondary education and training preparation.
 - (2) Implementation. To implement this section, the department shall do all of the following:
 - (a) Promulgate rules prescribing procedures and criteria for awarding grants under sub. (1) and the information with respect to those grants that must be contained in the reports required under sub. (3).
 - (b) Receive and review applications for grants under sub. (1) (a) to (e) and prescribe the form, nature, and extent of the information that must be contained in an application for such a grant.
 - (c) Require annual reports from local workforce development boards that receive grants that describe how the board expended the grant moneys and the outcomes the board achieved, including the number of youth who participated in the programs and services funded in part or wholly by the grant moneys.
- (3) Annual Report. Annually, by December 31, the department shall submit a report to the governor and the cochairpersons of the joint committee on finance

 $\mathbf{2}$

providing an account of the department's activities and expenditures under this section during the preceding fiscal year and detailing the amounts expended for each of the grants provided under sub. (2) during that fiscal year.

Section 252. 106.145 of the statutes is created to read:

- 106.145 Worker advancement initiative. (1) WORKER ADVANCEMENT INITIATIVE. The department shall, from the appropriation under s. 20.445 (1) (cm), establish and administer a worker advancement initiative to offer participants subsidized employment and skills training opportunities with local employers. The department shall target the subsidized employment and skills training opportunities to individuals in sectors of the workforce that have not recovered from the loss of employees due to the COVID-19 pandemic.
- (2) WORKER ADVANCEMENT INITIATIVE; HEALTH-CARE WORKFORCE OPPORTUNITY GRANTS. (a) The department shall, from the appropriation under s. 20.445 (1) (cm), establish and administer a program to do all of the following:
- 1. Make grants to local workforce development boards established under 29 USC 3122 to assist individuals whose employment status was negatively affected by the COVID-19 pandemic and whose employment status has not improved. The department shall prioritize connecting individuals to health-care-related employment opportunities.
- 2. Make grants to technical colleges and nursing schools to implement strategies to increase the number of graduates who go on to work in health-care-related fields.
- 3. Provide solutions to reduce barriers to employment in health-care-related fields and create ways to attract individuals to employment in health-care-related fields. Solutions to reduce barriers to employment may include services to fulfill

- clinical requirements, career navigation services, transportation services, and the provision of supplies.
- (b) During the 2023–25 fiscal biennium, of the moneys in the appropriation under s. 20.445 (1) (cm), the department shall allocate \$2,500,000 in each fiscal year of the 2023–25 fiscal biennium for establishing and administering the program under par. (a).
- (3) Worker advancement initiative; local CDL training grants. The department shall, from the appropriation under s. 20.445 (1) (cm), make grants to local workforce development boards established under 29 USC 3122 to provide sector-based training programs related to increasing the number of individuals obtaining commercial driver licenses, as defined in s. 340.01 (7m).
- (4) Worker advancement initiative; ROBUST program. (a) The department shall, from the appropriation under s. 20.445 (1) (cm), establish and administer a program for reengaging out-of-work, barriered, and underserved individuals through system transformation. Through the program, the department shall find methods to more effectively reach and serve population groups that are underserved and disconnected from the labor force.
- (b) During the 2023-25 fiscal biennium, of the moneys in the appropriation under s. 20.445 (1) (cm), the department shall allocate \$4,500,000 in fiscal year 2023-24 for establishing and administering the program under par. (a).
- (5) IMPLEMENTATION. (a) *Duties*. To implement this section, the department shall receive and review applications for grants under subs. (2) and (3) and prescribe the form, nature, and extent of the information that must be contained in an application for a grant under sub. (2) or (3).

1	(b) <i>Powers</i> . In addition to the duties described in par. (a), the department shall
2	have all other powers necessary and convenient to implement this section, including
3	the power to audit and inspect the records of grant recipients.
4	Section 253. 106.27 (title) of the statutes is amended to read:
5	106.27 (title) Workforce training program programs.
6	Section 254. 106.27 (1p) of the statutes is created to read:
7	106.27 (1p) Wisconsin green jobs training program. (a) In this subsection,
8	"green jobs" means jobs that produce goods or provide services that benefit the
9	environment or conserve natural resources.
10	(b) From the appropriation under s. $20.445(1)$ (bp), the department shall award
11	grants to public or private organizations for the development and implementation
12	of green jobs training programs in this state. As a condition of receiving a grant
13	under this subsection, the department may require a public or private organization
14	to provide matching funds at a percentage to be determined by the department.
15	Section 255. 106.27 (2g) (a) 1. of the statutes is amended to read:
16	106.27 (2g) (a) 1. Promulgate rules prescribing procedures and criteria for
17	awarding grants under $\underline{\text{sub}}$ $\underline{\text{subs}}$. (1) $\underline{\text{and}}$ (1 $\underline{\text{p}}$) and the information with respect to
18	those grants that must be contained in the reports required under subd. 3.
19	Section 256. 106.27 (2g) (a) 2. of the statutes is amended to read:
20	106.27 (2g) (a) 2. Receive and review applications for grants under subs. (1),
21	(1g), and (1j) (am), and (1p) and prescribe the form, nature, and extent of the
22	information that must be contained in an application for a grant under $\underline{\text{sub.}}$ $\underline{\text{subs.}}$ (1),
23	(1g), or (1j) (am), and (1p).
24	Section 257. 106.28 of the statutes is created to read:

106.28 Clean energy training and reemployment program. The department shall, from the appropriation under s. 20.445 (1) (bq), establish and administer a clean energy training and reemployment program to connect workers with employers and use other apprenticeship and technical college programs to deliver training for clean energy jobs.

Section 258. 106.29 of the statutes is created to read:

- 106.29 Workforce innovation grant program. (1) WORKFORCE INNOVATION GRANTS. The department shall, from the appropriation under s. 20.445 (1) (bw), establish and operate a program to provide grants to regional organizations to design and implement plans to address their region's workforce challenges that arose during or were exacerbated by the COVID-19 pandemic.
- (2) Implementation. (a) *Duties*. To implement this section, the department shall receive and review applications for grants under sub. (1) and prescribe the form, nature, and extent of the information that must be contained in an application for a grant under sub. (1).
- (b) *Powers*. In addition to the duties described in par. (a), the department shall have all other powers necessary and convenient to implement this section, including the power to audit and inspect the records of grant recipients.

Section 259. 106.54 (11) of the statutes is created to read:

106.54 (11) The division shall receive complaints under s. 103.135 (1) (a) and (2) (a) to (c) and shall process the complaints in the same manner that employment discrimination complaints are processed under s. 111.39.

Section 260. 108.04 (2) (h) of the statutes is amended to read:

108.04 (2) (h) A claimant shall, when the claimant first files a claim for benefits under this chapter and during each subsequent week the claimant files for benefits

week.

under this chapter, inform the department whether he or she is receiving social
security disability insurance payments, as defined in sub. (12) (f) $2m \pm 108.05$ (7m)
(b). If the claimant is receiving social security disability insurance payments, the
claimant shall, in the manner prescribed by the department, report to the
department the amount of the social security disability insurance payments.
Section 261. 108.04 (12) (f) 1m. and 2m. of the statutes are renumbered 108.05
(7m) (a) and (b) and amended to read:
108.05 (7m) (a) The intent of the legislature in enacting this paragraph
subsection is to prevent the payment of duplicative government benefits for the
replacement of lost earnings or income, regardless of an individual's ability to work.
(b) In this paragraph subsection, "social security disability insurance payment"
means a payment of social security disability insurance benefits under 42 USC ch.
7 subch. II.
Section 262. 108.04 (12) (f) 3. of the statutes is repealed.
Section 263. $108.04~(12)~(f)~4.$ of the statutes is renumbered $108.05~(7m)~(e)$.
Section 264. 108.05 (7m) (title), (c) and (d) of the statutes are created to read:
108.05 (7m) (title) Social security disability insurance payments.
(c) If a monthly social security disability insurance payment is issued to a
claimant, the department shall reduce benefits otherwise payable to the claimant for
a given week in accordance with par. (d). This subsection does not apply to a lump
sum social security disability insurance payment in the nature of a retroactive
payment or back pay.
(d) The department shall allocate a monthly social security disability insurance

1	Section 265. 108.05 (9) of the statutes is amended to read:
2	108.05 (9) ROUNDING OF BENEFIT AMOUNTS. Notwithstanding sub. (1), benefits
3	payable for a week of unemployment as a result of applying sub. (1m), (3) or, (7), or
4	(7m) or s. 108.04 (11) or (12), 108.06 (1), 108.13 (4) or (5) or 108.135 shall be rounded an example of the second of
5	down to the next lowest dollar.
6	Section 266. 108.05 (10) (intro.) of the statutes is amended to read:
7	108.05 (10) Deductions from Benefit Payments. (intro.) After calculating the
8	benefit payment due to be paid for a week under subs. (1) to (7) $(7m)$, the department
9	shall make deductions from that payment to the extent that the payment is sufficient
10	to make the following payments in the following order:
11	Section 267. 108.221 (1) (a) of the statutes is renumbered 108.221 (1) (a)
12	(intro.) and amended to read:
13	108.221 (1) (a) (intro.) Any employer described in s. 108.18 (2) (c) or engaged
14	in the painting or drywall finishing of buildings or other structures who knowingly
15	and intentionally provides false information to the department for the purpose of
16	misclassifying or attempting to misclassify an individual who is an employee of the
17	employer as a nonemployee shall, for each incident, be assessed a penalty by the
18	department <u>as follows:</u>
19	1. For each act occurring before the date of the first determination of a violation
20	of this subsection, the employer shall be assessed a penalty in the amount of \$500
21	for each employee who is misclassified, but not to exceed \$7,500 per incident.

Section 268. 108.221 (1) (a) 2. of the statutes is created to read:

108.221 (1) (a) 2. For each act occurring after the date of the first determination
of a violation of this subsection, the employer shall be assessed a penalty in the
amount of \$1,000 for each employee who is misclassified.
Section 269. 108.221 (2) of the statutes is renumbered 108.221 (2) (intro.) and
amended to read:
108.221 (2) (intro.) Any employer described in s. 108.18 (2) (c) or engaged in the
painting or drywall finishing of buildings or other structures who, through coercion,
requires an individual to adopt the status of a nonemployee shall be assessed a
penalty by the department as follows:
(a) For each act occurring before the date of the first determination of a
violation of this subsection, the employer shall be assessed a penalty in the amount
of \$1,000 for each individual so coerced, but not to exceed \$10,000 per calendar year.
Section 270. 108.221 (2) (b) of the statutes is created to read:
108.221 (2) (b) For each act occurring after the date of the first determination
of a violation of this subsection, the employer shall be assessed a penalty in the
amount of \$2,000 for each individual so coerced.
Section 271. 108.24 (2m) of the statutes is amended to read:
108.24 (2m) Any employer described in s. 108.18 (2) (c) or engaged in the
painting or drywall finishing of buildings or other structures who, after having
previously been assessed an administrative penalty by the department under s.
108.221 (1), knowingly and intentionally provides false information to the
department for the purpose of misclassifying or attempting to misclassify an
individual who is an employee of the employer as a nonemployee shall be fined \$1,000

for each employee who is misclassified, subject to a maximum fine of \$25,000 for each

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Section 272. 109.09 (1) of the statutes is amended to read:

109.09 (1) The department shall investigate and attempt equitably to adjust controversies between employers and employees as to regarding alleged wage claims. The department may receive and investigate any wage claim that is filed with the department, or received by the department under s. 109.10 (4), no later than 2 years after the date the wages are due. The department may, after receiving a wage claim, investigate any wages due from the employer against whom the claim is filed to any employee during the period commencing 2 years before the date the claim is filed. The department shall enforce this chapter and s. ss. 66.0903, 2013 stats., s. 103.49, 2013 stats., s. 229.8275, 2013 stats., and s. 16.856, 2015 stats., and ss. 103.02, 103.49, 103.82, and 104.12, and 229.8275. In pursuance of this duty, the department may sue the employer on behalf of the employee to collect any wage claim or wage deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions under s. 109.10, the department may refer such an action to the district attorney of the county in which the violation occurs for prosecution and collection and the district attorney shall commence an action in the circuit court having appropriate jurisdiction. Any number of wage claims or wage deficiencies against the same employer may be joined in a single proceeding, but the court may order separate trials or hearings. In actions that are referred to a district attorney under this subsection, any taxable costs recovered by the district attorney shall be paid into the

general fund of the county in which the violation occurs and used by that county to meet its financial responsibility under s. 978.13 (2) (b) for the operation of the office of the district attorney who prosecuted the action.

SECTION 273. 109.09 (3) of the statutes is repealed.

Section 274. 111.01 of the statutes is created to read:

- **111.01 Declaration of policy.** The public policy of the state as to employment relations and collective bargaining, in the furtherance of which this subchapter is enacted, is declared to be as follows:
- (1) It recognizes that there are 3 major interests involved, namely: the public, the employee, and the employer. These 3 interests are to a considerable extent interrelated. It is the policy of the state to protect and promote each of these interests with due regard to the situation and to the rights of the others.
- (2) Industrial peace, regular and adequate income for the employee, and uninterrupted production of goods and services are promotive of all of these interests. They are largely dependent upon the maintenance of fair, friendly, and mutually satisfactory employment relations and the availability of suitable machinery for the peaceful adjustment of whatever controversies may arise. It is recognized that certain employers, including farmers, farmer cooperatives, and unincorporated farmer cooperative associations, in addition to their general employer problems, face special problems arising from perishable commodities and seasonal production that require adequate consideration. It is also recognized that whatever may be the rights of disputants with respect to each other in any controversy regarding employment relations, they should not be permitted, in the conduct of their controversy, to intrude directly into the primary rights of 3rd parties

to earn a livelihood, transact business, and engage in the ordinary affairs of life by any lawful means and free from molestation, interference, restraint, or coercion.

- (3) Negotiations of terms and conditions of work should result from voluntary agreement between employer and employee. For the purpose of such negotiation an employee has the right, if the employee desires, to associate with others in organizing and bargaining collectively through representatives of the employee's own choosing, without intimidation or coercion from any source.
- (4) It is the policy of the state, in order to preserve and promote the interests of the public, the employee, and the employer alike, to establish standards of fair conduct in employment relations and to provide a convenient, expeditious, and impartial tribunal by which these interests may have their respective rights and obligations adjudicated. While limiting individual and group rights of aggression and defense, the state substitutes processes of justice for the more primitive methods of trial by combat.

SECTION 275. 111.04 (1) and (2) of the statutes are consolidated, renumbered 111.04 and amended to read:

111.04 Rights of employees. Employees shall have the right of self-organization and the right to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. (2) Employees shall also have the right to refrain from-self-organization; forming, joining, or assisting labor organizations; bargaining collectively through representatives; or engaging in activities for the purpose of collective bargaining or other mutual aid or protection such activities.

Section 276. 111.04 (3) of the statutes is repealed.

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Section 277. 111.06 (1) (c) of the statutes is amended to read:

111.06 **(1) (c)** To encourage or discourage membership in any labor organization, employee agency, committee, association, or representation plan by discrimination in regard to hiring, tenure, or other terms or conditions of employment except in a collective bargaining unit where an all-union agreement is in effect. An employer may enter into an all-union agreement with the voluntarily recognized representative of the employees in a collective bargaining unit, where at least a majority of such employees voting have voted affirmatively, by secret ballot, in favor of the all-union agreement in a referendum conducted by the commission, except that where the bargaining representative has been certified by either the commission or the national labor relations board as the result of a representation election, no referendum is required to authorize the entry into an all-union agreement. An authorization of an all-union agreement continues, subject to the right of either party to the all-union agreement to petition the commission to conduct a new referendum on the subject. Upon receipt of the petition, if the commission determines there is reasonable ground to believe that the employees concerned have changed their attitude toward the all-union agreement, the commission shall conduct a referendum. If the continuance of the all-union agreement is supported on a referendum by a vote at least equal to that provided in this paragraph for its initial authorization, it may continue, subject to the right to petition for a further vote by the procedure under this paragraph. If the continuance of the all-union agreement is not supported on a referendum, it terminates at the expiration of the contract of which it is then a part or at the end of one year from the date of the announcement by the commission of the result of the referendum, whichever is earlier. The commission shall declare any all-union agreement terminated

whenever it finds that the labor organization involved has unreasonably refused to receive as a member any employee of such employer. An interested person may, as provided in s. 111.07, request the commission to perform this duty.

Section 278. 111.06 (1) (e) of the statutes is amended to read:

111.06 (1) (e) To bargain collectively with the representatives of less than a majority of the employer's employees in a collective bargaining unit, or to enter into an all-union agreement except in the manner provided in par. (c).

Section 279. 111.06 (1) (i) of the statutes is amended to read:

111.06 (1) (i) To deduct labor organization dues or assessments from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally, and terminable at the end of any year of its life by the employee giving to the employer at least 30 days' written notice of the termination. This paragraph applies to the extent permitted under federal law unless there is an all-union agreement in effect. The employer shall give notice to the labor organization of receipt of a notice of termination.

Section 280. 111.31 (1) of the statutes is amended to read:

111.31 (1) The legislature finds that the practice of unfair discrimination in employment against properly qualified individuals by reason of their age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, gender expression, gender identity, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters, substantially and adversely affects the general welfare of the state. Employers, labor organizations, employment agencies, and licensing agencies that deny employment opportunities

 $\mathbf{2}$

and discriminate in employment against properly qualified individuals solely because of their age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, gender expression, gender identity, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters, deprive those individuals of the earnings that are necessary to maintain a just and decent standard of living.

Section 281. 111.31 (2) of the statutes is amended to read:

111.31 (2) It is the intent of the legislature to protect by law the rights of all individuals to obtain gainful employment and to enjoy privileges free from employment discrimination because of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, gender expression, gender identity, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters, and to encourage the full, nondiscriminatory utilization of the productive resources of the state to the benefit of the state, the family, and all the people of the state. It is the intent of the legislature in promulgating this subchapter to encourage employers to evaluate an employee or applicant for employment based upon the individual qualifications of the employee or applicant rather than upon a particular class to which the individual may belong.

Section 282. 111.31 (3) of the statutes is amended to read:

111.31 (3) In the interpretation and application of this subchapter, and otherwise, it is declared to be the public policy of the state to encourage and foster

to the fullest extent practicable the employment of all properly qualified individuals regardless of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, gender expression, gender identity, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters. Nothing in this subsection requires an affirmative action program to correct an imbalance in the work force. This subchapter shall be liberally construed for the accomplishment of this purpose.

SECTION 283. 111.32 (7j) of the statutes is created to read:

111.32 (7j) "Gender expression" means an individual's actual or perceived gender-related appearance, behavior, or expression, regardless of whether these traits are stereotypically associated with the individual's assigned sex at birth.

Section 284. 111.32 (7k) of the statutes is created to read:

111.32 (7k) "Gender identity" means an individual's internal understanding of the individual's gender, or the individual's perceived gender identity.

Section 285. 111.321 of the statutes is amended to read:

111.321 Prohibited bases of discrimination. Subject to ss. 111.33 to 111.365, no employer, labor organization, employment agency, licensing agency, or other person may engage in any act of employment discrimination as specified in s. 111.322 against any individual on the basis of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, gender expression, gender identity, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining

- to attend a meeting or to participate in any communication about religious matters 1 $\mathbf{2}$ or political matters. 3 **Section 188r.** 111.322 (2m) (a) of the statutes is amended to read: 4 111.322 (2m) (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.105, 103.11, 103.13, 103.28, 103.32, 103.34, 5 6 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 7 101.599 or 103.64 to 103.82. 8 **Section 188s.** 111.322 (2m) (a) of the statutes, as affected by 2023 Wisconsin 9 Act (this act), is amended to read: 10 111.322 (2m) (a) The individual files a complaint or attempts to enforce any 11 right under s. 103.02, 103.10, 103.105, 103.11, 103.13, 103.135, 103.28, 103.32, 12 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 13 101.58 to 101.599 or 103.64 to 103.82. 14 **Section 188t.** 111.322 (2m) (b) of the statutes is amended to read: 15 111.322 (2m) (b) The individual testifies or assists in any action or proceeding 16 held under or to enforce any right under s. 103.02, 103.10, 103.105, 103.11, 103.13, 17 103.28, 103.32, 103.34, 103.455, <u>103.50</u>, 104.12, 109.03, 109.07, 109.075, 146.997, or 18 995.55, or ss. 101.58 to 101.599 or 103.64 to 103.82. **Section 188tr.** 111.322 (2m) (b) of the statutes, as affected by 2023 Wisconsin 19 20 Act (this act), is amended to read: 111.322 (2m) (b) The individual testifies or assists in any action or proceeding 21
- held under or to enforce any right under s. 103.02, 103.10, 103.105, 103.11, 103.13, 103.135, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599 or 103.64 to 103.82.
 - **SECTION 286.** 111.322 (2m) (c) of the statutes is created to read:

111.322 (2m) (c) The individual files a complaint or attempts to enforce a right under s. 66.0903, 103.49, or 229.8275 or testifies or assists in any action or proceeding under s. 66.0903, 103.49, or 229.8275.

Section 287. 111.335 (3) (ag) of the statutes is created to read:

111.335 (3) (ag) 1. Employment discrimination because of conviction record includes a prospective employer requesting an applicant for employment, on an application form or otherwise, to supply information regarding the conviction record of the applicant, or otherwise inquiring into or considering the conviction record of an applicant for employment, before the applicant has been selected for an interview by the prospective employer.

2. Subdivision 1. does not prohibit a prospective employer from notifying applicants for employment that, subject to this section and ss. 111.321 and 111.322, an individual with a particular conviction record may be disqualified by law or under the employer's policies from employment in particular positions.

Section 288. 111.36 (title) of the statutes is amended to read:

111.36 (title) Sex, sexual orientation, gender expression, gender identity; exceptions and special cases.

Section 289. 111.36 (1) (br) of the statutes is amended to read:

111.36 (1) (br) Engaging in harassment that consists of unwelcome verbal or physical conduct directed at another individual because of that individual's gender, gender expression, or gender identity, other than the conduct described in par. (b), and that has the purpose or effect of creating an intimidating, hostile, or offensive work environment or has the purpose or effect of substantially interfering with that individual's work performance. Under this paragraph, substantial interference with an employee's work performance or creation of an intimidating, hostile, or offensive

 $\mathbf{2}$

work environment is established when the conduct is such that a reasonable person under the same circumstances as the employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile, or offensive work environment.

Section 290. 111.36 (1) (c) of the statutes is amended to read:

111.36 (1) (c) Discriminating against any woman individual on the basis of pregnancy, childbirth, maternity parental leave, or related medical conditions by engaging in any of the actions prohibited under s. 111.322, including, but not limited to, actions concerning fringe benefit programs covering illnesses and disability.

Section 291. 111.36 (1) (d) 1. of the statutes is amended to read:

111.36 (1) (d) 1. For any employer, labor organization, licensing agency or employment agency or other person to refuse Refusing to hire, employ, admit or license, or to bar or terminate any individual; barring or terminating from employment, membership, or licensure any individual; or to discriminate discriminating against an any individual in promotion, in compensation, or in the terms, conditions, or privileges of employment because of the individual's sexual orientation; or, gender expression, or gender identity.

Section 292. 111.36 (1) (d) 2. of the statutes is amended to read:

111.36 (1) (d) 2. For any employer, labor organization, licensing agency or employment agency or other person to discharge <u>Discharging</u> or otherwise discriminate <u>discriminating</u> against any person because <u>he or she the person</u> has opposed any discriminatory practices under this paragraph or because <u>he or she the person</u> has made a complaint, testified or assisted in any proceeding under this paragraph.

Section 293. 111.36 (4) of the statutes is created to read:

111.36 (4) Notwithstanding s. 111.322, it is not employment discrimination for an employer to require an employee to adhere to reasonable workplace appearance, grooming, and dress standards not precluded by other provisions of state or federal law, provided that an employer shall allow an employee to appear or dress consistently with the employee's gender identity or gender expression.

Section 294. 111.39 (4) (d) of the statutes is amended to read:

111.39 (4) (d) The department shall serve a certified copy of the findings and order on the respondent, the order to have the same force as other orders of the department and be enforced as provided in s. 103.005. The department shall also serve a certified copy of the findings and order on the complainant, together with a notice advising the complainant about the right to seek, and the time for seeking, review by the commission under sub. (5); about the right to bring, and the time for bringing, an action for judicial review under s. 111.395; and about the right to bring, and the time for bringing, an action under s. 111.397 (1) (a). Any person aggrieved by noncompliance with the order may have the order enforced specifically by suit in equity. If the examiner finds that the respondent has not engaged in discrimination, unfair honesty testing, or unfair genetic testing as alleged in the complaint, the department shall serve a certified copy of the examiner's findings on the complainant, together with an order dismissing the complaint.

Section 295. 111.39 (5) (b) of the statutes is amended to read:

a petition under par. (a) within 21 days from the date that a copy of the findings and order of the examiner is mailed to the last-known address of the respondent served on that party, the findings and order shall be considered final for purposes of enforcement under sub. (4) (d). If a timely petition is filed, the commission, on review,

may either affirm, reverse, or modify the findings or order in whole or in part, or set aside the findings and order and remand to the department for further proceedings. Such actions shall be based on a review of the evidence submitted. If the commission is satisfied that a respondent or complainant has been prejudiced because of exceptional delay in the receipt of a copy of any findings and order it, the commission may extend the time another 21 days for filing the petition with the department.

Section 296. 111.39 (5) (d) of the statutes is created to read:

111.39 (5) (d) The commission shall serve a certified copy of the commission's decision on the respondent. The commission shall also serve a certified copy of the commission's decision on the complainant, together with a notice advising the complainant about the right to bring, and the time for bringing, an action for judicial review under s. 111.395 and about the right to bring, and the time for bringing, an action under s. 111.397 (1) (a).

Section 297. 111.397 of the statutes is created to read:

111.397 Civil action. (1) (a) Except as provided in this paragraph, the department or an individual alleged or found to have been discriminated against or subjected to unfair honesty testing or unfair genetic testing may bring an action in circuit court requesting the relief described in sub. (2) (a) against an employer, labor organization, or employment agency that is alleged or found to have engaged in that discrimination, unfair honesty testing, or unfair genetic testing. The department or an individual alleged or found to have been discriminated against or subjected to unfair honesty testing or unfair genetic testing may not bring an action under this paragraph against a local governmental unit, as defined in s. 19.42 (7u), or against an employer, labor organization, or employment agency that employs fewer than 15

individuals for each working day in each of 20 or more calendar weeks in the current or preceding year.

- (b) If a petition for judicial review of the findings and order of the commission concerning the same violation as the violation giving rise to the action under par. (a) is filed, the circuit court shall consolidate the proceeding for judicial review and the action under par. (a).
- (c) An individual alleged or found to have been discriminated against or subjected to unfair honesty testing or unfair genetic testing is not required to file a complaint under s. 111.39 or seek review under s. 111.395 in order for the department or the individual to bring an action under par. (a).
- (d) An action under par. (a) shall be commenced within 300 days after the alleged discrimination, unfair honesty testing, or unfair genetic testing occurred.
- (2) (a) Subject to pars. (b) and (c), in an action under sub. (1) (a), if the circuit court finds that discrimination, unfair honesty testing, or unfair genetic testing has occurred, or if such a finding has been made by an examiner or the commission and not been further appealed, the circuit court may order any relief that an examiner would be empowered to order under s. 111.39 (4) (c) after a hearing on a complaint filed under s. 111.39. In addition, the circuit court shall order the defendant to pay to the individual discriminated against or subjected to unfair honesty testing or unfair genetic testing any other compensatory damages, and punitive damages under s. 895.043 that the circuit court or jury finds appropriate, plus reasonable costs and attorney fees incurred in the action. If any relief was ordered under s. 111.39 or 111.395, the circuit court shall specify whether the relief ordered under this paragraph is in addition to or replaces the relief ordered under s. 111.39 or 111.395. The sum of the amount of compensatory damages for future economic losses and for

 $\mathbf{2}$

- pain and suffering, emotional distress, mental anguish, loss of enjoyment of life, and other noneconomic losses and the amount of punitive damages that a circuit court may order may not exceed the following:
 - 1. In the case of a defendant that employs 100 or fewer employees for each working day in each of 20 or more calendar weeks in the current or preceding year, \$50,000.
 - 2. In the case of a defendant that employs more than 100 but fewer than 201 employees for each working day in each of 20 or more calendar weeks in the current or preceding year, \$100,000.
 - 3. In the case of a defendant that employs more than 200 but fewer than 501 employees for each working day in each of 20 or more calendar weeks in the current or preceding year, \$200,000.
 - 4. In the case of a defendant that employs more than 500 employees for each working day in each of 20 or more calendar weeks in the current or preceding year, \$300,000.
 - (b) If the circuit court orders a payment under par. (a) because of a violation of s. 111.321, 111.37, or 111.372 by an individual employed by an employer, the employer of that individual is liable for the payment.
 - (c) 1. In this paragraph, "consumer price index" means the average of the consumer price index for all urban consumers, U.S. city average, as determined by the bureau of labor statistics of the federal department of labor.
 - 2. Except as provided in this subdivision, beginning on July 1, 2024, and on each July 1 after that, the department shall adjust the amounts specified in par. (a) 1., 2., 3., and 4. by calculating the percentage difference between the consumer price index for the 12-month period ending on December 31 of the preceding year and the

consumer price index for the 12-month period ending on December 31 of the year before the preceding year and adjusting those amounts by that percentage difference. The department shall publish the adjusted amounts calculated under this subdivision in the Wisconsin Administrative Register, and the adjusted amounts shall apply to actions commenced under sub. (1) (a) beginning on July 1 of the year of publication. This subdivision does not apply if the consumer price index for the 12-month period ending on December 31 of the preceding year did not increase over the consumer price index for the 12-month period ending on December 31 of the year before the preceding year.

Section 298. 111.81 (12) (b) of the statutes is amended to read:

111.81 (12) (b) Which discriminates with regard to the terms or conditions of membership because of race, color, creed, sex, age, sexual orientation, gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), or national origin.

Section 299. 118.20 (1) of the statutes is amended to read:

118.20 (1) No discrimination because of sex, except where sex is a bona fide occupational qualification as defined in s. 111.36 (2), sexual orientation, as defined in s. 111.32 (13m), gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), race, nationality national origin, or political or religious affiliation may be practiced in the employment of teachers or administrative personnel in public schools or in their assignment or reassignment. No questions of any nature or form relative to sex, except where sex is a bona fide occupational qualification as defined in s. 111.36 (2), sexual orientation, as defined in s. 111.32 (13m), gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), race, nationality national origin, or political or religious affiliation may

be asked applicants for teaching or administrative positions in the public schools 1 2 either by public school officials or employees or by teachers agencies or placement 3 bureaus. 4 **Section 300.** 165.68 (1) (a) 3. of the statutes is amended to read: 5 165.68 (1) (a) 3. Sexual abuse, as defined in s. 103.10 (1m) (b) 6 (1) (gd). 6 **Section 301.** 182.01 (8) of the statutes is created to read: 7 182.01 (8) Information to be provided with business formation filings. The 8 department shall provide informational materials and resources on worker 9 misclassification to each person who files with the department any of the following: 10 (a) Articles of incorporation under s. 180.0202 or 181.0202. 11 (b) Articles of organization under s. 183.0201. 12 (c) A statement of qualification under s. 178.0901. 13 (d) A certificate of limited partnership under s. 179.0201. **Section 302.** 227.01 (13) (Lw) of the statutes is created to read: 14 15 227.01 (13) (Lw) Adjusts the minimum wage under s. 104.035 (8m). 16 **Section 303.** 227.01 (13) (t) of the statutes is created to read: 17 227.01 (13) (t) Ascertains and determines prevailing wage rates under ss. 18 66.0903, 103.49, 103.50, and 229.8275, except that any action or inaction which 19 ascertains and determines prevailing wage rates under ss. 66.0903, 103.49, 103.50, 20 and 229.8275 is subject to judicial review under s. 227.40. 21**Section 304.** 229.682 (2) of the statutes is created to read: 22229.682 (2) Prevailing wage. The construction of a baseball park facility that 23 is financed in whole or in part by a district is subject to s. 66.0903.

Section 305. 229.8275 of the statutes is created to read:

229.827 With a professional football team, as described in s. 229.823, or a related party that requires the team or related party to acquire and construct or renovate football stadium facilities that are part of any facilities that are leased by the district to the team or to a related party unless the professional football team or related party agrees to all of the following:

- (1) Not to allow any employee working on the football stadium facilities who would be entitled to receive the prevailing wage rate under s. 66.0903 and who would not be required or allowed to work more than the prevailing hours of labor, if the football stadium facilities were a project of public works subject to s. 66.0903, to be paid less than the prevailing wage rate or to be required or allowed to work more than the prevailing hours of labor, except as allowed under s. 66.0903 (4) (a).
- (2) To require any contractor, subcontractor, or agent of a contractor or subcontractor performing work on the football stadium facilities to keep and allow inspection of records in the same manner as a contractor, subcontractor, or agent of a contractor or subcontractor performing work on a project of public works that is subject to s. 66.0903 is required to keep and allow inspection of records under s. 66.0903 (10).
- (3) To comply with s. 66.0903 in the same manner as a local governmental unit contracting for the erection, construction, remodeling, repairing, or demolition of a project of public works is required to comply with s. 66.0903 and to require any contractor, subcontractor, or agent of a contractor or subcontractor performing work on the football stadium facilities to comply with s. 66.0903 in the same manner as a contractor, subcontractor, or agent of a contractor or subcontractor performing

 $\mathbf{2}$

work on a project of public works that is subject to s. 66.0903 is required to comply with s. 66.0903.

SECTION 306. 230.01 (2) (b) of the statutes is amended to read:

230.01 (2) (b) It is the policy of this state to provide for equal employment opportunity by ensuring that all personnel actions including hire, tenure or term, and condition or privilege of employment be based on the ability to perform the duties and responsibilities assigned to the particular position without regard to age, race, creed or religion, color, disability, sex, national origin, ancestry, sexual orientation, gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), or political affiliation.

Section 307. 230.18 of the statutes is amended to read:

230.18 Discrimination prohibited. No question in any form of application or in any evaluation used in the hiring process may be so framed as to elicit information concerning the partisan political or religious opinions or affiliations of any applicant nor may any inquiry be made concerning such those opinions or affiliations and all disclosures thereof of those opinions or affiliations shall be discountenanced except that the director may evaluate the competence and impartiality of applicants for positions such as clinical chaplain in a state institutional program. No discriminations may be exercised in the recruitment, application, or hiring process against or in favor of any person because of the person's political or religious opinions or affiliations or because of age, sex, disability, race, color, sexual orientation, gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), national origin, or ancestry except as otherwise provided.

Section 308. 234.29 of the statutes is amended to read:

234.29 Equality of occupancy and employment. The authority shall require that occupancy of housing projects assisted under this chapter be open to all regardless of sex, race, religion, sexual orientation, status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), or creed, and that contractors and subcontractors engaged in the construction of economic development or housing projects, shall provide an equal opportunity for employment, without discrimination as to sex, race, religion, sexual orientation, gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), or creed.

Section 309. 321.37 of the statutes is amended to read:

321.37 No discrimination. No person, otherwise qualified, may be denied membership in the national guard or state defense force because of sex, color, race, creed, or sexual orientation, gender expression, as defined in s. 111.32 (7j), or gender identity, as defined in s. 111.32 (7k), and no member of the national guard or state defense force may be segregated within the national guard or state defense force on the basis of sex, color, race, creed, or sexual orientation, gender expression, as defined in s. 111.32 (7j), or gender identity, as defined in s. 111.32 (7k). Nothing in this section prohibits separate facilities for persons of different sexes with regard to dormitory accommodations, toilets, showers, saunas, and dressing rooms, except that no person may be denied equal access to facilities most consistent with the person's gender identity.

Section 212r. 814.04 (intro.) of the statutes is amended to read:

814.04 Items of costs. (intro.) Except as provided in ss. 93.20, 100.195 (5m) (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 111.397 (2) (a), 115.80 (9), 767.553 (4) (d), 769.313, 802.05, 814.245, 895.035 (4), 895.044, 895.443 (3), 895.444 (2), 895.445 (3),

1 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and 995.10 (3), when allowed costs shall be as follows:

SECTION 212s. 814.04 (intro.) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

814.04 Items of costs. (intro.) Except as provided in ss. 93.20, 100.195 (5m) (b), 100.30 (5m), 103.135 (3), 106.50 (6) (i) and (6m) (a), 111.397 (2) (a), 115.80 (9), 767.553 (4) (d), 769.313, 802.05, 814.245, 895.035 (4), 895.044, 895.443 (3), 895.444 (2), 895.445 (3), 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and 995.10 (3), when allowed costs shall be as follows:

Section 310. 893.995 of the statutes is created to read:

893.995 Employment discrimination; civil remedies. Any civil action arising under s. 111.397 is subject to the limitations of s. 111.397 (1) (b).

SECTION 311. 943.395 (1) (e) of the statutes is created to read:

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

Section 312. 946.15 of the statutes is created to read:

946.15 Public construction contracts at less than full rate. (1) Any employer, or any agent or employee of an employer, who induces any individual who seeks to be or is employed pursuant to a public contract, as defined in s. 66.0901 (1) (c), or who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) to give up, waive, or return any part of the compensation to which that individual is entitled under his or her contract of employment or under the prevailing wage rate determination issued by the

department, or who reduces the hourly basic rate of pay normally paid to an employee for work on a project on which a prevailing wage rate determination has not been issued under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the employee works both on a project on which a prevailing wage rate determination has been issued and on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class I felony.

- (2) Any individual employed pursuant to a public contract, as defined in s. 66.0901 (1) (c), or employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) who gives up, waives, or returns to the employer or agent of the employer any part of the compensation to which the employee is entitled under his or her contract of employment or under the prevailing wage determination issued by the department, or who gives up any part of the compensation to which he or she is normally entitled for work on a project on which a prevailing wage rate determination has not been issued under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the individual works part-time on a project on which a prevailing wage rate determination has been issued and part-time on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class C misdemeanor.
- (3) Any employer or labor organization, or any agent or employee of an employer or labor organization, who induces any individual who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) to allow any part of the wages to which that individual is entitled under the prevailing wage rate determination issued by the department or local

 $\mathbf{2}$

governmental unit to be deducted from the individual's pay is guilty of a Class I felony, unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

- (4) Any individual employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) who allows any part of the wages to which that individual is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from his or her pay is guilty of a Class C misdemeanor, unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.
- **Section 313.** 947.20 of the statutes is repealed.
- **Section 314.** 947.21 of the statutes is repealed.
 - **SECTION 315.** 978.05 (6) (a) of the statutes, as affected by 2023 Wisconsin Act 12, is amended to read:

978.05 **(6)** (a) Institute, commence, or appear in all civil actions or special proceedings under and perform the duties set forth for the district attorney under ch. 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 89.08, 103.50 (8), 103.92 (4), 109.09, 343.305 (9) (a), 806.05, 938.09, 938.18, 938.355 (6) (b) and (6g) (a), 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties in connection with court proceedings in a court assigned to exercise jurisdiction under chs. 48 and 938 as the judge may request and perform all appropriate duties and appear if the district attorney is designated in specific statutes, including matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this paragraph limits the authority of the county board to designate, under s. 48.09 (5), that the corporation counsel

provide representation as specified in s. 48.09 (5) or to designate, under s. 48.09 (6) or 938.09 (6), the district attorney as an appropriate person to represent the interests of the public under s. 48.14 or 938.14.

Section 9150. Nonstatutory provisions; Workforce Development.

- (1r) Workforce innovation grant program; health care-related regional organizations. In fiscal year 2023–24, of the moneys appropriated under s. 20.445 (1) (bw), the department of workforce development shall allocate \$100,000,000 for grants to health care-related regional organizations to design and implement plans to address their region's workforce challenges that arose during or were exacerbated by the COVID–19 pandemic.
 - (2r) Minimum wage study committee.
- (a) The secretary of workforce development shall establish a minimum wage study committee under s. 15.04 (1) (c). The committee shall consist of the following:
 - a. Five members appointed by the governor.
 - 1. One member appointed by the speaker of the assembly.
 - 2. One member appointed by the minority leader of the assembly.
 - 3. One member appointed by the majority leader of the senate.
 - 4. One member appointed by the minority leader of the senate.
- (b) The committee created under par. (a) shall study options to achieve a \$15 per hour minimum wage and other options to increase compensation for workers in this state.
- (c) No later than October 1, 2024, the committee created under par. (a) shall submit to the governor and the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3) a report that includes recommendations

 $\mathbf{2}$

- regarding the options for achieving a \$15 per hour minimum wage and other means of increasing worker compensation in this state.
 - (d) The minimum wage study committee terminates upon submission of the report under par. (c).
 - (3r) Worker's compensation insurance; rate approval; notice. The commissioner of insurance shall submit to the legislative reference bureau for publication in the Wisconsin Administrative Register a notice of the effective date of new rates for worker's compensation insurance first approved by the commissioner under s. 626.13 after the effective date of this subsection.
 - (4r) PROPOSED PERMANENT RULES. The department of workforce development shall submit in proposed form the rules required under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) to the legislative council staff under s. 227.15 (1) no later than the first day of the 4th month beginning after the effective date of this subsection.
 - (5r) Rule-making exceptions for Permanent Rules.
 - (a) Notwithstanding s. 227.135 (2), the department of workforce development is not required to present the statement of the scope of the rules required under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) to the department of administration for review by the department of administration and approval by the governor.
 - (b) Notwithstanding s. 227.185, the department of workforce development is not required to present the rules required under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) in final draft form to the governor for approval.

- (c) Notwithstanding s. 227.137 (2), the department of workforce development is not required to prepare an economic impact analysis for the rules required under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c).
- (d) Notwithstanding ss. 227.14 (2g) and 227.19 (3) (e), the department of workforce development is not required to submit the proposed rules required under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) to the small business regulatory review board and is not required to prepare a final regulatory flexibility analysis for those rules.
- (6r) EMERGENCY RULES. Using the procedure under s. 227.24, the department of workforce development shall promulgate the rules required under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) for the period before the effective date of the permanent rules promulgated under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) but not to exceed the period authorized under s. 227.24 (1) (c), subject to extension under s. 227.24 (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of an emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (e) 1d. and 1g., the department is not required to prepare a statement of the scope of the rules promulgated under this subsection or present the rules to the governor for approval.
 - (7r) Department of workforce development positions.
- (a) The authorized FTE positions for the department of workforce development are increased by 0.42 GPR position, to be funded from the appropriation under s. 20.445 (5) (a), to support vocational rehabilitation self-employment clients.

- (b) The authorized FTE positions for the department of workforce development are increased by 1.58 FED positions, to be funded from the appropriation under s. 20.445 (5) (n), to support vocational rehabilitation self-employment clients.
- (c) The authorized FTE positions for the department of workforce development are increased by 198.0 SEG positions, to be funded from the appropriation under s. 20.445 (6) (r), to administer the paid family and medical leave benefits insurance program.

Section 9250. Fiscal changes; Workforce Development.

- (1) Work injury supplemental benefits fund. On the effective date of this subsection, there is transferred from the appropriation account under s. 20.445 (1) (t) to the appropriation account under s. 20.445 (1) (rr) the unencumbered balance of the amount collected under s. 102.75 (1g).
- (2) Transfers to family and medical leave benefits insurance trust fund to the family and medical leave benefits insurance trust fund created under s. 25.52 \$243,413,400 in the 2023–25 fiscal biennium.

Section 9350. Initial applicability; Workforce Development.

- (1r) Employment discrimination; consideration of conviction record. The treatment of s. 111.335 (3) (ag) first applies to an application for employment submitted to an employer on the effective date of this subsection.
- (2r) Unemployment insurance; SSDI payments. The treatment of ss. 108.04 (2) (h) and (12) (f) 1m., 2m., 3., and 4. and 108.05 (7m) (title), (c), and (d), (9), and (10) (intro.) first applies to determinations issued under s. 108.09 on the effective date of this subsection.

(3r) DISCRIMINATION. The treatment of ss. 66.0903 (10) (d), 111.322 (2m) (c), and
229.8275 first applies to acts of discrimination that occur on the effective date of this
subsection.

- (4r) Employment discrimination damages. The treatment of ss. 111.39 (4) (d) and (5) (b) and (d), 111.397, 814.04 (intro.) (by Section 212r), and 893.995 first applies to acts of employment discrimination, unfair honesty testing, or unfair genetic testing committed on the effective date of this subsection.
- (5r) First responder PTSD coverage. The treatment of s. 102.17 (9) (a) 1., 1c., 1e., 1g., and 1p. and (b) (intro.) first applies to injuries reported on the effective date of rate changes for worker's compensation insurance approved by the commissioner of insurance under s. 626.13 after the effective date of this subsection.
- (6r) Collective Bargaining agreement. The treatment of ss. 103.135, 103.36, 106.54 (11), 111.322 (2m) (a) (by Section 188s) and (b) (by Section 188tr), and 814.04 (intro.) (by Section 212s) first applies to an employee who is affected by a collective bargaining agreement that contains provisions inconsistent with the treatment of ss. 103.135, 103.36, 106.54 (11), 111.322 (2m) (a) (by Section 188s) and (b) (by Section 188tr), and 814.04 (intro.) (by Section 212s) on the day on which the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.
- (7r) Family and medical leave. The treatment of s. 103.10 (12) (b) first applies to a violation that occurs, or that an employee should reasonably have known occurred, on the effective date of this subsection.
 - (8r) Paid family and medical leave insurance benefits.

	(a)	Family a	nd medical	leave	benefits	insurance	trust fund	contributi	ons.
Exc	ept a	s provided	in par. (c), t	he trea	atment o	f s. 103.105	5 (8) first ap	oplies to wa	ages
earı	ned o	n January	1, 2025.						

- (b) Family or medical leave insurance benefits eligibility. Except as provided in par. (c), the treatment of s. 103.105 (3) first applies to a period of family leave, as defined in s. 103.105 (1) (f), or a period of medical leave, as defined in s. 103.105 (1) (h), commencing on January 1, 2025.
- (c) Collective bargaining agreements. The treatment of ss. 20.445 (6), 25.17 (1) (er), 25.52, 103.105, and 111.322 (2m) (a) (by Section 188r), with respect to rights to family and medical leave insurance benefits) and (b) (by Section 188t), with respect to rights to family and medical leave insurance benefits) and Section 9150 (4r), (5r), and (6r) of this act first apply to an employee who is affected by a collective bargaining agreement that contains provisions inconsistent with the treatment of ss. 20.445 (6), 25.17 (1) (er), 25.52, 103.105, and 111.322 (2m) (a) (by Section 188r), with respect to rights to family and medical leave insurance benefits) and (b) (by Section 188t), with respect to rights to family and medical leave insurance benefits) and Section 9150 (4r), (5r), and (6r) of this act on the day on which the collective bargaining agreement expires or is extended, modified, or renewed.
- (9r) Prevailing Wage. The treatment of ss. 19.36 (12), 66.0129 (5), 66.0903 (1) (a), (am), (b), (c), (cm), (dr), (em), (f), (g), (hm), (im), and (j), (1m) (b), and (2) to (12), 84.41 (3), 84.54, 86.51, 103.005 (12) (a), 103.49, 103.50, 103.503 (1) (a), (e), and (g), (2), and (3) (a) 2., 104.001 (4), 106.04, 109.09 (1), 111.322 (2m) (a) (by Section 188r, with respect to rights to prevailing wages and hours of labor), (b) (by Section 188t, with respect to rights to prevailing wages and hours of labor), and (c), 227.01 (13) (t), 229.682 (2), 229.8275, 946.15, and 978.05 (6) (a) first apply, with respect to a project

of public works that is subject to bidding, to a project for which the request for bids					
is issued on the effective date of this subsection and, with respect to a project of public					
works that is not subject to bidding, to a project the contract for which is entered into					
on the effective date of this subsection.					
Section 9450. Effective dates; Workforce Development.					
(1) Employment discrimination; consideration of conviction record. The					
treatment of s. 111.335 (3) (ag) and Section 9350 (1r) of this act take effect on the first					
day of the 6th month beginning after publication.					
(2) Unemployment insurance; SSDI payments. The treatment of ss. 108.04 (2)					
(h) and (12) (f) 1m., 2m., 3., and 4. and 108.05 (7m) (title), (c), and (d), (9), and (10)					
(intro.) and Section 9350 (2r) of this act take effect on the first Sunday of the 7th					
month beginning after publication.					
(3) Equal pay. The treatment of ss. 103.135, 103.36, 106.54 (11), 111.322 (2m)					
(a) (by Section 188s) and (b) (by Section 188tr), and 814.04 (intro.) (by Section 212s)					
takes effect on the first day of the 6th month beginning after publication.".					
124. Page 374, line 11: after that line insert:					
"Section 316. 20.005 (3) (schedule) of the statutes: at the appropriate place,					
insert the following amounts for the purposes indicated:					
2023-24 2024-25					
20.192 Wisconsin Economic Development					
20.102 Wisconsin Leonomic Development					
Corporation					
(1) Promotion of economic development					
(c) Venture capital fund of funds GPR C 75,000,000 -0-					

Section 317. 20.192 (1) (c) of the statutes is created to read:

20.192 (1) (c) Venture capital fund of funds program. As a continuing
appropriation, the amounts in the schedule to meet the financial needs of the venture
capital fund of funds program established under s. 238.145 (2), including
management fees and the amounts necessary to make investments through the
program.
SECTION 318. 238.145 of the statutes is created to read:
238.145 Venture capital fund of funds program. (1) DEFINITIONS. In this
section:
(a) "Fund of funds program" means the program established under sub. (2).
(b) "Investment manager" means the person with whom the oversight board
enters into a contract under sub. (4).
(c) "Oversight board" means the oversight board created under sub. (2) (c).
(2) ESTABLISHMENT OF PROGRAM. The corporation shall establish and administer
a venture capital fund of funds program to invest moneys in venture capital funds

- (a) Create a fund of funds.
- (b) Provide that the assets of the fund of funds will continuously be reinvested in venture capital funds under the fund of funds program.

that invest in businesses located in this state, subject to the requirements of this

section. In establishing the program, the corporation shall do all of the following:

- (c) Create an oversight board to conduct any activity as required by this section or as directed by the corporation.
- (3) Investments in venture capital funds. (a) The investment manager shall request from the corporation moneys to make investments through the fund of funds program and to pay the investment manager's management fee, and the corporation

- shall, subject to the approval of the secretary of administration, pay the moneys to the investment manager from the appropriation under s. 20.192 (1) (c).
 - (b) The oversight board shall establish investment policies for the fund of funds program, subject to all of the following conditions:
 - 1. All moneys paid to the investment manager under par. (a) to make investments shall be committed for investment to venture capital funds, subject to the requirements of this section, no later than 60 months after the creation of the fund of funds under sub. (2) (a).
 - 2. No more than \$18,750,000 of the total moneys paid to the investment manager under par. (a) to make investments may be invested in any single venture capital fund.
 - 3. At least 20 percent of the investments made through the program shall be directed to any combination of the following:
 - a. Businesses located in parts of this state that typically do not receive significant investment from venture capital funds.
 - b. Businesses that are at least 51 percent owned by one or more members of a racial minority group and whose management and daily business operations are controlled by one or more members of a racial minority group.
 - c. Businesses that are at least 51 percent owned by one or more women and whose management and daily business operations are controlled by one or more women.
 - (c) No investment may be made through the program in a lobbying or law firm.
 - (4) INVESTMENT MANAGER. The oversight board shall contract with an investment manager who meets the qualifications established by the corporation. The contract shall establish the investment manager's compensation, including any

- management fee. A management fee may not annually exceed 1 percent of the total assets under management in the fund of funds program.
 - (5) VENTURE CAPITAL FUND REQUIREMENTS. The investment manager shall contract with each venture capital fund that receives moneys through the fund of funds program. Each contract shall require the venture capital fund to do all of the following:
 - (a) Make new investments in an amount equal to the amount of moneys it receives through the program in one or more businesses who are headquartered in this state and whose operations are primarily in this state.
 - (b) At least match any moneys it receives through the program and invests in a business described in par. (a) with an investment in that business of moneys the venture capital fund has raised from sources other than the program. The investment manager shall ensure that, on average, for every \$1 a venture capital fund receives through the program and invests in a business described in par. (a), the venture capital fund invests \$2 in that business from sources other than the program.
 - (c) Provide to the investment manager the information necessary for the investment manager to complete the reports under sub. (6) (a) and (c).
 - (6) Reports of the investment manager; public disclosures. (a) Annually, no later than 120 days after the end of the investment manager's fiscal year, the investment manager shall submit to the corporation a report for that fiscal year that includes all of the following:
 - 1. An audit of the investment manager's financial statements performed by an independent certified public accountant.

4

5

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

- 2. The investment manager's internal rate of return from investments made
 through the fund of funds program.
 - 3. For each venture capital fund that contracts with the investment manager under sub. (5), all of the following:
 - a. The name and address of the venture capital fund.
- b. The amounts invested in the venture capital fund through the fund of fundsprogram.
 - c. An accounting of any fee the venture capital fund paid to itself or any principal or manager of the venture capital fund.
 - d. The venture capital fund's average internal rate of return on its investments of the moneys it received through the fund of funds program.
 - 4. For each business in which a venture capital fund held an investment of moneys received through the fund of funds program, all of the following:
 - a. The name and address of the business.
 - b. A description of the nature of the business.
 - c. An identification of the venture capital fund.
 - d. The amount of the investment and the amount invested by the venture capital fund from funding sources other than the program.
 - e. The internal rate of return realized by the venture capital fund upon the venture capital fund's exit from the investment in the business.
 - f. A statement of the number of employees the business employed when the venture capital fund first invested moneys received through the program and the number of employees the business employed on the first day and last day of the investment manager's fiscal year.

24

1	(b) No later than 10 days after it receives the investment manager's report
2	under par. (a), the corporation shall submit the report to the chief clerk of each house
3	of the legislature, for distribution to the legislature under s. 13.172 (2).
4	(c) Quarterly, the investment manager shall submit to the oversight board a
5	report for the preceding quarter that includes all of the following:
6	1. An identification of each venture capital fund under contract with the
7	investment manager under sub. (5).
8	2. An identification of each business in which a venture capital fund held ar
9	investment of moneys received through the fund of funds program and a statement
10	of the amount of the investment in each business.
11	3. A statement of the number of employees the business employed when the
12	venture capital fund first invested moneys received through the fund of funds
13	program and the number of employees the business employed on the last day of the
14	quarter.
15	(d) The oversight board shall make the reports under par. (c) readily accessible
16	to the public on the corporation's Internet site.
17	(7) POLICIES AND PROCEDURES. The corporation shall establish policies and
18	procedures to administer this section.".
19	125. Page 374, line 11: after that line insert:
20	"Section 319. 40.05 (4) (a) 2. of the statutes is amended to read:
21	40.05 (4) (a) 2. For an insured employee who is an eligible employee under s
22	40.02 (25) (a) 2. or (b) 1m. or 2c., the employer shall pay required employer

contributions toward the health insurance premium of the insured employee

beginning on the date on which the employee becomes insured. For an insured state

employee who is currently employed, but who is not a limited term appointment under s. 230.26 or an eligible employee under s. 40.02 (25) (a) 2. or (b) 1m. or 2c., the employer shall pay required employer contributions toward the health insurance premium of the insured employee beginning on the first day of the 3rd 2nd month beginning after the date on which the employee begins employment with the state, not including any leave of absence. For an insured employee who has a limited term appointment under s. 230.26, the employer shall pay required employer contributions toward the health insurance premium of the insured employee beginning on the first day of the 7th month beginning after the date on which the employee first becomes a participating employee.

Section 9313. Initial applicability; Employee Trust Funds.

(1) Employer contribution for health insurance premiums. The treatment of s. 40.05 (4) (a) 2. first applies to state employees hired on the effective date of this subsection.".

126. Page 374, line 11: after that line insert:

"Section 320. 20.192 (1) (a) of the statutes is amended to read:

20.192 (1) (a) Operations and programs. A sum sufficient in each fiscal year equal to the amount obtained by subtracting from \$41,550,700 \$51,550,700 an amount equal to the sum of the amounts expended in that fiscal year from the appropriations under pars. (r) and (s), for the operations of the Wisconsin Economic Development Corporation and for funding economic development programs developed and implemented under s. 238.03. No more than \$16,512,500 may be expended from this appropriation in any fiscal year, and moneys may be expended

1	from this appropriation only if there are no unencumbered moneys available in the			
2	appropriation account under par. (r).".			
3	127. Page 374, line 11: after that line insert:			
4	"Section 9249. Fiscal changes; Wisconsin Economic Development			
5	Corporation.			
6	(1k) GPR APPROPRIATION OF THE WISCONSIN ECONOMIC DEVELOPMENT			
7	Corporation. Notwithstanding the cap on expenditures specified in s. $20.192\ (1)\ (a)$,			
8	in fiscal year 2023-24, the amount the Wisconsin Economic Development			
9	Corporation may expend from the appropriation under s. 20.192 (1) (a) for the			
10	purposes for which the appropriation is made is equal to the lesser of the following:			
11	(a) The amount calculated under s. 20.192 (1) (a) plus \$40,000,000.			
12	(b) \$66,512,500.".			
13	128. Page 374, line 11: after that line insert:			
14	"Section 321. 20.005 (3) (schedule) of the statutes: at the appropriate place,			
15	insert the following amounts for the purposes indicated:			
	2023-24 2024-25			
16	20.192 Wisconsin Economic Development			
17	Corporation			
18	(1) Promotion of economic development			
19	(br) Main street bounceback grants GPR A 25,000,000 25,000,000			
20	Section 322. 20.192 (1) (br) of the statutes is created to read:			
21	20.192 (1) (br) Main street bounceback grants. The amounts in the schedule			
22	for grants awarded under s. 238.129.			
23	SECTION 323. 238.129 of the statutes is created to read:			

	238.129	Main	street	bounceback	grants.	(1)	GRANTS.	From	the
app	propriation	under s.	20.192	(1) (br), the cor	poration m	ay aw	ard grants	s to pro	vide
ass	istance to b	ousinesse	es openi	ng a new locatio	on or expar	nding	operations	in a va	cant
con	nmercial sp	ace.							

- (2) ELIGIBILITY. (a) Subject to par. (b), the corporation shall establish eligibility requirements and other policies and procedures for the grants awarded under sub. (1) that are substantially similar to the eligibility requirements and policies and procedures in effect on June 30, 2023, for the Wisconsin Tomorrow Main Street Bounceback Grant program administered by the corporation.
- (b) The corporation may not award a grant under this section to a nonprofit organization.".
 - **129.** Page 374, line 11: after that line insert:
- **"Section 324.** 71.78 (4) (m) of the statutes is amended to read:
- 71.78 **(4)** (m) The chief executive officer of the Wisconsin Economic Development Corporation and employees of the corporation to the extent necessary to administer the development zone program economic development programs under subch. II of ch. 238.
 - **Section 325.** 71.78 (5) of the statutes is amended to read:
- 71.78 (5) AGREEMENT WITH DEPARTMENT. Copies of returns and claims specified in sub. (1) and related schedules, exhibits, writings or audit reports shall not be furnished to the persons listed under sub. (4), except persons under sub. (4) (e), (k), (n), (o) and (q) or under an agreement between the department of revenue and another agency of government or the Wisconsin Economic Development Corporation.".

1	130. Page 374, line 11: after that line insert:
2	"Section 326. 238.03 (4) (b) (intro.) of the statutes is renumbered 238.03 (4)
3	(b) and amended to read:
4	238.03 (4) (b) The board shall establish policies and procedures for maintaining
5	and expending any unassigned balance that satisfy all of the following
6	requirements:
7	SECTION 327. 238.03 (4) (b) 1. of the statutes is renumbered 238.03 (4) (bm) and
8	amended to read:
9	238.03 (4) (bm) The policies and procedures established under par. (b) shall be
10	consistent with best practices recommended by the Government Finance Officers
11	Association.
12	SECTION 328. 238.03 (4) (b) 2. of the statutes is repealed.".
13	131. Page 374, line 11: after that line insert:
14	"Section 329. 20.192 (1) (k) of the statutes is repealed.
15	SECTION 330. 238.14 of the statutes is repealed.".
16	132. Page 374, line 11: after that line insert:
17	"Section 331. 20.005 (3) (schedule) of the statutes: at the appropriate place,
18	insert the following amounts for the purposes indicated:
	2023-24 2024-25
19	20.437 Children and families, department of
20	(2) ECONOMIC SUPPORT
21	(fm) Early childhood education center GPR B 840,000 -0-
22	SECTION 332. 20.437 (2) (fm) of the statutes is created to read:

1	20.437 (2) (fm) Early childhood education center. Biennially, the amounts in
2	the schedule for payments under 2023 Wisconsin Act (this act), section 9106 (1).
3	Section 333. 20.437 (2) (fm) of the statutes, as affected by 2023 Wisconsin Act
4	(this act), is repealed.
5	Section 334. 49.175 (1) (qm) of the statutes is amended to read:
6	49.175 (1) (qm) Quality care for quality kids. For the child care quality
7	improvement activities specified in ss. 49.155 (1g) and 49.257, \$16,683,700 in each
8	fiscal year and the establishment of an early childhood education center under 2023
9	Wisconsin Act (this act), section 9106 (1), \$42,850,900 in fiscal year 2023-24 and
10	\$42,647,700 in fiscal year 2024-25.
11	Section 9106. Nonstatutory provisions; Children and Families.
12	(1) EARLY CHILDHOOD EDUCATION CENTER. From the appropriation account under
13	s. 20.437 (2) (fm) and the allocation under s. 49.175 (1) (qm), the department of
14	children and families shall provide \$1,680,000 in fiscal year 2023-24 to Wellpoint
15	Care Network to establish an early childhood education center in the city of
16	Milwaukee.
17	Section 9406. Effective dates; Children and Families.
18	(1) Early Childhood education center. The repeal of s. 20.437 (2) (fm) takes
19	effect on July 1, 2025.".
20	133. Page 374, line 11: after that line insert:
21	Section 335. 20.923 (4) (d) 2. of the statutes is created to read:
22	20.923 (4) (d) 2. Administration, department of: chief equity officer.
23	Section 336. 230.08 (2) (yg) of the statutes is created to read:
24	230.08 (2) (yg) The chief equity officer in the department of administration.".

1	134. Page 374, line 11: after that line insert:
2	"Section 337. 49.163 (2) (am) 4. of the statutes is repealed.
3	Section 338. 49.163 (2) (am) 5. of the statutes is amended to read:
4	49.163 (2) (am) 5. Be ineligible Have not filed for unemployment insurance
5	benefits or have filed but is not eligible to receive unemployment insurance
6	benefits.".
7	135. Page 374, line 11: after that line insert:
8	"Section 339. 20.005 (3) (schedule) of the statutes: at the appropriate place
9	insert the following amounts for the purposes indicated:
	2023-24 2024-25
10	20.437 Children and families, department of
11	(1) CHILDREN AND FAMILY SERVICES
12	(bm) Intensive family preservation
13	services GPR A 16,567,500 16,595,900
14	Section 340. 20.437 (1) (bm) of the statutes is created to read:
15	20.437 (1) (bm) Intensive family preservation services. The amounts in the
16	schedule to provide services under s. 48.48 (17m).
17	Section 341. 48.48 (17m) of the statutes is created to read:
18	48.48 (17m) (a) To provide intensive family preservation services or to provide
19	funding to county departments, nonprofit or for-profit corporations, Indian tribes
20	or licensed child welfare agencies under contract with the department or a county
21	department to provide intensive family preservation services. In this subsection
22	"intensive family preservation services" means evidence-informed services that are
23	targeted to prevent the removal of children from the home under this chapter or ch

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

22

- 938, to promote the safety of children in the home, or to provide services to children who are placed in out-of-home care or who are involved in the juvenile justice system.
 - (b) To provide support for intensive family preservation services provided by the department, county departments, nonprofit corporations, Indian tribes, or licensed child welfare agencies, including any of the following:
 - 1. Training, coaching, quality assurance, data collection and analysis, and funding for certification or licensing for implementation of the services.
 - 2. Purchasing or subsidizing the purchase of the services described in subd. 1.
 - (c) To develop criteria, standards, and review procedures for the administration of this subsection. Notwithstanding s. 227.10 (1), the criteria, standards, and review procedures established under this paragraph need not be promulgated as rules under ch. 227.
 - **SECTION 342.** 48.48 (22) of the statutes is created to read:
 - 48.48 **(22)** To create, maintain, and require use of for placement purposes a group care referral clearinghouse. The department may promulgate rules necessary for the implementation of this subsection.".
 - **136.** Page 374, line 11: after that line insert:
- "Section 343. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

2023-24 2024-25

21 **20.437** Children and families, department of

(1) CHILDREN AND FAMILY SERVICES

1	(dm) Sibling connections scholarships GPR A 75,000 75,000
2	SECTION 344. 20.437 (1) (bg) of the statutes is amended to read:
3	20.437 (1) (bg) Grants to support foster parents and children. The amounts in
4	the schedule for grants by the department of children and families under 2017
5	Wisconsin Act 260, section 3 s. 48.53.
6	Section 345. 20.437 (1) (dm) of the statutes is created to read:
7	20.437 (1) (dm) Sibling connections scholarships. The amounts in the schedule
8	for the scholarship program under s. 48.483.
9	Section 346. 48.483 of the statutes is created to read:
10	48.483 Sibling connections scholarships. From the appropriation under
11	s. $20.437\ (1)\ (dm)$, the department shall award scholarships to adopted children and
12	their biological siblings who do not reside in the same household to attend programs
13	together in order to build sibling connections.
14	Section 347. 48.53 of the statutes is created to read:
15	48.53 Grants to support foster parents and children. From the
16	appropriation account under s. 20.437 (1) (bg), the department shall distribute
17	grants to counties, nonprofit organizations, or tribes for the purpose of supporting
18	foster parents and providing normalcy for children in out-of-home care.".
19	137. Page 374, line 11: after that line insert:
20	"Section 9101. Nonstatutory provisions; Administration.
21	(1k) Compensation reserves overview and fringe benefit costs. The
22	administrator of the division of personnel management in the department of
23	administration shall ensure that the compensation plan is administered in

1	compliance with this act and shall reestimate the sum sufficient under s. 20.865 (1)
2	for compensation reserves and fringe benefit costs under this act.".

138. Page 374, line 11: after that line insert:

"Section 9101. Nonstatutory provisions; Administration.

- (1k) General wage adjustments.
- (a) The administrator of the division of personnel management in the department of administration shall specify in the compensation plan under s. 230.12 for the 2023–25 fiscal biennium a general wage adjustment for state employees and employees of the University of Wisconsin System of 5 percent on July 1, 2023, and 3 percent on July 1, 2024.
- (b) If, on the effective date of this paragraph, the compensation plan under s. 230.12 has been adopted for the 2023–25 biennium and the compensation plan does not include the general wage adjustments required under par. (a), no later than 30 days after the effective date of this paragraph, the administrator of the division of personnel management in the department of administration shall propose an amendment under s. 230.12 (3) (c) to include those general wage adjustments in the compensation plan for the 2023–25 fiscal biennium.".

139. Page 374, line 11: after that line insert:

- (1i) Compensation for correctional security positions at department of corrections and security positions at department of health services.
- (a) The administrator of the division of personnel management in the department of administration shall include in the compensation plan under s. 230.12 for the 2023-25 fiscal biennium all of the following items:

- 1 1. A minimum pay of \$33 per hour for employees in pay range 05-31 at the department of corrections.
 - 2. A conversion of the pilot \$4 add-on pay to base pay in the 2021-23 compensation plan for security employees of the department of corrections to a permanent increase to base pay.
 - 3.. An enhanced correctional security pay progression system and supervisor parity for the increases to minimum pay for non-supervisor security employees of the department of corrections.
 - 4. An add-on of \$1 per hour for security employees at medium-security correctional institutions.
 - 5. An add-on of \$5 per hour for security employees at correctional institutions with high-vacancy rates.
 - 6. An add-on of \$5 per hour for probation and parole agents who work as security personnel at a correctional institution.
 - 7. An increase of the maximum–security add–on in the 2021–23 compensation plan to \$4 per hour.
 - 8. An add-on for employees of the department of health services who provide security services similar to those provided by department of corrections employees at maximum-security facilities of \$4 per hour.
 - (b) If, on the effective date of this paragraph, the compensation plan under s. 230.12 has been adopted for the 2023–25 fiscal biennium and the compensation plan does not include provisions required by par. (a), by no later than 30 days after the effective date of this paragraph, the administrator of the division of personnel management in the department of administration shall propose an amendment

under s. 230.12 (3) (c) to include the provisions required by par. (a) in the compensation plan for the 2023–25 fiscal biennium.".

140. Page 374, line 11: after that line insert:

- (1u) Pay progression systems.
- (a) General pay progression structure for non-supervisory positions. The administrator of the division of personnel management in the department of administration shall provide in the compensation plan under s. 230.12 for the 2023-25 fiscal biennium a new general pay progression structure for non-supervisory positions that is funded with \$1,065,200 GPR from the compensation reserves for fiscal year 2023-24, and \$3,057,300 GPR from the compensation reserves for fiscal year 2024-25.
- (b) Pay progression structure for probation and parole agents-senior and parity pay for corrections field supervisors. The administrator of the division of personnel management in the department of administration shall provide in the compensation plan under s. 230.12 for the 2023–25 fiscal biennium a pay progression structure for probation and parole agents-senior and parity pay for corrections field supervisors that is funded with \$8,782,600 GPR from the compensation reserves for fiscal year 2023–24, and \$9,154,600 GPR from the compensation reserves for fiscal year 2024–25.
- (c) Pay progression structure for department of natural resources wardens and state capitol police. The administrator of the division of personnel management in the department of administration shall provide in the compensation plan under s. 230.12 for the 2023–25 fiscal biennium modifications to the existing pay progression

structure for department of natural resources wardens and state capitol police that is funded in part with \$127,800 GPR from the compensation reserves annually.

- (d) Compensation plan amendment. If, on the effective date of this paragraph, the compensation plan under s. 230.12 has been adopted for the 2023-25 fiscal biennium and the compensation plan does not include provisions required under pars. (a) to (c), by no later than 30 days after the effective date of this paragraph, the administrator of the division of personnel management in the department of administration shall propose an amendment under s. 230.12 (3) (c) to include the provisions required under pars. (a) to (c) in the compensation plan for the 2023-25 fiscal biennium.".
 - **141.** Page 374, line 11: after that line insert:

- (1k) Market wage and parity adjustments.
- (a) Market wage and parity adjustments for various classifications. The administrator of the division of personnel management in the department of administration shall provide in the compensation plan under s. 230.12 for the 2023–25 fiscal biennium general market wage and parity adjustments for various classifications that are paid for with \$19,228,000 GPR from the compensation reserves for fiscal year 2023–24 and \$18,515,900 GPR from the compensation reserves for fiscal year 2024–25.
- (b) Generated market wage adjustments for information technology positions. The administrator of the division of personnel management in the department of administration shall provide in the compensation plan under s. 230.12 for the 2023–25 fiscal biennium generated market wage adjustments for information

technology positions that are paid for with \$2,023,200 GPR from the compensation reserves for fiscal year 2024–25.

- (c) Market wage adjustments for classified attorneys. The administrator of the division of personnel management in the department of administration shall provide in the compensation plan under s. 230.12 for the 2023–25 fiscal biennium market wage adjustments for classified attorneys who are not eligible for pay progression that are paid for with \$870,000 GPR from the compensation reserves for fiscal year 2023–24 and \$1,074,400 GPR from the compensation reserves for fiscal year 2024–25.
- (d) Compensation plan amendment. If, on the effective date of this paragraph, the compensation plan under s. 230.12 has been adopted for the 2023-25 fiscal biennium and the compensation plan does not include the market wage and parity adjustments under pars. (a) to (c), by no later than 30 days after the effective date of this paragraph, the administrator of the division of personnel management in the department of administration shall propose an amendment under s. 230.12 (3) (c) to include the market wage and parity adjustments under pars. (a) to (c) in the compensation plan for the 2023-25 fiscal biennium.".

142. Page 374, line 11: after that line insert:

- (1u) Pilot add-on continuation for non-security positions.
- (a) Pilot add-on continuation for certain nonsecurity positions. The administrator of the division of personnel management in the department of administration shall provide in the compensation plan under s. 230.12 for the 2023–25 fiscal biennium a continuation of the pilot add-on in the 2021–23

compensation plan for nonsecurity positions in the department of administration, department of corrections, department of health services, department of military affairs, department of safety and professional services, and the department of veterans affairs that is paid for with \$3,761,000 GPR, \$2,787,600 FED and 11,462,300 PR from the compensation reserves for fiscal year 2023–24, and \$3,626,900 GPR, \$2,444,500 FED, and \$11,026,000 PR from the compensation reserves for fiscal year 2024–25.

(d) Amendment to compensation plan. If, on the effective date of this paragraph, the compensation plan under s. 230.12 has been adopted for the 2023-25 fiscal biennium and the compensation plan does not include the pilot add-on continuation under par. (a), by no later than 30 days after the effective date of this paragraph, the administrator of the division of personnel management in the department of administration shall propose an amendment under s. 230.12 (3) (c) to include the pilot add-on continuation under par. (a) in the compensation plan for the 2023-25 fiscal biennium."

143. Page 374, line 11: after that line insert:

"Section 9213. Fiscal changes; Employee Trust Funds.

(1) Business processes and systems modernization. In the schedule under s. 20.005 (3) for the appropriation to the department of employee trust funds under s. 20.515 (1) (w), the dollar amount for fiscal year 2023–24 is increased by \$3,626,300 to increase the authorized FTE positions by 4.0 SEG and authorized project FTE positions by 3.0 SEG for business processes and systems modernization. In the schedule under s. 20.005 (3) for the appropriation to the department of employee trust funds under s. 20.515 (1) (w), the dollar amount for fiscal year 2024–25 is

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

increased by \$8,110,500 to increase the authorized FTE positions by 4.0 SEG and authorized project positions by 3.0 SEG for business processes and systems modernization.".

144. Page 374, line 11: after that line insert:

"Section 9213. Fiscal changes; Employee Trust Funds.

(1u) RESOURCES FOR SERVICE SUPPORT AND FINANCIAL FUNCTIONS. In the schedule under s. 20.005 (3) for the appropriation to the department of employee trust funds under s. 20.515 (1) (w), the dollar amount for fiscal year 2023-24 is increased by \$581,400 to increase the authorized FTE positions by 9.0 SEG positions to reduce the workload for division of retirement services staff and improve customer service support for employers in the wisconsin retirement system and participants in the wisconsin retirement system and to reduce the workload for division of trust finance staff and to improve accounting and financial functions, including the addition of staff with actuarial experience. In the schedule under s. 20.005 (3) for the appropriation to the department of employee trust funds under s. 20.515 (1) (w), the dollar amount for fiscal year 2024-25 is increased by \$734,000 to increase the authorized FTE positions by 9.0 SEG reduce the workload for division of retirement services staff and improve customer service support for employers in the wisconsin retirement system and participants in the wisconsin retirement system and to reduce the workload for division of trust finance staff and to improve accounting and financial functions, including the addition of staff with actuarial experience.".

145. Page 374, line 11: after that line insert:

"Section 348. 20.380 (1) (b) of the statutes is amended to read:

20.380 (1) (b) Tourism marketing; general purpose revenue. Biennially, the
amounts in the schedule for tourism marketing service expenses and the execution
of the functions under ss. 41.11 (4) and 41.17. In each fiscal year, the department
shall expend for tourism marketing service expenses and the execution of the
functions under ss. $41.11(4)$ and 41.17 an amount that bears the same proportion to
the amount in the schedule for the fiscal year as the amount expended under par. (kg)
in that fiscal year bears to the amount in the schedule for par. (kg) for that fiscal year.
Of the amounts under this paragraph, not more than 50 percent shall be used to
match funds allocated under s. 41.17 by private or public organizations for the joint
effort marketing of tourism with the state.
Section 349. 20.380 (1) (kg) of the statutes is repealed.
Section 350. 41.17 (5) of the statutes is amended to read:
41.17 (5) Funding source. Subject to the 50 percent limitation under s. 20.380
(1) (b) and the proportional expenditure requirements under s. 20.380 (1) (b) and
(kg), the department shall expend, from the appropriations under s. $20.380 (1) (b)$,
(kg), and (w), at least \$1,130,000 in the aggregate in each fiscal year in joint effort

146. Page 374, line 11: after that line insert:

marketing funds under this section.".

"Section 351. 16.29 (title) of the statutes is amended to read:

16.29 (title) Technical assistance and tourism promotion.

Section 352. 16.29 (1) of the statutes is renumbered 16.29 (1) (intro.) and amended to read:

16.29 (1) (intro.) Annually, the department shall grant to the Great Lakes
inter-tribal council the amount appropriated under s. $20.505~(1)~(kx)$ to for the
following purposes:

(a) To partially fund a program to provide technical assistance for economic development on Indian reservations if the conditions under subs. (2) and (3) are satisfied.

Section 353. 16.29 (1) (b) of the statutes is created to read:

16.29 (1) (b) To fund tourism promotion activities under the Native American Tourism of Wisconsin program. The grants under this paragraph are not subject to the conditions under subs. (2) and (3).

SECTION 9143. Nonstatutory provisions; Tourism.

(1k) Transfer of American Indian tourism marketing contract. The contract between the department of tourism and the Great Lakes inter-tribal council in effect on the effective date of this subsection that is primarily related to the promotion of tourism featuring American Indian heritage and culture, as determined by the secretary of administration, is transferred to the department of administration. The department of administration shall carry out any obligations under such a contract until the contract is modified or rescinded by the department of administration to the extent allowed under the contract."

147. Page 374, line 11: after that line insert:

"Section 354. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

2023-24 2024-25

1	20.380 Tourism, department of
2	(1) Tourism development and promotion
3	(c) Opportunity attraction and pro-
4	motion GPR C 20,000,000 15,000,000
5	Section 2. 20.380 (1) (c) of the statutes is created to read:
6	20.380 (1) (c) Opportunity attraction and promotion. As a continuing
7	appropriation, the amounts in the schedule for expenditures under s. 41.11 (1) (gm)
8	Section 3. 41.11 (1) (gm) of the statutes is created to read:
9	41.11 (1) (gm) From the appropriation under s. 20.380 (1) (c), expend moneys
10	to attract major opportunities and events to this state, including expenditures for
11	major marketing and professional efforts. The department shall collaborate with the
12	Wisconsin Economic Development Corporation to implement the department's
13	duties under this paragraph.".
14	148. Page 374, line 11: after that line insert:
15	"Section 355. 20.380 (1) (kc) of the statutes is repealed.
16	Section 356. 41.21 of the statutes is repealed.".
17	149. Page 374, line 11: after that line insert:
18	"Section 357. 20.435 (5) (bf) of the statutes is amended to read:
19	20.435 (5) (bf) Brighter futures initiative Grants for youth services. The
20	amounts in the schedule to be transferred to the appropriation account under s
21	20.437 (1) (kb) for the brighter futures initiative under s. 48.545 grants for youth
22	services under s. 48.481.

SECTION 358. 20.437 (1) (bc) of the statutes is amended to read:

20.437 (1) (bc) Grants for children's community programs youth services. The
amounts in the schedule for grants for children's community programs youth
services under s. 48.481. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the
department may transfer funds between fiscal years under this paragraph. All
moneys under this appropriation account that are distributed under s. 48.481 but are
not encumbered by December 31 of each year lapse to the general fund on the next
January 1 unless carried forward to the next calendar year by the joint committee
on finance.

SECTION 359. 20.437 (1) (bd) of the statutes is created to read:

20.437 (1) (bd) *Tribal family services grants*. The amounts in the schedule for tribal family services grants under s. 48.487.

SECTION 360. 20.437 (1) (bn) of the statutes is created to read:

20.437 (1) (bn) *Tribal placements*. The amounts in the schedule to be used for unexpected or unusually high-cost out-of-home care placements of Indian children by tribal courts, including placements of Indian juveniles who have been adjudicated delinquent.

SECTION 361. 20.437 (1) (e) of the statutes is repealed.

Section 362. 20.437 (1) (eg) of the statutes is repealed.

Section 363. 20.437 (1) (er) of the statutes is repealed.

SECTION 364. 20.437 (1) (kb) of the statutes is amended to read:

20.437 (1) (kb) Interagency aids; brighter futures initiative grants for youth services. All moneys transferred from the appropriation account under s. 20.435 (5) (bf) for the brighter futures initiative under s. 48.545 grants for youth services under s. 48.481.

SECTION 365. 20.9275 (2) (intro.) of the statutes is amended to read:

20.9275 (2) (intro.) No state agency or local governmental unit may authorize
payment of funds of this state, of any local governmental unit or, subject to sub. (3m),
of federal funds passing through the state treasury as a grant, subsidy or other
funding that wholly or partially or directly or indirectly involves pregnancy
programs, projects or services, that is a grant, subsidy or other funding under s.
<u>48.481</u> , 48.487, <u>48.545</u> , 253.05, 253.07, 253.08, or 253.085 or 42 USC 701 to 710, if
any of the following applies:
SECTION 366. 48.48 (19) of the statutes is repealed.
Section 367. 48.481 (title) of the statutes is amended to read:
48.481 (title) Grants for children's community programs youth
services.
SECTION 368. 48.481 (intro.) of the statutes is renumbered 48.481 (2m) (intro.)
and amended to read:
48.481 (2m) (intro.) From the appropriation under s. 20.437 (1) (bc), the The
department shall distribute the following grants for children's community programs
youth services to public agencies, nonprofit corporations, and Indian tribes to
provide programs that accomplish one or more of the following purposes:
Section 369. 48.481 (1) of the statutes is repealed.
Section 370. 48.481 (1m) of the statutes is created to read:
48.481 (1m) In this section:
(a) "Nonprofit corporation" means a nonstock, nonprofit corporation organized
under ch. 181.
(b) "Public agency" means a county, city, village, town, or school district or an
agency of this state or of a county, city, village, town, or school district.

Section 371. 48.481(2) of the statutes is repealed.

1	SECTION 372. 48.481 (2m) (a), (b), (c), (d), (e), (f), (g), (h) and (i) and (3) of the
2	statutes are created to read:
3	48.481 (2m) (a) Increasing youth access to housing.
4	(b) Increasing youth self-sufficiency through employment, education, and
5	training.
6	(c) Increasing youth social and emotional health by promoting healthy and
7	stable adult connections, social engagement, and connection with necessary
8	services.
9	(d) Preventing sex trafficking of children and youth.
10	(e) Providing treatment and services for documented and suspected victims of
11	child and youth sex trafficking.
12	(f) Preventing and reducing the incidence of youth violence and other
13	delinquent behavior.
14	(g) Preventing and reducing the incidence of youth alcohol and other drug use
15	and abuse.
16	(h) Preventing and reducing the incidence of child abuse and neglect.
17	(i) Preventing and reducing the incidence of teen pregnancy.
18	(3) From the appropriations under s. 20.437 (1) (bc) and (kb), the department
19	shall distribute \$55,000 in each fiscal year to Diverse and Resilient, Inc., to provide
20	programs that accomplish one or more of the purposes under sub. (2m).
21	SECTION 373. 48.545 of the statutes is repealed.
22	SECTION 374. 49.1385 of the statutes is repealed.
23	Section 375. 49.175 (1) (intro.) of the statutes is amended to read:
24	49.175 (1) Allocation of funds. (intro.) In this section, with respect to any
25	of the following that fund a contract for services, "allocate" means to designate an

amount of money equal to the amount under the contract that the department is
obligated to pay. Except as provided in sub. (2), within the limits of the
appropriations under s. 20.437 (2) (a), (cm), (dz), (k), (kx), (L), (mc), (md), (me), and
(s) and (3) (kp), the department shall allocate the following amounts for the following
purposes:
Section 376. 49.175 (1) (f) of the statutes is amended to read:

49.175 (1) (f) *Homeless case management services grants*. For grants to shelter facilities under s. 16.3085, \$500,000 \$1,000,000 in each fiscal year. All moneys allocated under this paragraph shall be credited to the appropriation account under s. 20.505 (7) (kg).

SECTION 377. 49.175 (1) (ms) of the statutes is created to read:

49.175 (1) (ms) *Child support debt reduction*. For the child support debt reduction program for low-income noncustodial parents under s. 49.226, \$3,472,000 in fiscal year 2023–24 and \$6,944,000 in fiscal year 2024–25.

SECTION 378. 49.175 (1) (o) of the statutes is amended to read:

49.175 **(1)** (o) Evidence-based substance abuse prevention grants Grants for youth services. For grants awarded under s. 48.545 (2) (c) 48.481, \$500,000 in each fiscal year.

Section 379. 49.175 (1) (t) of the statutes is amended to read:

49.175 (1) (t) Safety and out-of-home placement services. For services provided to ensure the safety of children who the department or a county determines may remain at home if appropriate services are provided, and for services provided to families with children placed in out-of-home care, \$10,314,300 \$6,282,400 in each fiscal year. To receive funding under this paragraph, a county shall match a percentage of the amount received that is equal to the percentage the county is

required to match for a distribution under s. 48.563 (2) as specified by the schedule established by the department under s. 48.569 (1) (d).

SECTION 380. 49.175 (1) (zh) of the statutes is amended to read:

49.175 (1) (zh) Earned income tax credit supplement. For the transfer of moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned income tax credit, \$63,600,000 \$109,020,000 in fiscal year 2021-22 2023-24 and \$66,600,000 \$111,260,000 in fiscal year 2022-23 2024-25.

Section 381. 49.226 of the statutes is created to read:

- **49.226 Child support debt reduction.** (1) The department shall establish a program to provide a noncustodial child support debt reduction. A noncustodial parent qualifies to receive \$1,500 in debt reduction under this section if all of the following apply:
- (a) The noncustodial parent completes an eligible employment program, as defined by the department in rules promulgated under sub. (3).
- (b) The custodial parent agrees to reducing child support debt owed up to the amount of the benefit paid.
- (2) A noncustodial parent may not receive debt reduction under sub. (1) more than once in any 12-month period.
- (3) The department shall promulgate rules to implement this section, including rules to determine how debt reduction provided under sub. (1) is apportioned among multiple child support orders.

SECTION 9106. Nonstatutory provisions; Children and Families.

(1k) CHILD SUPPORT DEBT REDUCTION; EMERGENCY RULEMAKING. The department of children and families may promulgate emergency rules under s. 227.24 to

22

23

properties within the municipality.

- 1 implement s. 49.226. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the 2 department is not required to provide evidence that promulgating a rule under this 3 subsection as an emergency rule is necessary for the preservation of the public peace, 4 health, safety, or welfare and is not required to provide a finding of emergency for a 5 rule promulgated under this subsection. 6 Section 9406. Effective dates: Children and Families. 7 (1k) CHILD SUPPORT DEBT REDUCTION. The treatment of s. 49.226 takes effect on 8 the first day of the 7th month beginning after publication.". 9 **150.** Page 374, line 11: after that line insert: 10 "Section 382. 20.005 (3) (schedule) of the statutes: at the appropriate place, 11 insert the following amounts for the purposes indicated: 2023-24 2024-25 12 20.437 Children and families, department of 13 (1) CHILDREN AND FAMILY SERVICES 14 (bd) Tribal family services grants GPR A 825,000 1,100,000 15 3,000,000 3,000,000". (bn) Tribal placements GPR A 16 **151.** Page 374, line 11: after that line insert: 17 **"Section 383.** 16.3095 of the statutes is created to read: 18 16.3095 Municipal home rehabilitation grants. **(1)** From the appropriation under s. 20.505 (7) (d), the department shall award grants to 19 20 municipalities to fund initiatives to rehabilitate and restore blighted residential
 - (2) The department may establish eligibility requirements and other program guidelines for the grant program under this section.

1	Section 384. 20.005 (3) (schedule) of the statutes: at the appropriate place,							
2	insert the following amounts for the purposes indicated:							
	2023-24 2024-25							
3	20.505 Administration, department of							
4	(7) Housing and community development							
5	(d) Municipal home rehabilitation							
6	grants GPR B 100,000,000 -0-							
7	Section 385. 20.505 (7) (d) of the statutes is created to read:							
8	20.505 (7) (d) Municipal home rehabilitation grants. Biennially, the amounts							
9	in the schedule for program operations and grants to municipalities under s.							
10	16.3095.".							
11	152. Page 374, line 11: after that line insert:							
12	"Section 386. 16.3077 of the statutes is created to read:							
13	16.3077 Housing quality standards grants. From the appropriation under							
14	s. 20.505 (7) (bp), the department shall award grants to owners of rental housing							
15	units in this state for purposes of satisfying applicable housing quality standards.							
16	Section 387. 20.005 (3) (schedule) of the statutes: at the appropriate place,							
17	insert the following amounts for the purposes indicated:							
	2023-24 2024-25							
18	20.505 Administration, department of							
19	(7) Housing and community development							
20	(bp) Housing quality standards							
21	grants GPR A 2,000,000 2,000,000							

1 Section 388.	20.505	(7) (bp	of the state	utes is o	created to	read:
-----------------------	--------	---------	--------------	-----------	------------	-------

2 20.505 (7) (bp) *Housing quality standards grants*. The amounts in the schedule for housing quality standards grants under s. 16.3077.".

153. Page 374, line 11: after that line insert:

"Section 389. 70.11 (38v) of the statutes is created to read:

70.11 (38v) Wisconsin Housing and Economic Development Authority Headquarters. Land and buildings on that land owned by the Wisconsin Housing and Economic Development Authority and used exclusively as either the corporate headquarters of the Wisconsin Housing and Economic Development Authority or the parking facilities associated with those headquarters.

Section 9337. Initial applicability; Revenue.

- (1k) WHEDA HEADQUARTERS. The treatment of s. 70.11 (38v) first applies to the property tax assessments as of January 1, 2023.".
- **154.** Page 374, line 11: after that line insert:
- "Section 390. 231.02 (2) of the statutes is amended to read:

231.02 (2) The authority shall appoint an executive director and associate executive director who shall not be members of the authority and who shall serve at the pleasure of the authority. They shall receive such compensation as the authority fixes, except that the compensation of the executive director shall not exceed the maximum of the salary range established under s. 20.923 (1) for positions assigned to executive salary group 6 and the compensation of each other employee of the authority shall not exceed the maximum of the salary range established under s. 20.923 (1) for positions assigned to executive salary group 3. The executive director or associate executive director or other person designated by resolution of the

authority shall keep a record of the proceedings of the authority and shall be custodian of all books, documents, and papers filed with the authority, the minute book or journal of the authority, and its official seal. The executive director or associate executive director or other person may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates.

Section 391. 234.02 (3) of the statutes is amended to read:

234.02 (3) The governor shall appoint a public member as the chairperson of the authority for a one-year term beginning on the expiration of the term of the chairperson's predecessor. The authority shall elect a vice chairperson. The governor shall nominate, and with the advice and consent of the senate appoint, the executive director of the authority, to serve a 2-year term. The authority shall employ the executive director so appointed, legal and technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation, all notwithstanding subch. II of ch. 230, except that s. 230.40 shall apply, and except that the compensation of any employee of the authority shall not exceed the maximum of the executive salary group range established under s. 20.923 (1) for positions assigned to executive salary group 6. The authority may delegate any of its powers or duties to its employees with the consent of the executive director or to its agents."

155. Page 374, line 11: after that line insert:

1 "Section 392. 20.005 (3) (schedule) of the statutes: at the appropriate place, 2 insert the following amounts for the purposes indicated:

2023-24 2024-25

20.490 Wisconsin Housing and Economic

Development Authority

(6) Workforce Housing

3

4

5

6

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

- (a) Workforce housing rehabilitation GPR C 100,000,000 -0-
- **SECTION 393.** 20.490 (6) (a) of the statutes is created to read:
 - 20.490 **(6)** Workforce housing rehabilitation fund. As a continuing appropriation, the amounts in the schedule to be transferred to the workforce housing rehabilitation fund under s. 234.043 for the purposes of that fund.
 - **Section 394.** 234.043 of the statutes is created to read:
 - 234.043 Workforce housing rehabilitation fund. There is established under the jurisdiction and control of the authority, for the purpose of providing workforce housing rehabilitation loans under s. 234.045, a workforce housing rehabilitation fund. The authority may use moneys in the fund to cover actual and necessary expenses incurred to accomplish the purposes of this section and s. 234.045. At its discretion, the authority may also use moneys in the fund to pay costs associated with marketing its programs and services to the public, including by use of housing navigators. The workforce housing rehabilitation fund shall consist of all of the following:
 - (1) All moneys appropriated to the authority under s. 20.490 (6) (a).
 - (2) All moneys received from the repayment of loans provided under s. 234.045.

1	(3) All income from the investment of moneys in the workforce housing
2	rehabilitation fund by the authority under s. 234.03 (18). All such investments shall
3	be the exclusive property of the fund.
4	(4) All moneys received by the authority for the workforce housing
5	rehabilitation fund from any other source.
6	Section 395. 234.045 (1) (intro.) of the statutes is amended to read:
7	234.045 (1) Definition. (intro.) In this section, "eligible rehabilitation" means
8	an improvement to housing to maintain the housing in a decent, safe, and sanitary
9	condition or to restore it to that condition if the improvement is the removal of lead
10	paint or constitutes a structural or safety improvement, as determined by the
11	authority, including any of the following:
12	Section 396. 234.045 (2) (a) (intro.) of the statutes is amended to read:
13	234.045 (2) (a) (intro.) From the workforce housing rehabilitation loan fund,
14	the authority may make a loan to a person applying for the loan to pay for the cost
15	of eligible rehabilitation to the applicant's home if all of the following apply:
16	Section 397. 234.045 (2) (a) 2. of the statutes is amended to read:
17	234.045 (2) (a) 2. The applicant's home is a single-family residence that <u>serves</u>
18	as the primary residence of the applicant occupies and that was constructed before
19	1980 .
20	Section 398. 234.045 (2) (a) 3. of the statutes is amended to read:
21	234.045 (2) (a) 3. The applicant agrees to the terms of the loan, as determined
22	by the authority. The loan terms may include a requirement to repay the loan by
23	making monthly principal and interest payments so that the loan is fully repaid
24	within a given term; a requirement to repay the loan, including all interest, upon the

applicant selling or otherwise transferring title to the residence to another person

or upon the applicant and his or her family vacating the residence; and any other terms determined by the authority.

SECTION 399. 234.045 (2) (c) of the statutes is created to read:

234.045 (2) (c) The authority may defer the repayment or forgive the outstanding balance of any loan made under par. (a) according to criteria established by the authority.

Section 400. 234.53 (2) of the statutes is amended to read:

234.53 (2) Except as provided in sub. (2m) and s. 234.045, the authority shall use moneys in the fund for the purpose of purchasing housing rehabilitation loans or for funding commitments for loans to lenders for housing rehabilitation loans. All disbursements of funds under this subsection for purchasing such loans shall be made payable to an authorized lender, as defined in s. 234.49 (1) (b), or a duly authorized agent thereof.

SECTION 401. 234.55 (1) of the statutes is amended to read:

234.55 (1) The authority shall establish the housing rehabilitation loan program bond redemption fund. All housing rehabilitation loans purchased with moneys from the housing rehabilitation loan fund or notes evidencing loans to lenders from such fund for housing rehabilitation loans shall be the exclusive property of such redemption fund. All moneys received from the repayment of such loans, any amounts transferred by the authority to such fund pursuant to s. 234.52 or from other funds or sources, any federal insurance or guarantee payments with respect to such loans, all moneys resulting from the sale of bonds for the purpose of refunding outstanding housing rehabilitation bonds unless credited to the housing rehabilitation loan program capital reserve fund, any other moneys which may be available to the authority for the purpose of such fund, and all moneys received from

the repayment of loans provided under ss. 234.045 and s. 234.53 (2m) shall be 1 $\mathbf{2}$ deposited into such fund to be used for the repayment of housing rehabilitation bonds 3 issued under the authority of s. 234.50.". 4 **156.** Page 374, line 11: after that line insert: "Section 402. 20.005 (3) (schedule) of the statutes: at the appropriate place, 5 6 insert the following amounts for the purposes indicated: 2023-24 2024-25 7 20.437 Children and families, department of 8 (1) CHILDREN AND FAMILY SERVICES 9 Kinship care; flexible support GPR Α \$8,122,900 \$8,219,100 (es)10 (2)ECONOMIC SUPPORT 11 (c) Child care quality improvement pro-12gram GPR A \$81,389,400 \$221,719,300 13 (d) 11,198,000 Child care partnership grant program GPR A 11,198,000 14 **Section 403.** 20.437 (1) (es) of the statutes is created to read: 15 20.437 (1) (es) Kinship care; flexible support. The amounts in the schedule for flexible support for a kinship care provider under s. 48.57 (3m) (as). 16 **Section 404.** 20.437 (2) (d) of the statutes is created to read: 17 18 20.437 (2) (d) Child care partnership grant program. The amounts in the 19 schedule for the grants under s. 49.132. 20 **Section 405.** 20.437 (2) (c) of the statutes is created to read: 21 20.437 (2) (c) Child care quality improvement program. The amounts in the 22schedule for the program under s. 49.133.

Section 406. 48.02 (12c) of the statutes is created to read:

48.02 (12c)	"Like-kin" means a	person who has a	significant emotional
relationship with	a child or the child's	family and to whom	any of the following
applies:			

- (a) Prior to the child's placement in out-of-home care, the person had an existing relationship with the child or the child's family that is similar to a familial relationship.
- (b) During the child's placement in out-of-home care, the person developed a relationship with the child or the child's family that is similar to a familial relationship, and the person is not and has not previously been the child's licensed foster parent.
- (c) For an Indian child, "like-kin" includes individuals identified by the child's tribe according to tribal tradition, custom or resolution, code, or law.

SECTION 407. 48.02 (15) of the statutes is amended to read:

48.02 (15) "Relative" means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, first cousin once removed, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, stepaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "relative" includes an extended family member, as defined in s. 48.028 (2) (am), whether by blood, marriage, or adoption, including adoption under tribal law or custom. For purposes of placement of a child, "relative" also includes a parent of a sibling of the child who has legal custody of that sibling.

SECTION 408. 48.028 (2) (e) of the statutes is amended to read:

48.028 (2) (e) "Out-of-home care placement" means the removal of an Indian child from the home of his or her parent or Indian custodian for temporary placement in a foster home, group home, residential care center for children and youth, or shelter care facility, in the home of a relative other than a parent, in the home of like-kin, or in the home of a guardian, from which placement the parent or Indian custodian cannot have the child returned upon demand. "Out-of-home care placement" does not include an adoptive placement, a preadoptive placement, a delegation of powers, as described in par. (d) 5., an emergency change in placement under s. 48.357 (2) (b), or holding an Indian child in custody under ss. 48.19 to 48.21.

Section 409. 48.028 (2) (f) of the statutes is amended to read:

48.028 **(2)** (f) "Preadoptive placement" means the temporary placement of an Indian child in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in the home of a guardian after a termination of parental rights but prior to or in lieu of an adoptive placement. "Preadoptive placement" does not include an emergency change in placement under s. 48.437 (2).

Section 410. 48.207 (1) (b) of the statutes is amended to read:

48.207 (1) (b) The home of a relative or like-kin, except that a child may not be held under this paragraph in the home of a relative if the relative person who has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the child, and the conviction has not been reversed, set aside or vacated, unless the person making the custody decision determines by clear and convincing evidence that the placement would be in the best interests of the child. The person making the custody decision shall consider the wishes of the child in making that determination.

 $\mathbf{2}$

SECTION 411. 48.207 (1) (f) of the statutes is amended to read:

48.207 (1) (f) The home of a person not a relative <u>or like-kin</u>, if the placement does not exceed 30 days, though the placement may be extended for an additional 30 days for cause by the court, and if the person has not had a license under s. 48.62 refused, revoked, or suspended within the last 2 years.

Section 412. 48.33 (4) (intro.) of the statutes is amended to read:

48.33 (4) Other out-of-home placements. (intro.) A report recommending placement of an adult expectant mother outside of her home shall be in writing. A report recommending placement of a child in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement shall be in writing and shall include all of the following:

SECTION 413. 48.335 (3g) (intro.) of the statutes is amended to read:

48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in s. 48.38 (1) (a), is recommending placement of the child in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement, the agency shall present as evidence specific information showing all of the following:

Section 414. 48.335 (3j) (intro.) of the statutes is amended to read:

48.335 (3j) (intro.) At hearings under this section involving an Indian child, if the agency, as defined in s. 48.38 (1) (a), is recommending removal of the Indian child from the home of his or her parent or Indian custodian and placement of the Indian child in a foster home, group home, or residential care center for children and youth

or in the home of a relative other than a parent <u>or in the home of like-kin</u>, the agency shall present as evidence specific information showing all of the following:

SECTION 415. 48.345 (3) (a) (intro.) of the statutes is amended to read:

48.345 (3) (a) (intro.) The home of a parent or, other relative, or like-kin of the child, except that the judge may not designate any of the following as the child's placement, unless the judge determines by clear and convincing evidence that the placement would be in the best interests of the child or, in the case of an Indian child, the best interests of the Indian child as described in s. 48.01 (2):

SECTION 416. 48.345 (3) (a) 1. of the statutes is amended to read:

48.345 (3) (a) 1. The home of a parent or, other relative, or like-kin if the parent or, other relative, or like-kin has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the child, and the conviction has not been reversed, set aside, or vacated. In determining whether a placement under this subdivision would be in the best interests of the child, the judge shall consider the wishes of the child.

Section 417. 48.345 (3) (a) 2. of the statutes is amended to read:

48.345 (3) (a) 2. The home of a relative other than the parent of a child <u>or the home of like-kin</u> if the judge finds that the relative <u>or like-kin</u> has been convicted of, has pleaded no contest to, or has had a charge dismissed or amended as a result of a plea agreement for a crime under s. 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53, or a similar law of another state.

Section 418. 48.345 (4) (a) of the statutes is amended to read:

48.345 (4) (a) A relative or like-kin of the child.

 $\mathbf{2}$

SECTION 419. 48.355 (4) (b) (intro.) of the statutes is amended to read:

48.355 (4) (b) (intro.) Except as provided under s. 48.368, an order under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or continues the placement of the child in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement shall terminate on the latest of the following dates, unless the judge specifies a shorter period or the judge terminates the order sooner:

Section 420. 48.366 (1) (a) of the statutes is amended to read:

48.366 (1) (a) The person is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement under an order under s. 48.355, 48.357, or 48.365 that terminates as provided in s. 48.355 (4) (b) 1., 2., or 3., 48.357 (6) (a) 1., 2., or 3., or 48.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age.

Section 421. 48.371 (1) (intro.) of the statutes is amended to read:

48.371 (1) (intro.) If a child is placed in a foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent or in the home of like-kin, including a placement under s. 48.205 or 48.21, the agency, as defined in s. 48.38 (1) (a), that placed the child or arranged for the placement of the child shall provide the following information to the foster parent, relative, like-kin, or operator of the group home or residential care center for children and youth at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

SECTION 422. 48.371 (1) (a) of the statutes is amended to read:

48.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the child, as provided under s. 252.15 (3m) (d) 15., including results included in a court report or permanency plan. At the time that the HIV test results are provided, the agency shall notify the foster parent, relative, <u>like-kin</u>, or operator of the group home or residential care center for children and youth of the confidentiality requirements under s. 252.15 (6).

SECTION 423. 48.371 (3) (intro.) of the statutes is amended to read:

48.371 (3) (intro.) At the time of placement of a child in a foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent or in the home of like-kin or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency plan shall provide to the foster parent, relative, like-kin, or operator of the group home or residential care center for children and youth information contained in the court report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4) (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), or 48.831 (4) (e) relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

Section 424. 48.371 (3) (d) of the statutes is amended to read:

48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or 948.085, prostitution in violation of s. 944.30 (1m), trafficking in violation of s.

940.302 (2) if s. 940.302 (2) (a) 1. b. applies, sexual exploitation of a child in violation of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the child or for the protection of any person living in the foster home, group home, or residential care center for children and youth or in the home of the relative or like-kin.

Section 425. 48.371 (5) of the statutes is amended to read:

48.371 (5) Except as permitted under s. 252.15 (6), a foster parent, relative, like-kin, or operator of a group home or residential care center for children and youth that receives any information under sub. (1) or (3), other than the information described in sub. (3) (e), shall keep the information confidential and may disclose that information only for the purposes of providing care for the child or participating in a court hearing or permanency review concerning the child.

SECTION 426. 48.38 (2) (intro.) of the statutes is amended to read:

48.38 (2) Permanency Plan Required. (intro.) Except as provided in sub. (3), for each child living in a foster home, group home, residential care center for children and youth, juvenile detention facility, shelter care facility, qualifying residential family-based treatment facility with a parent, or supervised independent living arrangement, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each child living in the home of a guardian er, a relative other than a parent, or like-kin, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

Section 427. 48.38 (3m) (a) of the statutes is amended to read:

48.38 **(3m)** (a) All appropriate biological family members, relatives, and like-kin of the child, as determined by the agency. Notwithstanding s. 48.02 (12c) (b), in this paragraph, "like-kin" may include a person who is or previously was the child's licensed foster parent.

SECTION 428. 48.38 (4) (f) (intro.) of the statutes is amended to read:

48.38 (4) (f) (intro.) A description of the services that will be provided to the child, the child's family, and the child's foster parent, the operator of the facility where the child is living, or the relative <u>or like-kin</u> with whom the child is living to carry out the dispositional order, including services planned to accomplish all of the following:

Section 429. 48.38 (4m) (b) of the statutes is amended to read:

48.38 (4m) (b) At least 10 days before the date of the hearing the court shall notify the child; any parent, guardian, and legal custodian of the child; any foster parent, or other physical custodian described in s. 48.62 (2) of the child, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living; and, if the child is an Indian child, the Indian child's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing.

Section 430. 48.38 (4m) (d) of the statutes is amended to read:

48.38 (4m) (d) The court shall give a foster parent, other physical custodian described in s. 48.62 (2), operator of a facility, or relative, or like-kin who is notified of a hearing under par. (b) a right to be heard at the hearing by permitting the foster parent, other physical custodian, operator, or relative, or like-kin to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent,

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

other physical custodian, operator of a facility, or relative, or like-kin does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

Section 431. 48.38 (5) (b) of the statutes is amended to read:

48.38 (5) (b) The court or the agency shall notify the child; the child's parent, guardian, and legal custodian; the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they shall have a right to be heard at the review as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the child's counsel, the child's guardian ad litem, the child's court-appointed special advocate, and the child's school of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the child's case record. The notice to the child's school shall also include the name and contact information for the caseworker or social worker assigned to the child's case.

Section 432. 48.38 (5) (bm) 1. of the statutes is amended to read:

48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent, operator of a facility, or relative, or like-kin who is provided notice of the review under par. (b) shall have a right to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10

working days before the date of the review or by participating at the review. A person representing the interests of the public, counsel, guardian ad litem, court-appointed special advocate, or school who is provided notice of the review under par. (b) may have an opportunity to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review. A foster parent, operator of a facility, or relative, or like-kin who receives notice of a review under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the review is held solely on the basis of receiving that notice and right to be heard.

SECTION 433. 48.38 (5) (e) of the statutes is amended to read:

48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order; the child or the child's counsel or guardian ad litem; the person representing the interests of the public; the child's parent, guardian, or legal custodian; the child's court-appointed special advocate; the child's foster parent, the operator of the facility where the child is living, or the relative or like-kin with whom the child is living; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe.

SECTION 434. 48.38 (5m) (b) of the statutes is amended to read:

48.38 (5m) (b) The court shall notify the child; the child's parent, guardian, and legal custodian; and the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par.

(c) 1. The court shall notify the child's counsel, the child's guardian ad litem, and the

child's court-appointed special advocate; the agency that prepared the permanency plan; the child's school; the person representing the interests of the public; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c)

1. The notices under this paragraph shall be provided in writing not less than 30 days before the hearing. The notice to the child's school shall also include the name and contact information for the caseworker or social worker assigned to the child's case.

Section 435. 48.38 (5m) (c) 1. of the statutes is amended to read:

48.38 (5m) (c) 1. A child, parent, guardian, legal custodian, foster parent, operator of a facility, or relative, or like-kin who is provided notice of the hearing under par. (b) shall have a right to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A counsel, guardian ad litem, court-appointed special advocate, agency, school, or person representing the interests of the public who is provided notice of the hearing under par. (b) may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, operator of a facility, or relative, or like-kin who receives notice of a hearing under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Section 436. 48.38 (5m) (e) of the statutes is amended to read:

48.38 (5m) (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the child; the child's parent, guardian, and legal custodian; the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living; the child's court-appointed special advocate; the agency that prepared the permanency plan; the person representing the interests of the public; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

Section 437. 48.385 (intro.) of the statutes is amended to read:

48.385 Plan for transition to independent living. (intro.) During the 90 days immediately before a child who is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement attains 18 years of age or, if the child is placed in such a placement under an order under s. 48.355, 48.357, or 48.365 that terminates under s. 48.355 (4) (b) after the

 $\mathbf{2}$

child attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 48.366 (3) that terminates under s. 48.366 (3) (a) after the child attains 18 years of age, during the 90 days immediately before the termination of the order or agreement, the agency primarily responsible for providing services to the child under the order or agreement shall do all of the following:

Section 438. 48.40 (1m) of the statutes is amended to read:

48.40 (1m) "Kinship care relative" provider" means a person receiving payments under s. 48.57 (3m) (am) for providing care and maintenance for a child.

Section 439. 48.427 (3m) (a) 5. of the statutes is amended to read:

48.427 (3m) (a) 5. A relative with whom the child resides, if the relative has filed a petition to adopt the child or if the relative is a kinship care relative provider or is receiving payments under s. 48.62 (4) for providing care and maintenance for the child.

SECTION 440. 48.43 (5) (b) 1. of the statutes is amended to read:

48.43 (5) (b) 1. The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (a). At least 10 days before the date of the hearing, the court shall provide notice of the time, place, and purpose of the hearing to the agency that prepared the report, the child's guardian, the child, and the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living.

Section 441. 48.43 (5) (b) 3. of the statutes is amended to read:

48.43 (5) (b) 3. The court shall give a foster parent, operator of a facility, or relative <u>or like-kin</u> who is notified of a hearing under subd. 1. a right to be heard at the hearing by permitting the foster parent, operator, or relative <u>or like-kin</u> to make a written or oral statement during the hearing, or to submit a written statement

prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, operator of a facility, or relative <u>or like-kin</u> does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

SECTION 442. 48.43 (5m) of the statutes is amended to read:

48.43 (5m) Either the court or the agency that prepared the permanency plan shall furnish a copy of the original plan and each revised plan to the child, if he or she is 12 years of age or over, to the child's guardian, to the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living, and, if the order under sub. (1) involuntarily terminated parental rights to an Indian child, to the Indian child's tribe.

SECTION 443. 48.57 (3m) (a) 1. b. of the statutes is amended to read:

48.57 (3m) (a) 1. b. The person is under 21 years of age, the person is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent, an individualized education program under s. 115.787 is in effect for the person, and the person is placed in the home of the kinship care relative provider under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 48.366 (3) or 938.366 (3).

Section 444. 48.57 (3m) (a) 2. of the statutes is amended to read:

48.57 (3m) (a) 2. "Kinship care relative" provider" means a relative other than a parent, an extended family member, as defined in s. 48.028 (2) (am), or like-kin.

SECTION 445. 48.57 (3m) (am) (intro.) of the statutes is amended to read:

 $\mathbf{2}$

48.57 (3m) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. Subject to par. (ap), a county department and, in a county having a population of 750,000 or more, the department shall make payments in the amount of \$300 per month beginning on January 1, 2022, to a kinship care relative provider who is providing care and maintenance for a child if all of the following conditions are met:

Section 43q. 48.57 (3m) (am) (intro.) of the statutes is amended to read:

48.57 (3m) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. Subject to par. (ap), and if all of the following conditions are met, beginning on January 1, 2024, a county department and, in a county having a population of 750,000 or more, the department shall make monthly payments to a kinship care provider who is providing care and maintenance for a child in the amount of \$300 per month beginning on January 1, 2022, to a kinship care provider who is providing care and maintenance for a child if all of the following conditions are met \$441 for a child under 5 years of age; \$483 for a child 5 to 11 years of age; \$548 for a child 12 to 14 years of age; and \$572 for a child 15 years of age or over:

Section 446. 48.57 (3m) (am) 1. of the statutes is amended to read:

48.57 (3m) (am) 1. The kinship care relative provider applies to the county department or department for payments under this subsection and, if the child is placed in the home of the kinship care relative provider under a court order, other

than a court order under s. 48.9795 or ch. 54, 2017 stats., for a license to operate a foster home.

SECTION 447. 48.57 (3m) (am) 1m. of the statutes is amended to read:

48.57 (3m) (am) 1m. The county department or department determines that there is a need for the child to be placed with the kinship care relative provider and that the placement with the kinship care relative provider is in the best interests of the child.

Section 448. 48.57 (3m) (am) 4. of the statutes is amended to read:

48.57 (3m) (am) 4. The county department or department conducts a background investigation under sub. (3p) of the kinship care relative provider, any employee and prospective employee of the kinship care relative provider who has or would have regular contact with the child for whom the payments would be made and any other adult resident of the kinship care relative's provider's home to determine if the kinship care relative provider, employee, prospective employee or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's provider's ability to care for the child.

Section 449. 48.57 (3m) (am) 4m. of the statutes is amended to read:

48.57 (3m) (am) 4m. Subject to sub. (3p) (fm) 1. and 2., the kinship care relative provider states that he or she does not have any arrests or convictions that could adversely affect the child or the kinship care relative's provider's ability to care for the child and that no adult resident, as defined in sub. (3p) (a), and no employee or prospective employee of the kinship care relative provider who would have regular contact with the child has any arrests or convictions that could adversely affect the child or the kinship care relative's provider's ability to care for the child.

Section 450. 48.57 (3m) (am) 5. of the statutes is amended to read:

48.57 (3m) (am) 5. The kinship care relative provider cooperates with the
county department or department in the application process, including applying for
other forms of assistance for which the child may be eligible.

Section 451. 48.57 (3m) (am) 5m. of the statutes is amended to read:

48.57 **(3m)** (am) 5m. The kinship care relative provider is not receiving payments under sub. (3n) with respect to the child.

Section 452. 48.57 (3m) (am) 6. of the statutes is amended to read:

48.57 (3m) (am) 6. The child for whom the kinship care relative provider is providing care and maintenance is not receiving supplemental security income under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77.

Section 453. 48.57 (3m) (an) of the statutes is created to read:

48.57 (3m) (an) In addition to the monthly payments for kinship care under par. (am), the department or, with the department's approval, the county department may make payments for exceptional circumstances to enable siblings or a minor parent and minor children to reside together and for initial clothing allowances to a kinship care provider who is providing care and maintenance for a child residing in the home of the kinship care provider who is receiving a monthly rate under par. (am), commensurate with the needs of the child, according to the rules promulgated by the department under par. (i) 3.

SECTION 454. 48.57 (3m) (ar) and (at) of the statutes are created to read:

48.57 (3m) (ar) In addition to the monthly payments for kinship care under par. (ap), the department or, with the department's approval, the county department may make emergency payments for kinship care to a kinship care provider who is providing care and maintenance for a child residing in the home of the kinship care provider under a court order if any of the following conditions are met:

- 1. The governor has declared a state of emergency pursuant to s. 323.10, or the federal government has declared a major disaster under 42 USC 68, that covers the locality of the home of the kinship care provider.
- 2. This state has received federal funding to be used for child welfare purposes due to an emergency or disaster declared for the locality of the home of the kinship care provider.
- 3. The department has determined that conditions in this state or in the locality of the home of the kinship care provider have resulted in a temporary increase in the costs borne by kinship care providers. Those conditions may include any of the following:
 - a. A pandemic or other public health threat.
 - b. A natural disaster.
 - c. Unplanned school closures of 5 consecutive days or more.
- (at) The department shall determine the amount of emergency payments under par. (ar) based on available funding.

SECTION 455. 48.57 (3m) (ap) 1. of the statutes is amended to read:

48.57 (3m) (ap) 1. Subject to subds. 2. and 3., the county department or, in a county having a population of 750,000 or more, the department may make payments under par. (am) to a kinship care relative provider who is providing care and maintenance for a child who is placed in the home of the kinship care relative provider under a court order for no more than 60 days after the date on which the county department or department received under par. (am) 1. the completed application of the kinship care relative provider for a license to operate a foster home or, if the application is approved or denied or the kinship care relative provider is otherwise determined to be ineligible for licensure within those 60 days, until the

date on which the application is approved or denied or the kinship care relative provider is otherwise determined to be ineligible for licensure.

Section 456. 48.57 (3m) (ap) 2. of the statutes is amended to read:

48.57 (3m) (ap) 2. If the application specified in subd. 1. is not approved or denied or the kinship care relative provider is not otherwise determined to be ineligible for licensure within 60 days after the date on which the county department or department received the completed application for any reason other than an act or omission of the kinship care relative provider, the county department or department may make payments under par. (am) for 4 months after the date on which the county department or department received the completed application or, if the application is approved or denied or the kinship care relative provider is otherwise determined to be ineligible for licensure within those 4 months, until the date on which the application is approved or denied or the kinship care relative provider is otherwise determined to be ineligible for licensure.

Section 457. 48.57 (3m) (ap) 3. of the statutes is amended to read:

48.57 (3m) (ap) 3. Notwithstanding that an application of a kinship care relative provider specified in subd. 1. is denied or the kinship care relative provider is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of 750,000 or more, the department may make payments under par. (am) to the kinship care relative provider for as long as the conditions specified in par. (am) 1. to 6. continue to apply if the county department or department submits to the court information relating to the background investigation specified in par. (am) 4., an assessment of the safety of the kinship care relative's provider's home and the ability of the kinship care relative provider to care for the child, and a recommendation that the child remain in the home of the kinship

care relative provider and the court, after considering that information, assessment, and recommendation, orders the child to remain in the kinship care relative's provider's home. If the court does not order the child to remain in the kinship care relative's provider's home, the court shall order the county department or department to request a change in placement under s. 48.357 (1) (am) or 938.357 (1) (am). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request a change in placement.

Section 458. 48.57 (3m) (as) of the statutes is created to read:

48.57 **(3m)** (as) From the appropriation under s. 20.437 (1) (es), a county department and, in a county having a population of 750,000 or more, the department may provide flexible support, in the form of additional payments or services, to a kinship care provider who qualifies under rules promulgated by the department under par. (i) 3.

Section 459. 48.57 (3m) (b) 2. of the statutes is amended to read:

48.57 (3m) (b) 2. When any kinship care relative provider of a child applies for or receives payments under this subsection, any right of the child or the child's parent to support or maintenance from any other person accruing during the time that payments are made under this subsection is assigned to the state. If a child who is the beneficiary of a payment under this subsection is also the beneficiary of support under a judgment or order that includes support for one or more children who are not the beneficiaries of payments under this subsection, any support payment made under the judgment or order is assigned to the state in the amount that is the proportionate share of the child who is the beneficiary of the payment made under this subsection, except as otherwise ordered by the court on the motion of a party.

SECTION 460. 48.57 (3m) (cm) of the statutes is amended to read:

48.57 **(3m)** (cm) A kinship care relative provider who receives a payment under par. (am) for providing care and maintenance for a child is not eligible to receive a payment under sub. (3n) or s. 48.62 (4) or 48.623 (1) or (6) for that child.

Section 461. 48.57 (3m) (h) of the statutes is amended to read:

48.57 (3m) (h) A county department or, in a county having a population of 750,000 or more, the department may recover an overpayment made under par. (am) from a kinship care relative provider who continues to receive payments under par. (am) by reducing the amount of the kinship care relative's provider's monthly payment. The department may by rule specify other methods for recovering overpayments made under par. (am). A county department that recovers an overpayment under this paragraph due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

Section 462. 48.57 (3m) (i) 1. of the statutes is amended to read:

48.57 (3m) (i) 1. Rules to provide assessment criteria for determining whether a kinship care relative provider who is providing care and maintenance for a child is eligible to receive payments under par. (am). The rules shall also provide that any criteria established under the rules shall first apply to applications for payments under par. (am) received, and to reviews under par. (d) conducted, on the effective date of those rules.

Section 463. 48.57 (3m) (i) 3. of the statutes is created to read:

48.57 (3m) (i) 3. Rules governing the provision of flexible support under par. (as). Rules promulgated under this subdivision may specify qualifying costs and services and eligibility criteria.

SECTION 464. 48.57 (3m) (i) 4. of the statutes is created to read:

48.57 (3m) (i) 4. Rules governing the provision of payments for exceptional circumstances to enable siblings or a minor parent and minor children to reside together and for initial clothing allowances for a child residing in the home of a kinship care provider who is receiving a monthly rate under par. (am).

Section 465. 48.57 (3m) (j) of the statutes is created to read:

48.57 **(3m)** (j) The department may promulgate rules governing the provision of emergency payments under par. (ar).

Section 466. 48.57 (3n) (a) 1. b. of the statutes is amended to read:

48.57 (3n) (a) 1. b. The person is under 21 years of age, the person is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent, an individualized education program under s. 115.787 is in effect for the person, and the person is placed in the home of the long-term kinship care relative provider under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 48.366 (3) or 938.366 (3).

Section 467. 48.57 (3n) (a) 2. of the statutes is amended to read:

48.57 **(3n)** (a) 2. "Long-term kinship care relative provider" means a relative other than a parent, an extended family member, as defined in s. 48.028 (2) (am), or like-kin.

SECTION 468. 48.57 (3n) (am) (intro.) of the statutes is amended to read:

48.57 (3n) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. Subject

 $\mathbf{2}$

to par. (ap), a county department and, in a county having a population of 750,000 or more, the department shall make monthly payments for each child in the amount of \$300 per month beginning on January 1, 2022, to a long-term kinship care relative provider who is providing care and maintenance for that child if all of the following conditions are met:

Section 66q. 48.57 (3n) (am) (intro.) of the statutes is amended to read:

48.57 (3n) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. Subject to par. (ap) and if all of the following conditions are met, beginning on January 1, 2024, a county department and, in a county having a population of 750,000 or more, the department shall make monthly payments to a long-term kinship care provider who is providing care and maintenance for each a child in the amount of \$300 per month beginning on January 1, 2022, to a long-term kinship care provider who is providing care and maintenance for that child if all of the following conditions are met \$441 for a child under 5 years of age; \$483 for a child 5 to 11 years of age; \$548 for a child 12 to 14 years of age; and \$572 for a child 15 years of age or over:

Section 469. 48.57 (3n) (am) 1. of the statutes is amended to read:

48.57 (3n) (am) 1. The long-term kinship care relative provider applies to the county department or department for payments under this subsection, provides proof that he or she has been appointed as the guardian of the child, and, if the child is placed in the home of the long-term kinship care relative provider under a court order, other than a court order under s. 48.9795 or ch. 54, 2017 stats., applies to the county department or department for a license to operate a foster home.

Section 470. 48.57 (3n) (am) 2. of the statutes is amended to read:

48.57 **(3n)** (am) 2. The county department or department inspects the long-term kinship care relative's provider's home, interviews the long-term kinship care relative provider and determines that long-term placement with the long-term kinship care relative provider is in the best interests of the child.

Section 471. 48.57 (3n) (am) 4. of the statutes is amended to read:

48.57 (3n) (am) 4. The county department or department conducts a background investigation under sub. (3p) of the long-term kinship care relative provider, the employees and prospective employees of the long-term kinship care relative provider who have or would have regular contact with the child for whom the payments would be made and any other adult resident, as defined in sub. (3p) (a), of the long-term kinship care relative's provider's home to determine if the long-term kinship care relative provider, employee, prospective employee or adult resident has any arrests or convictions that are likely to adversely affect the child or the long-term kinship care relative's provider's ability to care for the child.

SECTION 472. 48.57 (3n) (am) 4m. of the statutes is amended to read:

48.57 (3n) (am) 4m. Subject to sub. (3p) (fm) 1m. and 2m., the long-term kinship care relative provider states that he or she does not have any arrests or convictions that could adversely affect the child or the long-term kinship care relative's provider's ability to care for the child and that, to the best of the long-term kinship care relative's provider's knowledge, no adult resident, as defined in sub. (3p) (a), and no employee or prospective employee of the long-term kinship care relative provider who would have regular contact with the child has any arrests or convictions that could adversely affect the child or the long-term kinship care relative's provider's ability to care for the child.

1	SECTION 473. 48.57 (3n) (am) 5. of the statutes is amended to read:
2	48.57 (3n) (am) 5. The long-term kinship care relative provider cooperates
3	with the county department or department in the application process, including
4	applying for other forms of assistance for which the child may be eligible.
5	SECTION 474. 48.57 (3n) (am) 5m. of the statutes is amended to read:
6	48.57 (3n) (am) 5m. The long-term kinship care relative provider is not
7	receiving payments under sub. (3m) with respect to the child.
8	Section 475. 48.57 (3n) (am) 5r. of the statutes is amended to read:
9	48.57 (3n) (am) 5r. The child for whom the long-term kinship care relative
10	provider is providing care and maintenance is not receiving supplemental security
11	income under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77 .
12	SECTION 476. 48.57 (3n) (am) 6. (intro.) of the statutes is amended to read:
13	48.57 (3n) (am) 6. (intro.) The long-term kinship care relative provider and the
14	county department or department enter into a written agreement under which the
15	long-term kinship care relative provider agrees to provide care and maintenance for
16	the child and the county department or department agrees, subject to sub. (3p) (hm),
17	to make monthly payments to the long-term kinship care relative provider at the
18	rate specified in sub. (3m) (am) (intro.) until the earliest of the following:
19	SECTION 477. 48.57 (3n) (am) 6. c. of the statutes is amended to read:
20	48.57 (3n) (am) 6. c. The date on which the child is placed outside the long-term
21	kinship care relative's provider's home under a court order or under a voluntary
22	agreement under s. 48.63 (1) (a) or (b) or (5) (b).
23	Section 478. 48.57 (3n) (am) 6. d. of the statutes is amended to read:
24	48.57 (3n) (am) 6. d. The date on which the child ceases to reside with the
25	long-term kinship care relative <u>provider</u> .

SECTION 479. 48.57 (3n) (am) 6. e. of the statutes is amended to read:

48.57 (3n) (am) 6. e. The date on which the long-term kinship eare's care provider's guardianship under s. 48.977 terminates.

Section 480. 48.57 (3n) (an) of the statutes is created to read:

48.57 (3n) (an) In addition to the monthly payments for long-term kinship care under par. (am), the department or, with the department's approval, the county department may make payments for exceptional circumstances to enable siblings or a minor parent and minor children to reside together and for initial clothing allowances to a long-term kinship care provider who is providing care and maintenance for a child residing in the home of the long-term kinship care provider who is receiving a monthly rate under par. (am), commensurate with the needs of the child, according to the rules promulgated by the department under par. (i) 2.

Section 481. 48.57 (3n) (ap) 1. of the statutes is amended to read:

48.57 (3n) (ap) 1. Subject to subds. 2. and 3., the county department or, in a county having a population of 750,000 or more, the department may make payments under par. (am) to a long-term kinship care relative provider who is providing care and maintenance for a child who is placed in the home of the long-term kinship care relative provider for no more than 60 days after the date on which the county department or department received under par. (am) 1. the completed application of the long-term kinship care relative provider for a license to operate a foster home or, if the application is approved or denied or the long-term kinship care relative provider is otherwise determined to be ineligible for licensure within those 60 days, until the date on which the application is approved or denied or the long-term kinship care relative provider is otherwise determined to be ineligible for licensure.

SECTION 482. 48.57 (3n) (ap) 2. of the statutes is amended to read:

 $\mathbf{2}$

48.57 (3n) (ap) 2. If the application specified in subd. 1. is not approved or denied or the long-term kinship care relative provider is not otherwise determined to be ineligible for licensure within 60 days after the date on which the county department or department received the completed application for any reason other than an act or omission of the long-term kinship care relative provider, the county department or department may make payments under par. (am) for 4 months after the date on which the county department or department received the completed application or, if the application is approved or denied or the long-term kinship care relative provider is otherwise determined to be ineligible for licensure within those 4 months, until the date on which the application is approved or denied or the long-term kinship care relative provider is otherwise determined to be ineligible for licensure.

Section 483. 48.57 (3n) (ap) 3. of the statutes is amended to read:

48.57 (3n) (ap) 3. Notwithstanding that an application of a long-term kinship care relative provider specified in subd. 1. is denied or the long-term kinship care relative provider is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of 750,000 or more, the department may make payments under par. (am) to the long-term kinship care relative provider until an event specified in par. (am) 6. a. to f. occurs if the county department or department submits to the court information relating to the background investigation specified in par. (am) 4., an assessment of the safety of the long-term kinship care relative provider to care for the child, and a recommendation that the child remain in the home of the long-term kinship care relative provider and the court, after considering that information, assessment, and recommendation, orders the child to

remain in the long-term kinship care relative's provider's home. If the court does not order the child to remain in the kinship care relative's provider's home, the court shall order the county department or department to request a change in placement under s. 48.357 (1) (am) or 938.357 (1) (am) or to request a termination of the guardianship order under s. 48.977 (7). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request a change in placement and any person who is authorized to file a petition for the appointment of a guardian for the child may also request a termination of the guardianship order.

Section 484. 48.57 (3n) (b) 2. of the statutes is amended to read:

48.57 (3n) (b) 2. When any long-term kinship care relative provider of a child applies for or receives payments under this subsection, any right of the child or the child's parent to support or maintenance from any other person accruing during the time that payments are made under this subsection is assigned to the state. If a child is the beneficiary of support under a judgment or order that includes support for one or more children who are not the beneficiaries of payments under this subsection, any support payment made under the judgment or order is assigned to the state in the amount that is the proportionate share of the child who is the beneficiary of the payment made under this subsection, except as otherwise ordered by the court on the motion of a party.

Section 485. 48.57 (3n) (cm) of the statutes is amended to read:

48.57 **(3n)** (cm) A long-term kinship care relative provider who receives a payment under par. (am) for providing care and maintenance for a child is not eligible to receive a payment under sub. (3m) or s. 48.62 (4) or 48.623 (1) or (6) for that child.

Section 486. 48.57 (3n) (h) of the statutes is amended to read:

 $\mathbf{2}$

48.57 (3n) (h) A county department or, in a county having a population of 750,000 or more, the department may recover an overpayment made under par. (am) from a long-term kinship care relative provider who continues to receive payments under par. (am) by reducing the amount of the long-term kinship care relative's provider's monthly payment. The department may by rule specify other methods for recovering overpayments made under par. (am). A county department that recovers an overpayment under this paragraph due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

SECTION 487. 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

48.57 (3p) (h) 3. (intro.) The director of the county department, the person designated by the governing body of an Indian tribe or, in a county having a population of 750,000 or more, the person designated by the secretary shall review the denial of payments or the prohibition on employment or being an adult resident to determine if the conviction record on which the denial or prohibition is based includes any arrests, convictions, or penalties that are likely to adversely affect the child or the ability of the kinship care relative provider to care for the child. In reviewing the denial or prohibition, the director of the county department, the person designated by the governing body of the Indian tribe or the person designated by the secretary shall consider all of the following factors:

Section 488. 48.57 (3p) (h) 3. b. of the statutes is amended to read:

48.57 (**3p**) (h) 3. b. The nature of the violation or penalty and how that violation or penalty affects the ability of the kinship care <u>relative provider</u> to care for the child.

Section 489. 48.57 (3p) (h) 4. of the statutes is amended to read:

48.57 (**3p**) (h) 4. If the director of the county department, the person designated by the governing body of the Indian tribe or, in a county having a population of

750,000 or more, the person designated by the secretary determines that the conviction record on which the denial of payments or the prohibition on employment or being an adult resident is based does not include any arrests, convictions, or penalties that are likely to adversely affect the child or the ability of the kinship care relative provider to care for the child, the director of the county department, the person designated by the governing body of the Indian tribe, or the person designated by the secretary may approve the making of payments under sub. (3m) or may permit a person receiving payments under sub. (3m) to employ a person in a position in which that person would have regular contact with the child for whom payments are being made or permit a person to be an adult resident.

SECTION 490. 48.57 (3n) (i) of the statutes is renumbered 48.57 (3n) (i) (intro.) and amended to read:

48.57 (3n) (i) (intro.) The department shall promulgate rules to implement this subsection. Those rules shall include rules all of the following:

1. Rules governing the provision of long-term kinship care payments for the care and maintenance of a child after the child attains 18 years of age.

Section 491. 48.57 (3n) (i) 2. of the statutes is created to read:

48.57 (3n) (i) 2. Rules governing the provision of payments for exceptional circumstances to enable siblings or a minor parent and minor children to reside together and for initial clothing allowances for children residing in a home of a long-term kinship care provider who is receiving a monthly rate under par. (am).

SECTION 492. 48.60 (2) (a) of the statutes is amended to read:

48.60 (2) (a) A relative <u>or like-kin</u>, guardian, or person delegated care and custody of a child under s. 48.979 who provides care and maintenance for such children.

 $\mathbf{2}$

Section 493. 48.62 (2) of the statutes is amended to read:

48.62 (2) A relative or like-kin, a guardian of a child, or a person delegated care and custody of a child under s. 48.979 who provides care and maintenance for the child is not required to obtain the license specified in this section. The department, county department, or licensed child welfare agency as provided in s. 48.75 may issue a license to operate a foster home to a relative or like-kin who has no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster home for a specific child who is either placed by court order or who is the subject of a voluntary placement agreement under s. 48.63. The department, a county department, or a licensed child welfare agency may, at the request of a guardian appointed under s. 48.977, 48.978, or 48.9795, ch. 54, 2017 stats., or ch. 880, 2003 stats., license the guardian's home as a foster home for the guardian's minor ward who is living in the home and who is placed in the home by court order. Relatives and like-kin with no duty of support and guardians appointed under s. 48.977, 48.978, or 48.9795, ch. 54, 2017 stats., or ch. 880, 2003 stats., who are licensed to operate foster homes are subject to the department's licensing rules.

Section 494. 48.62 (4) of the statutes is amended to read:

48.62 (4) Monthly payments in foster care shall be provided according to the rates specified in this subsection. Beginning on January 1, 2022, the rates are \$300 for care and maintenance provided for a child of any age by a foster home that is certified to provide level one care, as defined in the rules promulgated under sub. (8) (a) and 2024, for care and maintenance provided by a foster home that is certified to provide care at a any level of care that is higher than level one care, \$420 \$441 for a child under 5 years of age; \$460 \$483 for a child 5 to 11 years of age; \$522 \$548 for a child 12 to 14 years of age; and \$545 \$572 for a child 15 years of age or over. In

addition to these grants for basic maintenance, the department, county department, or licensed child welfare agency shall make supplemental payments for foster care to a foster home that is receiving an age-related rate under this subsection that are commensurate with the level of care that the foster home is certified to provide and the needs of the child who is placed in the foster home according to the rules promulgated by the department under sub. (8) (c).

Section 495. 48.64 (1) of the statutes is amended to read:

48.64 (1) Definition. In this section, "agency" means the department, the department of corrections, a county department under s. 46.215, 46.22, or 46.23, or a licensed child welfare agency authorized to place children in foster homes, group homes, or shelter care facilities approved under s. 938.22 (2) (c) or, in the homes of relatives other than a parent, or in the homes of like-kin.

Section 496. 48.64 (1m) of the statutes is amended to read:

48.64 (1m) Out-of-home care agreements. If an agency places a child in a foster home or group home or in the home of a relative other than a parent or in the home of like-kin under a court order or places a child in a foster home, group home, or shelter care facility approved under s. 938.22 (2) (c) under a voluntary agreement under s. 48.63, the agency shall enter into a written agreement with the head of the home or facility. The agreement shall provide that the agency shall have access at all times to the child and the home or facility, and that the child will be released to the agency whenever, in the opinion of the agency placing the child or the department, the best interests of the child require release to the agency. If a child has been in a foster home or group home or in the home of a relative other than a parent or in the home of like-kin for 6 months or more, the agency shall give the head of the home written notice of intent to remove the child, stating the reasons for the

 $\mathbf{2}$

removal. The child may not be removed from a foster home, group home, or home of a relative other than a parent or the home of like-kin before completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days after the receipt of the notice, whichever is later, unless the safety of the child requires it or, in a case in which the reason for removal is to place the child for adoption under s. 48.833, unless all of the persons who have the right to request a hearing under sub. (4) (a) or (c) sign written waivers of objection to the proposed removal. If the safety of the child requires earlier removal, s. 48.19 applies. If an agency removes a child from an adoptive placement, the head of the home shall have no claim against the placing agency for the expense of care, clothing, or medical treatment.

Section 497. 48.64 (2) of the statutes is amended to read:

48.64 (2) Supervision of out-of-home care placements. Every child who is placed in a foster home, group home, or shelter care facility approved under s. 938.22 (2) (c) shall be under the supervision of an agency. Every child who is placed in the home of a relative other than a parent or in the home of like-kin under a court order shall be under the supervision of an agency.

Section 498. 48.64 (4) (a) of the statutes is amended to read:

48.64 (4) (a) Except as provided in par. (d), any decision or order issued by an agency that affects the head of a foster home or group home, the head of the home of a relative other than a parent or the home of like-kin in which a child is placed, or the child involved may be appealed to the department under fair hearing procedures established under rules promulgated by the department. Upon receipt of an appeal, the department shall give the head of the home reasonable notice and an opportunity for a fair hearing. The department may make any additional investigation that the department considers necessary. The department shall give

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

notice of the hearing to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. Each person receiving notice is entitled to be represented at the hearing. At all hearings conducted under this paragraph, the head of the home, or a representative of the head of the home, shall have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses. The department shall grant a continuance for a reasonable period of time when an issue is raised for the first time during a hearing. This requirement may be waived with the consent of the parties. The decision of the department shall be based exclusively on evidence introduced at the hearing. A transcript of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the findings of the hearing examiner shall constitute the exclusive record for decision by the department. The department shall make the record available at any reasonable time and at an accessible place to the head of the home or his or her representative. Decisions by the department shall specify the reasons for the decision and identify the supporting evidence. No person participating in an agency action being appealed may participate in the final administrative decision on that action. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. The decision shall be binding on all parties concerned.

 $\mathbf{2}$

SECTION 499. 48.64 (4) (c) of the statutes is amended to read:

48.64 (4) (c) Except as provided in par. (d), the circuit court for the county where the dispositional order placing a child in a foster home or group home or in the home of a relative other than a parent or in the home of like-kin was entered or the voluntary agreement under s. 48.63 placing a child in a foster home or group home was made has jurisdiction upon petition of any interested party over the child who is placed in the foster home, group home, or home of the relative or like-kin. The circuit court may call a hearing, at which the head of the home and the supervising agency under sub. (2) shall be present, for the purpose of reviewing any decision or order of that agency involving the placement and care of the child. If the child has been placed in a foster home or in the home of a relative other than a parent or in the home of like-kin, the foster parent or relative, or like-kin may present relevant evidence at the hearing. The petitioner has the burden of proving by clear and convincing evidence that the decision or order issued by the agency is not in the best interests of the child.

Section 500. 48.67 (4) (b) of the statutes is amended to read:

48.67 **(4)** (b) The training under par. (a) shall be available to a kinship care relative provider, as defined in s. 48.40 (1m), upon request of the kinship care relative provider.

Section 501. 49.132 of the statutes is created to read:

- **49.132 Child care partnership grant program.** (1) In this section, "business" means any organization or enterprise operated for profit or a nonprofit corporation. "Business" does not include a governmental entity.
- (2) The department may establish a grant program to award funding to businesses that provide or wish to provide child care services for their employees.

- A grant awarded under this program may be used to reserve child care placements for local business employees, pay child care tuition, and other costs related to child care.
 - (3) A business awarded a grant under this section shall provide matching funds equal to 25 percent or more of the amount awarded.
 - (4) The department may promulgate rules to administer this section, including to determine eligibility for a grant.
 - **Section 502.** 49.133 of the statutes is created to read:
 - 49.133 Child care quality improvement program. (1) The department may establish a program under which it may, from the appropriation under s. 20.437 (2) (c) and under s. 49.175 (1) (qm), make monthly payments and monthly per-child payments to child care providers certified under s. 48.651, child care centers licensed under s. 48.65, and child care programs established or contracted for by a school board under s. 120.13 (14).
 - (2) The department may promulgate rules to implement the program under this section, including establishing eligibility requirements and payment amounts and setting requirements for how recipients may use the payments.
 - **SECTION 503.** 49.155 (1g) (ac) of the statutes is amended to read:
- 49.155 (1g) (ac) A child care scholarship and bonus program, in the amount of at least \$3,975,000 \$8,975,000 per fiscal year.
 - **SECTION 504.** 49.155 (1m) (a) 1m. b. of the statutes is amended to read:
 - 49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years and the individual resides with his or her custodial parent or with a kinship care relative provider under s. 48.57 (3m) or with a long-term kinship care relative provider under s. 48.57 (3n) or is in a foster home licensed under s. 48.62, a subsidized

1	guardianship home under s. 48.623, a group home, or an independent living
2	arrangement supervised by an adult.
3	Section 505. 49.155 (6) (e) 2. of the statutes is repealed.
4	Section 506. 49.155 (6) (e) 3. (intro.) of the statutes is amended to read:
5	49.155 (6) (e) 3. (intro.) The department may modify a child care provider's
6	maximum payment rate under subd. 2. pars. (a) to (c) on the basis of the provider's
7	quality rating, as described in the quality rating plan, in the following manner:
8	Section 507. 938.02 (12c) of the statutes is created to read:
9	938.02 (12c) "Like-kin" means a person who has a significant emotional
10	relationship with a child or the child's family and to whom any of the following
11	applies:
12	(a) Prior to the child's placement in out-of-home care, the person had an
13	existing relationship with the child or the child's family that is similar to a familial
14	relationship.
15	(b) During the child's placement in out-of-home care, the person developed a
16	relationship with the child or the child's family that is similar to a familial
17	relationship, and the person is not and has not previously been the child's licensed
18	foster parent.
19	(c) For an Indian child, "like-kin" includes individuals identified by the child's
20	tribe according to tribal tradition, custom or resolution, code, or law.
21	Section 508. 938.02 (15) of the statutes is amended to read:
22	938.02 (15) "Relative" means a parent, stepparent, brother, sister, stepbrother,
23	stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd
24	cousin, first cousin once removed, nephew, niece, uncle, aunt, stepuncle, stepaunt,
25	or any person of a preceding generation as denoted by the prefix of grand, great, or

great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 938.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "relative" includes an extended family member, as defined in s. 938.028 (2) (a), whether by blood, marriage, or adoption, including adoption under tribal law or custom. For purposes of placement of a juvenile, "relative" also includes a parent of a sibling of the juvenile who has legal custody of that sibling.

SECTION 509. 938.028 (2) (c) of the statutes is amended to read:

938.028 (2) (c) "Out-of-home care placement" means the removal of an Indian juvenile from the home of his or her parent or Indian custodian for temporary placement in a foster home, group home, residential care center for children and youth, or shelter care facility, in the home of a relative other than a parent, in the home of like-kin, or in the home of a guardian, from which placement the parent or Indian custodian cannot have the juvenile returned upon demand. "Out-of-home care placement" does not include an emergency change in placement under s. 938.357 (2) (b) or holding an Indian juvenile in custody under ss. 938.19 to 938.21.

Section 510. 938.207 (1) (b) of the statutes is amended to read:

938.207 (1) (b) The home of a relative <u>or like-kin</u>, except that a juvenile may not be held in the home of a <u>relative if the relative person who</u> has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the juvenile, and the conviction has not been reversed, set aside or vacated, unless the person making the custody decision determines by clear and convincing evidence that the placement would be

 $\mathbf{2}$

in the best interests of the juvenile. The person making the custody decision shall consider the wishes of the juvenile in making that determination.

SECTION 511. 938.207 (1) (f) of the statutes is amended to read:

938.207 (1) (f) The home of a person not a relative <u>or like-kin</u> if the person has not had a license under s. 48.62 refused, revoked, or suspended within the previous 2 years. A placement under this paragraph may not exceed 30 days, unless the placement is extended by the court for cause for an additional 30 days.

SECTION 512. 938.33 (4) (intro.) of the statutes is amended to read:

938.33 (4) Other out-of-home placements. (intro.) A report recommending placement in a foster home, group home, or nonsecured residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement shall be in writing, except that the report may be presented orally at the dispositional hearing if all parties consent. A report that is presented orally shall be transcribed and made a part of the court record. The report shall include all of the following:

SECTION 513. 938.335 (3g) (intro.) of the statutes is amended to read:

938.335 (**3g**) Reasonable efforts finding. (intro.) At hearings under this section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of the juvenile in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement, the agency shall present as evidence specific information showing all of the following:

Section 514. 938.335 (3j) (intro.) of the statutes is amended to read:

938.335 (3j) Indian Juvenile; active efforts finding. (intro.) At hearings under this section involving an Indian juvenile who is the subject of a proceeding under s. 938.13 (4), (6), (6m), or (7), if the agency, as defined in s. 938.38 (1) (a), is recommending removal of the Indian juvenile from the home of his or her parent or Indian custodian and placement of the Indian juvenile in a foster home, group home, or residential care center for children and youth or, in the home of a relative other than a parent, or in the home of like-kin, the agency shall present as evidence specific information showing all of the following:

Section 515. 938.34 (3) (a) (intro.) of the statutes is amended to read:

938.34 (3) (a) (intro.) The home of a parent or, other relative, or like-kin of the juvenile, except that the court may not designate any of the following as the juvenile's placement, unless the court determines by clear and convincing evidence that the placement would be in the best interests of the juvenile or, in the case of an Indian juvenile, the best interests of the Indian juvenile as described in s. 938.01 (3):

Section 516. 938.34 (3) (a) 1. of the statutes is amended to read:

938.34 (3) (a) 1. The home of a parent or, other relative, or like-kin of the juvenile if the parent or, other relative, or like-kin has been convicted of the homicide of a parent of the juvenile under s. 940.01 or 940.05, and the conviction has not been reversed, set aside, or vacated. In determining whether a placement under this subdivision would be in the best interests of the juvenile, the court shall consider the wishes of the juvenile.

Section 517. 938.34 (3) (a) 2. of the statutes is amended to read:

938.34 (3) (a) 2. The home of a relative other than the parent of the juvenile or the home of like-kin if the court finds that the relative or like-kin has been convicted of, has pleaded no contest to, or has had a charge dismissed or amended

 $\mathbf{2}$

as a result of a plea agreement for a crime under s. 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53, or a similar law of another state.

Section 518. 938.355 (4) (am) (intro.) of the statutes is amended to read:

938.355 (4) (am) (intro.) Except as provided in par. (b) or s. 938.368, an order under this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places or continues the placement of the juvenile in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement shall terminate on the latest of the following dates, unless the court specifies a shorter period or the court terminates the order sooner:

Section 519. 938.357 (6) (a) (intro.) of the statutes is amended to read:

938.357 (6) (a) (intro.) No change in placement may extend the expiration date of the original dispositional order, except that if the change in placement is from a placement in the juvenile's home to a placement in a foster home, group home, or residential care center for children and youth, in the home of a relative who is not a parent, in the home of like-kin, or in a supervised independent living arrangement, the court may extend the expiration date of the original dispositional order to the latest of the following dates, unless the court specifies a shorter period:

Section 520. 938.357 (6) (b) of the statutes is amended to read:

938.357 **(6)** (b) If the change in placement is from a placement in a foster home, group home, or residential care center for children and youth or in the home of a relative <u>or like-kin</u> to a placement in the juvenile's home and if the expiration date of the original dispositional order is more than one year after the date on which the

change-in-placement order is granted, the court shall shorten the expiration date of the original dispositional order to the date that is one year after the date on which the change-in-placement order is granted or to an earlier date as specified by the court.

Section 521. 938.365 (5) (b) (intro.) of the statutes is amended to read:

938.365 (5) (b) (intro.) Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement shall be for a specified length of time not to exceed the latest of the following dates:

Section 522. 938.366 (1) (a) of the statutes is amended to read:

938.366 (1) (a) The person is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement under an order under s. 938.355, 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 1., 2., or 3., 938.357 (6) (a) 1., 2., or 3., or 938.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age.

Section 523. 938.371 (1) (intro.) of the statutes is amended to read:

938.371 (1) Medical information. (intro.) If a juvenile is placed in a foster home, group home, residential care center for children and youth, or juvenile correctional facility or, in the home of a relative other than a parent, or in the home of like-kin, including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall provide the following information to the foster parent, relative, like-kin, or operator of the group home, residential care center for children and

 $\mathbf{2}$

youth, or juvenile correctional facility at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

Section 524. 938.371 (1) (a) of the statutes is amended to read:

938.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the juvenile as provided under s. 252.15 (3m) (d) 15., including results included in a court report or permanency plan. At the time that the test results are provided, the agency shall notify the foster parent, relative, <u>like-kin</u>, or operator of the group home, residential care center for children and youth, or juvenile correctional facility of the confidentiality requirements under s. 252.15 (6).

SECTION 525. 938.371 (3) (intro.) of the statutes is amended to read:

938.371 (3) OTHER INFORMATION. (intro.) At the time of placement of a juvenile in a foster home, group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent or in the home of like-kin or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a), responsible for preparing the juvenile's permanency plan shall provide to the foster parent, relative, like-kin, or operator of the group home, residential care center for children and youth, or juvenile correctional facility information contained in the court report submitted under s. 938.33 (1) or 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38 relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

Section 526. 938.371 (5) of the statutes is amended to read:

938.371 (5) Confidentiality of information. Except as permitted under s. 252.15 (6), a foster parent, treatment foster parent, relative, <u>like-kin</u>, or operator of a group home, residential care center for children and youth, or juvenile correctional facility that receives any information under sub. (1) or (3), other than the information described in sub. (3) (e), shall keep the information confidential and may disclose that information only for the purposes of providing care for the juvenile or participating in a court hearing or permanency review concerning the juvenile.

Section 527. 938.38 (2) (intro.) of the statutes is amended to read:

938.38 (2) Permanency Plan Required. (intro.) Except as provided in sub. (3), for each juvenile living in a foster home, group home, residential care center for children and youth, juvenile detention facility, shelter care facility, or supervised independent living arrangement, the agency that placed the juvenile or arranged the placement or the agency assigned primary responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each juvenile living in the home of a guardian or a relative other than a parent or in the home of like-kin, that agency shall prepare a written permanency plan, if any of the conditions under pars. (a) to (e) exists:

SECTION 528. 938.38 (3m) (a) of the statutes is amended to read:

938.38 **(3m)** (a) All appropriate biological family members, relatives, and like-kin of the juvenile, as determined by the agency. Notwithstanding s. 938.02 (12c) (b), in this paragraph, "like-kin" may include a person who is or previously was the child's licensed foster parent.

SECTION 529. 938.38 (4) (f) (intro.) of the statutes is amended to read:

 $\mathbf{2}$

938.38 **(4)** (f) (intro.) A description of the services that will be provided to the juvenile, the juvenile's family, and the juvenile's foster parent, the operator of the facility where the juvenile is living, or the relative <u>or like-kin</u> with whom the juvenile is living to carry out the dispositional order, including services planned to accomplish all of the following:

Section 530. 938.38 (4m) (b) of the statutes is amended to read:

938.38 (4m) (b) At least 10 days before the date of the hearing the court shall notify the juvenile; any parent, guardian, and legal custodian of the juvenile; any foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile, the operator of the facility in which the juvenile is living, or the relative or like-kin with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is or is alleged to be in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing.

Section 531. 938.38 (4m) (d) of the statutes is amended to read:

938.38 (4m) (d) The court shall give a foster parent, other physical custodian described in s. 48.62 (2), operator of a facility, or relative, or like-kin who is notified of a hearing under par. (b) a right to be heard at the hearing by permitting the foster parent, other physical custodian, operator, or relative, or like-kin to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, other physical custodian, operator of a facility, or relative, or like-kin does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Section 532. 938.38 (5) (b) of the statutes is amended to read:

938.38 (5) (b) The court or the agency shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent, the operator of the facility in which the juvenile is living, or the relative or like-kin with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s, 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they shall have a right to be heard at the review as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the juvenile's counsel, the juvenile's guardian ad litem, and the juvenile's school of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the juvenile's case record. The notice to the juvenile's school shall also include the name and contact information for the caseworker or social worker assigned to the juvenile's case.

SECTION 533. 938.38 (5) (bm) 1. of the statutes is amended to read:

938.38 (5) (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent, operator of a facility, or relative, or like-kin who is provided notice of the review under par. (b) shall have a right to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review or by participating at the review. A person representing the interests of the public, counsel, guardian ad litem, or school who is

 $\mathbf{2}$

provided notice of the review under par. (b) may have an opportunity to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review. A foster parent, operator of a facility, or relative, or like-kin who receives notice of a review under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the review is held solely on the basis of receiving that notice and right to be heard.

Section 534. 938.38 (5) (e) of the statutes is amended to read:

938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order; the juvenile or the juvenile's counsel or guardian ad litem; the person representing the interests of the public; the juvenile's parent, guardian, or legal custodian; the juvenile's foster parent, the operator of the facility where the juvenile is living, or the relative or like-kin with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe.

Section 535. 938.38 (5m) (b) of the statutes is amended to read:

938.38 (5m) (b) The court shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the juvenile's foster parent, the operator of the facility in which the juvenile is living, or the relative or like-kin with whom the juvenile is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. The court shall notify the juvenile's counsel and the juvenile's guardian ad litem; the agency that prepared the permanency plan;

the juvenile's school; the person representing the interests of the public; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the hearing. The notice to the juvenile's school shall also include the name and contact information for the caseworker or social worker assigned to the juvenile's case.

SECTION 536. 938.38 (5m) (c) 1. of the statutes is amended to read:

938.38 (5m) (c) 1. A juvenile, parent, guardian, legal custodian, foster parent, operator of a facility, or relative, or like-kin who is provided notice of the hearing under par. (b) shall have a right to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A counsel, guardian ad litem, agency, school, or person representing the interests of the public who is provided notice of the hearing under par. (b) may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, operator of a facility, or relative, or like-kin who receives notice of a hearing under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

Section 537. 938.38 (5m) (e) of the statutes is amended to read:

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

938.38 (5m) (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent, the operator of the facility in which the juvenile is living, or the relative or like-kin with whom the juvenile is living; the agency that prepared the permanency plan: the person representing the interests of the public; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

Section 538. 938.385 (intro.) of the statutes is amended to read:

938.385 Plan for transition to independent living. (intro.) During the 90 days immediately before a juvenile who is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement attains 18 years of age or, if the juvenile is placed in such a placement under an order under s. 938.355, 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after

the juvenile attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 938.366 (3) that terminates under s. 938.366 (3) (a) after the juvenile attains 18 years of age, during the 90 days immediately before the termination of the order or agreement, the agency primarily responsible for providing services to the juvenile under the order or agreement shall do all of the following:

SECTION 539. DCF 56.23 (1) (c) of the administrative code is amended to read:

DCF 56.23 (1) (c) A placing agency may not make a supplemental or exceptional payment or pay an initial clothing allowance, except for an exceptional payment under sub. (3) (a) 2., for a child placed in a Level 1 foster home.

SECTION 540. DCF 58.08 (9) (c) and (d) of the administrative code are created to read:

DCF 58.08 (9) (c) *Exceptional payments*. A kinship care agency may issue to a relative caregiver who is receiving kinship care payments or long-term kinship care payments an exceptional payment to enable siblings or minor parent and minor children to reside together, subject to a maximum payment amount determined by the department.

(d) *Initial clothing allowance*. A kinship care agency may pay an initial clothing allowance to a relative caregiver when the relative caregiver is initially approved by the kinship care agency. The amount of the initial clothing allowance shall be the actual cost of the clothing not to exceed a maximum determined by the department.

Section 9106. Nonstatutory provisions; Children and Families.

(1) CHILD CARE QUALITY IMPROVEMENT PROGRAM. Using the procedure under s. 227.24, the department of children and families may promulgate the rules

 $\mathbf{2}$

authorized under s. 49.133 (2) as emergency rules. Notwithstanding s. 227.24 (1) (a) and (3), the department of children and families is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

Section 9406. Effective dates; Children and Families.

(1) Foster care and kinship care rates. The treatment of ss. 48.57 (3m) (am) (intro.) (by Section 43q) and (3n) (am) (intro.) (by Section 66q) and 48.62 (4) takes

157. Page 374, line 11: after that line insert:

"Section 541. 234.18 (1) of the statutes is renumbered 234.18 and amended to read:

effect on January 1, 2024, or on the day after publication, whichever is later.".

234.18 Limit on amount of outstanding bonds and notes. The authority may not issue notes and bonds that are secured by a capital reserve fund to which s. 234.15 (4) applies if, upon issuance, the total aggregate outstanding principal amount of notes and bonds that are secured by a capital reserve fund to which s. 234.15 (4) applies would exceed \$600,000,000 \$1,200,000,000. This section does not apply to bonds and notes issued to refund outstanding notes and bonds.

Section 542. 234.18 (2) of the statutes is repealed.".

158. Page 374, line 11: after that line insert:

"Section 543. 20.437 (1) (dd) of the statutes is amended to read:

20.437 (1) (dd) State out-of-home care, adoption services, and subsidized guardianships. The amounts in the schedule for foster care, institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for

children under s. 49.19 (10) (d), for the cost of placements of children 18 years of age or over in residential care centers for children and youth under voluntary agreements under s. 48.366 (3) or under orders that terminate as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4., for the cost of the foster care monitoring system, for the cost of reimbursing counties and Indian tribes for subsidized guardianship payments under s. 48.623 (3) (a), for the cost of services to children with special needs who are under the guardianship of the department to prepare those children for adoption, and for the cost of postadoption services to children with special needs.

SECTION 544. 20.437 (1) (pd) of the statutes is amended to read:

20.437 (1) (pd) Federal aid; state out-of-home care, adoption services, and subsidized guardianships. All federal moneys received for meeting the costs of providing foster care, institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, the cost of care for children under s. 49.19 (10) (d), the cost of placements of children 18 years of age or over in residential care centers for children and youth under voluntary agreements under s. 48.366 (3) or under orders that terminate as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4., the cost of reimbursing counties and Indian tribes for subsidized guardianship payments under s. 48.623 (3) (a), the cost of services to children with special needs who are under the guardianship of the department to prepare those children for adoption, and the cost of postadoption services to children with special needs. Disbursements for foster care under s. 49.32 (2) and for the purposes described under s. 48.627 may be made from this appropriation.

SECTION 545. 48.48 (8r) of the statutes is amended to read:

 $\mathbf{2}$

48.48 **(8r)** To reimburse county departments <u>and Indian tribes</u>, from the appropriations under s. 20.437 (1) (dd) and (pd), for subsidized guardianship payments made under s. 48.623 (1) or (6), including guardianships of <u>Indian</u> children ordered by tribal courts.

Section 546. 48.623 (1) (intro.) of the statutes is amended to read:

48.623 (1) ELIGIBILITY. (intro.) A county department or, as provided in sub. (3) (a), an Indian tribe or the department shall provide monthly subsidized guardianship payments in the amount specified in sub. (3) (b) to a guardian of a child under s. 48.977 (2) or under a substantially similar tribal law if the county department, Indian tribe, or department determines that the conditions specified in pars. (a) to (d) have been met. A county department or, as provided in sub. (3) (a), a tribe or the department shall also provide those payments for the care of a sibling of such a child, regardless of whether the sibling meets the conditions specified in par. (a), if the county department, Indian tribe, or department and the guardian agree on the appropriateness of placing the sibling in the home of the guardian. A guardian of a child under s. 48.977 (2) or under a substantially similar tribal law is eligible for monthly subsidized guardianship payments under this subsection if the county department, Indian tribe, or the department, whichever will be providing those payments, determines that all of the following apply:

SECTION 547. 48.623 (1) (b) 3. of the statutes is amended to read:

48.623 (1) (b) 3. The guardian is licensed as the child's foster parent and the guardian and all adults residing in the guardian's home meet the requirements specified in s. 48.685 or, for a guardianship of a child ordered by a tribal court in which the background investigation is conducted by the Indian tribe, all adults residing in the guardian's home meet either the requirements specified in s. 48.685

or the background check requirements for foster parent licensing under 42 USC 671 (a) (20).

SECTION 548. 48.623 (1) (c) of the statutes is amended to read:

48.623 (1) (c) An order under s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or a tribal court under a substantially similar tribal law placing the child, or continuing the placement of the child, outside of the child's home has been terminated, or any proceeding in which the child has been adjudged to be in need of protection or services specified in s. 48.977 (2) (a) has been dismissed, as provided in s. 48.977 (3r) (a).

Section 549. 48.623 (2) (intro.) of the statutes is amended to read:

48.623 (2) Subsidized guardianship agreement may approve the provision of subsidized guardianship payments under sub. (1) to a proposed guardian, the county department, Indian tribe, or department shall negotiate and enter into a written, binding subsidized guardianship agreement with the proposed guardian and provide the proposed guardian with a copy of the agreement. A subsidized guardianship agreement or an amended subsidized guardianship agreement may also name a prospective successor guardian of the child to assume the duty and authority of guardianship on the death or incapacity of the guardian. A successor guardian is eligible for monthly subsidized guardianship payments under this section only if the successor guardian is named as a prospective successor guardian of the child in a subsidized guardianship agreement or amended subsidized guardianship agreement that was entered into before the death or incapacity of the guardian, the conditions specified in sub. (6) (bm) are met, and the court appoints the successor

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

guardian to assume the duty and authority of guardianship as provided in s. 48.977 (5m). A subsidized guardianship agreement shall specify all of the following:

SECTION 550. 48.623 (2) (c) of the statutes is amended to read:

48.623 (2) (c) That the county department, <u>Indian tribe</u>, or department will pay the total cost of the nonrecurring expenses that are associated with obtaining guardianship of the child, not to exceed \$2,000.

Section 551. 48.623 (3) (a) of the statutes is amended to read:

48.623 (3) (a) Except as provided in this paragraph, the county department shall provide the monthly payments under sub. (1) or (6). An Indian tribe that has entered into an agreement with the department under sub. (8) shall provide the monthly payments under sub. (1) or (6) for guardianships of children ordered by the tribal court, or a county department may provide the monthly payments under sub. (1) or (6) for guardianships of children ordered by the tribal court if the county department has entered into an agreement with the governing body of an Indian tribe to provide those payments. The county department or Indian tribe shall provide those payments from moneys received under s. 48.48 (8r). The department shall reimburse county departments and Indian tribes for the cost of subsidized guardianship payments, including payments made by county departments for guardianships of Indian children ordered by tribal courts, from the appropriations under s. 20.437 (1) (dd) and (pd). In a county having a population of 750,000 or more or in the circumstances specified in s. 48.43 (7) (a) or 48.485 (1), the department shall provide the monthly payments under sub. (1) or (6). The department shall provide those payments from the appropriations under s. 20.437 (1) (cx) and (mx).

Section 552. 48.623 (3) (b) of the statutes is amended to read:

48.623 (3) (b) The county department or, as provided in par. (a), an Indian tribe or the department shall determine the initial amount of a monthly payment under sub. (1) or (6) for the care of a child based on the circumstances of the guardian and the needs of the child. That amount may not exceed the amount received under s. 48.62 (4) or a substantially similar tribal law by the guardian of the child for the month immediately preceding the month in which the guardianship order was granted. A guardian or an interim caretaker who receives a monthly payment under sub. (1) or (6) for the care of a child is not eligible to receive a payment under s. 48.57 (3m) or (3n) or 48.62 (4) for the care of that child.

Section 553. 48.623 (3) (c) 1. of the statutes is amended to read:

48.623 (3) (c) 1. If a person who is receiving monthly subsidized guardianship payments under an agreement under sub. (2) believes that there has been a substantial change in circumstances, as defined by the department by rule promulgated under sub. (7) (a), he or she may request that the agreement be amended to increase the amount of those payments. If a request is received under this subdivision, the county department, Indian tribe, or department shall determine whether there has been a substantial change in circumstances and whether there has been a substantiated report of abuse or neglect of the child by the person receiving those payments. If there has been a substantial change in circumstances and if there has been no substantiated report of abuse or neglect of the child by that person, the county department, Indian tribe, or department shall offer to increase the amount of those payments based on criteria established by the department by rule promulgated under sub. (7) (b). If an increased monthly subsidized guardianship payment is agreed to by the person receiving those

payments, the county department, <u>Indian tribe</u>, or department shall amend the agreement in writing to specify the increased amount of those payments.

Section 554. 48.623 (3) (c) 2. of the statutes is amended to read:

48.623 (3) (c) 2. Annually, a county department, Indian tribe, or the department shall review an agreement that has been amended under subd. 1. to determine whether the substantial change in circumstances that was the basis for amending the agreement continues to exist. If that substantial change in circumstances continues to exist, the agreement, as amended, shall remain in effect. If that substantial change in circumstances no longer exists, the county department, Indian tribe, or department shall offer to decrease the amount of the monthly subsidized guardianship payments provided under sub. (1) based on criteria established by the department under sub. (7) (c). If the decreased amount of those payments is agreed to by the person receiving those payments, the county department, Indian tribe, or department shall amend the agreement in writing to specify the decreased amount of those payments. If the decreased amount of those payments is not agreed to by the person receiving those payments, that person may appeal the decision of the county department, Indian tribe, or department regarding the decrease under sub. (5).

Section 555. 48.623 (3) (d) of the statutes is amended to read:

48.623 (3) (d) The department, an Indian tribe, or a county department may recover an overpayment made under sub. (1) or (6) from a guardian or interim caretaker who continues to receive those payments by reducing the amount of the person's monthly payment. The department may by rule specify other methods for recovering those overpayments. A county department or Indian tribe that recovers

an overpayment under this paragraph due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

SECTION 556. 48.623 (4) of the statutes is amended to read:

48.623 (4) Annual review. A county department, an Indian tribe, or the department shall review a placement of a child for which the county department, Indian tribe, or department makes payments under sub. (1) not less than every 12 months after the county department, Indian tribe, or department begins making those payments to determine whether the child and the guardian remain eligible for those payments. If the child or the guardian is no longer eligible for those payments, the county department, Indian tribe, or department shall discontinue making those payments.

Section 557. 48.623 (5) (b) 1. (intro.) of the statutes is amended to read:

48.623 (5) (b) 1. (intro.) Upon receipt of a timely petition described in par. (a) the department shall give the applicant or recipient reasonable notice and an opportunity for a fair hearing. The department may make such additional investigation as it considers necessary. Notice of the hearing shall be given to the applicant or recipient and to the county department, Indian tribe, or subunit of the department whose action or failure to act is the subject of the petition. That county department, Indian tribe, or subunit of the department may be represented at the hearing. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the applicant or recipient and to the county department, Indian tribe, or subunit of the department whose action or failure to act is the subject of the petition. The decision of the department shall have the same effect as an order of the county department, Indian tribe, or subunit of the department whose action or failure to act is the subject of the petition. The

decision shall be final, but may be revoked or modified as altered conditions may require. The department shall deny a petition for review or shall refuse to grant relief if any of the following applies:

Section 558. 48.623 (5) (b) 2. of the statutes is amended to read:

48.623 (5) (b) 2. If a recipient requests a hearing within 10 days after the date of notice that his or her payments under sub. (1) are being decreased or discontinued, those payments may not be decreased or discontinued until a decision is rendered after the hearing but payments made pending the hearing decision may be recovered by the department if the contested action or failure to act is upheld. The department shall promptly notify the county department, Indian tribe, or the subunit of the department whose action is the subject of the hearing that the recipient has requested a hearing. Payments under sub. (1) shall be decreased or discontinued if the recipient is contesting a state law or a change in state law and not the determination of the payment made on the recipient's behalf.

Section 559. 48.623 (6) (am) (intro.) of the statutes is amended to read:

48.623 **(6)** (am) (intro.) On the death, incapacity, resignation, or removal of a guardian receiving payments under sub. (1), the county department, <u>Indian tribe</u>, or the department providing those payments shall provide monthly subsidized guardianship payments in the amount specified in sub. (3) (b) for a period of up to 12 months to an interim caretaker if all of the following conditions are met:

Section 560. 48.623 (6) (am) 1. of the statutes is amended to read:

48.623 (6) (am) 1. The county department, <u>Indian tribe</u>, or department inspects the home of the interim caretaker, interviews the interim caretaker, and determines that placement of the child with the interim caretaker is in the best interests of the

child. In the case of an Indian child, the best interests of the Indian child shall be determined in accordance with s. 48.01 (2).

SECTION 561. 48.623 (6) (am) 2. of the statutes is amended to read:

48.623 (6) (am) 2. The county department, Indian tribe, or department conducts a background investigation under s. 48.685 of the interim caretaker and any nonclient resident, as defined in s. 48.685 (1) (bm), of the home of the interim caretaker and determines that those individuals meet the requirements specified in s. 48.685. For investigations conducted by an Indian tribe, the background investigation may be conducted under s. 48.685 or by meeting the background check requirements for foster parent licensing under 42 USC 671 (a) (20). The county department, Indian tribe, or department shall provide the department of health services with information about each person who is denied monthly subsidized guardianship payments or permission to reside in the home of an interim caretaker for a reason specified in s. 48.685 (4m) (a) 1. to 5. or (b) 1. to 5.

SECTION 562. 48.623 (6) (am) 3. of the statutes is amended to read:

48.623 **(6)** (am) 3. The interim caretaker cooperates with the county department, Indian tribe, or department in finding a permanent placement for the child.

SECTION 563. 48.623 (6) (bm) (intro.), 1., 2., 3., 4. and 5. of the statutes are amended to read:

48.623 **(6)** (bm) (intro.) On the death or incapacity of a guardian receiving payments under sub. (1), the county department, an Indian tribe, or the department providing those payments shall provide monthly subsidized guardianship payments in the amount specified in sub. (3) (b) to a person named as a prospective successor guardian of the child in a subsidized guardianship agreement or amended subsidized

 $\mathbf{2}$

- guardianship agreement that was entered into before the death or incapacity of the guardian if all of the following conditions are met and the court appoints the person as successor guardian to assume the duty and authority of guardianship as provided in s. 48.977 (5m):
- 1. The county department, <u>Indian tribe</u>, or department determines that the child, if 14 years of age or over, has been consulted with regarding the successor guardianship arrangement.
- 2. The county department, <u>Indian tribe</u>, or department determines that the person has a strong commitment to caring permanently for the child.
- 3. The county department, <u>Indian tribe</u>, or department inspects the home of the person, interviews the person, and determines that placement of the child with the person is in the best interests of the child. In the case of an Indian child, the best interests of the Indian child shall be determined in accordance with s. 48.01 (2).
- 4. Prior to being appointed as successor guardian to assume the duty and authority of guardianship, the person enters into a subsidized guardianship agreement under sub. (2) with the county department, Indian tribe, or department.
- 5. Prior to the person entering into the subsidized guardianship agreement, the county department, Indian tribe, or department conducts a background investigation under s. 48.685 of the person and any nonclient resident, as defined in s. 48.685 (1) (bm), of the home of the person and determines that those individuals meet the requirements specified in s. 48.685. The county department, Indian tribe, or department shall provide the department of health services with information about each person who is denied monthly subsidized guardianship payments or permission to reside in the home of a person receiving those payments for a reason specified in s. 48.685 (4m) (a) 1. to 5. or (b) 1. to 5.

SECTION 564. 48.623 (7) (b) of the statutes is amended to read:

48.623 (7) (b) Rules establishing requirements for submitting a request under sub. (3) (c) 1. and criteria for determining the amount of the increase in monthly subsidized guardianship payments that a county department, an Indian tribe, or the department shall offer if there has been a substantial change in circumstances and if there has been no substantiated report of abuse or neglect of the child by the person receiving those payments.

Section 565. 48.623 (8) of the statutes is created to read:

48.623 (8) Tribal agreements. (a) The department may enter into an agreement with the governing body of an Indian tribe to allow that governing body to administer subsidized guardianships ordered by a tribal court under a tribal law substantially similar to s. 48.977 (2) and to be reimbursed by the department for eligible tribal subsidized guardianship payments. An agreement under this paragraph shall require the governing body of an Indian tribe to comply with all requirements for administering subsidized guardianship that apply to counties and the department, including eligibility.

(b) A county department may provide the monthly payments under sub. (1) or (6) for guardianships of children ordered by the tribal court if the county department has entered into an agreement with the governing body of an Indian tribe to provide those payments.

Section 566. 48.685 (5) (a) of the statutes is amended to read:

48.685 (5) (a) Subject to par. (bm), the department may license to operate an entity, a county department or a child welfare agency may license to operate a foster home under s. 48.62, the department in a county having a population of 750,000 or more, an Indian tribe, or a county department may provide subsidized guardianship

 $\mathbf{2}$

payments under s. 48.623 (6) to a person who otherwise may not be so licensed or provided those payments for a reason specified in sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at the entity or permit to reside with a caregiver specified in sub. (1) (ag) 1. am. of the entity a person who otherwise may not be so employed, provided payments, or permitted to reside at the entity or with that caregiver for a reason specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, county department, or child welfare agency or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the Indian tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.

SECTION 567. 48.977 (3r) (a) of the statutes is amended to read:

48.977 (3r) (a) Guardian. Subsidized guardianship payments under s. 48.623 (1) may not be made to a guardian of a child unless a subsidized guardianship agreement under s. 48.623 (2) is entered into before the guardianship order is granted and the court either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child has been adjudicated in need of protection or services as specified in sub. (2) (a). If a child's permanency plan calls for placement of the child in the home of a guardian and the provision of monthly subsidized guardianship payments to the guardian, the petitioner under sub. (4) (a) shall include in the petition under sub. (4) (b) a statement of the determinations made under s. 48.623 (1) and a request for the court to include in the court's findings under sub. (4) (d) a finding confirming those determinations. If the court confirms those determinations, appoints a guardian for the child under sub. (2), and either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which

the child is adjudicated to be in need of protection or services as specified in sub. (2) (a), the county department or, as provided in s. 48.623 (3) (a), an Indian tribe or the department shall provide monthly subsidized guardianship payments to the guardian under s. 48.623 (1).

Section 568. 48.977 (3r) (b) of the statutes is amended to read:

48.977 (3r) (b) Successor guardian. Subsidized guardianship payments under s. 48.623 (6) (bm) may not be made to a successor guardian of a child unless the court makes a finding confirming that the successor guardian is named as a prospective successor guardian of the child in a subsidized guardianship agreement or amended subsidized guardianship agreement under s. 48.623 (2) that was entered into before the death or incapacity of the guardian and that the conditions specified in s. 48.623 (6) (bm) have been met, appoints the successor guardian to assume the duty and authority of guardianship as provided in sub. (5m), and either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child has been adjudicated in need of protection or services as specified in sub. (2) (a). If the court makes that finding and appointment and either terminates such an order or dismisses such a proceeding, the county department or, as provided in s. 48.623 (3) (a), an Indian tribe or the department shall provide monthly subsidized guardianship payments to the successor guardian under s. 48.623 (6) (bm)."

159. Page 374, line 11: after that line insert:

"Section 569. 230.26 (4) of the statutes is amended to read:

230.26 **(4)** Fringe benefits specifically authorized by statutes, with the exception of <u>leave of absence with pay owing to sickness</u>, deferred compensation plan participation under subch. VII of ch. 40, worker's compensation, unemployment

 $\mathbf{2}$

insurance, group insurance, retirement, and social security coverage, shall be denied employees hired under this section. Such employees may not be considered permanent employees and do not qualify for tenure, vacation, paid holidays, sick leave, performance awards, or the right to compete in promotional processes.

Section 570. 230.35 (2) of the statutes is amended to read:

230.35 (2) Leave of absence with pay owing to sickness and leave of absence without pay, other than annual leave and leave under s. 103.10, shall be regulated by rules of the administrator, except that unused sick leave shall accumulate from year to year. Employees appointed under s. 230.26 (1) shall accrue leave of absence with pay owing to sickness at the same rate as permanent and project state employees, and such leave shall be prorated if the employee works less than full-time. After July 1, 1973, employees appointed to career executive positions under the program established under s. 230.24 or positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall have any unused sick leave credits restored if they are reemployed in a career executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence. Restoration of unused sick leave credits if reemployment is to a position other than those specified above shall be in accordance with rules of the administrator.

Section 9147. Nonstatutory provisions; University of Wisconsin System.

(1k) Paid sick leave for temporary employees. The Board of Regents of the University of Wisconsin System shall submit to the administrator of the division of personnel management in the department of administration, with its recommendations for adjustments to compensation and employee benefits for

employees of the system under s. 230.12 (3) (e) 1. for the 2023–25 fiscal biennium, a plan to provide paid sick leave benefits to temporary employees of the system. The plan shall provide sick leave benefits at the same rate such benefits are provided to permanent and project employees of the system.".

160. Page 374, line 11: after that line insert:

"Section 9214. Fiscal changes; Employment Relations Commission.

(1k) General budget adjustments. In the schedule under s. 20.005 (3) for the appropriation to the employment relations commission under s. 20.425 (1) (a), the dollar amount for fiscal year 2023–24 is decreased by \$4,800 to adjust for funding of continuing position salaries, fringe benefits, lease and directed moves costs, and transfers from permanent property to supplies and services. In the schedule under s. 20.005 (3) for the appropriation to the employment relations commission under s. 20.425 (1) (a), the dollar amount for fiscal year 2024–25 is decreased by \$3,000 to adjust for funding of continuing position salaries, fringe benefits, lease and directed moves costs, and transfers from permanent property to supplies and services.".

161. Page 374, line 11: after that line insert:

"Section 571. 20.425 (1) (i) of the statutes is amended to read:

20.425 (1) (i) Fees, collective bargaining training, publications, and appeals. The amounts in the schedule for the performance of fact-finding, mediation, certification, and arbitration functions, for the provision of copies of transcripts, for the cost of operating training programs under ss. 111.09 (3), 111.71 (5m), and 111.94 (3), for the preparation of publications, transcripts, reports, and other copied material, and for costs related to conducting appeals under s. 230.45. All moneys received under ss. 111.09 (1) and (2), 111.70 (4) (d) 3. b., 111.71 (1) and (2), 111.83 (3)

 $\mathbf{2}$

(b), 111.94 (1) and (2), and 230.45 (3), all moneys received from arbitrators and arbitration panel members, and individuals who are interested in serving in such positions, and from individuals and organizations who participate in other collective bargaining training programs conducted by the commission, and all moneys received from the sale of publications, transcripts, reports, and other copied material shall be credited to this appropriation account.

Section 572. 20.505 (1) (ks) of the statutes is amended to read:

20.505 (1) (ks) Collective bargaining grievance arbitrations. The amounts in the schedule for the payment of the state's share of costs related to collective bargaining grievance arbitrations under s. 111.86. All moneys received from state agencies or authorities for the purpose of reimbursing the state's share of the costs related to grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for training related to grievance arbitrations shall be credited to this appropriation account.

SECTION 573. 20.921 (1) (a) 2. of the statutes is amended to read:

20.921 (1) (a) 2. If the state employee is a public safety employee under s. 111.81 (15r) or is in a collective bargaining unit containing a *frontline* worker under s. 111.81 (9b), payment of dues to employee organizations.

Section 574. 40.51 (7) (a) of the statutes is amended to read:

40.51 (7) (a) Any employer, other than the state, including an employer that is not a participating employer, may offer to all of its employees a health care coverage plan through a program offered by the group insurance board. Notwithstanding sub. (2) and ss. 40.05 (4) and 40.52 (1), the department may by rule establish different eligibility standards or contribution requirements for such employees and employers. Beginning on January 1, 2012, except as otherwise

provided in a collective bargaining agreement under subch. IV of ch. 111 that covers public safety employees or transit employees and except as provided in par. (b), an employer may not offer a health care coverage plan to its employees under this subsection if the employer pays more than 88 percent of the average premium cost of plans offered in any tier with the lowest employee premium cost under this subsection.

Section 575. 46.2895 (8) (a) 1. of the statutes is amended to read:

46.2895 (8) (a) 1. If the long-term care district offers employment to any individual who was previously employed by a county, which participated in creating the district and at the time of the offer had not withdrawn or been removed from the district under sub. (14), and who while employed by the county performed duties relating to the same or a substantially similar function for which the individual is offered employment by the district and whose wages were established in who was covered by a collective bargaining agreement with the county under subch. IV of ch. 111 that is in effect on the date that the individual commences employment with the district, with respect to that individual, abide by the terms of the collective bargaining agreement concerning the individual's wages until the time of the expiration of that collective bargaining agreement or adoption of a collective bargaining agreement with the district under subch. IV of ch. 111 covering the individual as an employee of the district, whichever occurs first.

Section 576. 109.03 (1) (b) of the statutes is amended to read:

109.03 (1) (b) School district employees, cooperative educational service agency employees, and private school employees who voluntarily request payment over a 12-month period for personal services performed during the school year, unless, with

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

respect to private school employees, the employees are covered under a valid collective bargaining agreement which precludes this method of payment.

SECTION 577. 111.70 (1) (a) of the statutes is amended to read:

111.70 (1) (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours, and conditions of employment for public safety employees or, for transit employees and, or for municipal employees in a collective bargaining unit that contains a frontline worker; with respect to wages for general municipal employees, who are in a collective bargaining unit that does not contain a frontline worker; and with respect to a requirement of the municipal employer for a municipal employee to perform law enforcement and fire fighting services under s. 60.553, 61.66, or 62.13 (2e), except as provided in sub. (4) (mb) and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to any public safety employees under ch. 164. Collective bargaining includes the reduction of any agreement reached to a written and signed document.

Section 578. 111.70 (1) (f) of the statutes is amended to read:

111.70 (1) (f) "Fair-share agreement" means an agreement between a municipal employer and a labor organization that represents public safety employees or, transit employees, or a frontline worker under which all or any of the public safety employees or transit employees in the collective bargaining unit or all or any of the employees in a collective bargaining unit containing a frontline worker

1	are required to pay their proportionate share of the cost of the collective bargaining
2	process and contract administration measured by the amount of dues uniformly
3	required of all members.
4	Section 579. 111.70 (1) (fd) of the statutes is created to read:
5	111.70 (1) (fd) "Frontline worker" means a municipal employee who is
6	determined to be a frontline worker under sub. (4) (bm) 2.
7	Section 580. 111.70 (1) (fm) of the statutes is amended to read:
8	111.70 (1) (fm) "General municipal employee" means a municipal employee
9	who is not a public safety employee or, a transit employee, or a frontline worker.
10	Section 581. 111.70 (1) (n) of the statutes is amended to read:
11	111.70 (1) (n) "Referendum" means a proceeding conducted by the commission
12	in which public safety employees or transit employees in a collective bargaining unit
13	or municipal employees in a collective bargaining unit containing a frontline worker
14	may cast a secret ballot on the question of authorizing a labor organization and the
15	employer to continue a fair-share agreement.
16	Section 582. 111.70 (1) (p) of the statutes is amended to read:
17	111.70 (1) (p) "Transit employee" means a municipal employee who is
18	determined to be a transit employee under sub. (4) (bm) $\underline{1}$.
19	Section 583. 111.70 (2) of the statutes is renumbered 111.70 (2) (a) and
20	amended to read:
21	111.70 (2) (a) Municipal employees have the right of self-organization, and the
22	right to form, join, or assist labor organizations, to bargain collectively through
23	representatives of their own choosing, and to engage in lawful, concerted activities
24	for the purpose of collective bargaining or other mutual aid or protection. Municipal

employees have the right to refrain from any and all such activities. A general

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

municipal employee may not be covered by a fair-share agreement unless the general municipal employee is in a collective bargaining unit containing a frontline worker. Unless the general municipal employee is covered by a fair-share agreement, a general municipal employee has the right to refrain from paying dues while remaining a member of a collective bargaining unit. A public safety employee or, a transit employee, however, or a municipal employee in a collective bargaining unit containing a frontline worker may be covered by a fair-share agreement and be required to pay dues in the manner provided in -a the fair-share agreement; a fair-share agreement covering a public safety employee or a transit employee must contain a provision requiring the municipal employer to deduct the amount of dues as certified by the labor organization from the earnings of the employee affected by the fair-share agreement and to pay the amount deducted to the labor organization. A fair-share agreement covering a public safety employee or transit employee is subject to the right of the municipal employer or a labor organization to petition the commission to conduct a referendum. Such petition must be supported by proof that at least 30 percent of the employees in the collective bargaining unit desire that the fair-share agreement be terminated. Upon so finding, the commission shall conduct a referendum. If the continuation of the agreement is not supported by at least the majority of the eligible employees, it shall terminate. The commission shall declare any fair-share agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation, creed, or sex to receive as a member any public safety employee or transit eligible municipal employee of the municipal employer in the bargaining unit involved, and such agreement is subject to this duty of the commission. Any of the parties to such agreement or any public

safety employee or transit municipal employee covered by the agreement may come before the commission, as provided in s. 111.07, and ask the performance of this duty.

Section 584. 111.70 (2) (b) of the statutes is created to read:

111.70 (2) (b) General municipal employees who are not in a collective bargaining unit containing a frontline worker have the right to have their municipal employer consult with them, through a representative of their own choosing, with no intention of reaching an agreement, with respect to wages, hours, and conditions of employment. The right may be exercised either when the municipal employer proposes or implements policy changes affecting wages, hours, or conditions of employment or, if no policy changes are proposed or implemented, at least quarterly.

Section 585. 111.70 (3) (a) 3. of the statutes is amended to read:

111.70 (3) (a) 3. To encourage or discourage a membership in any labor organization by discrimination in regard to hiring, tenure, or other terms or conditions of employment; but the prohibition shall not apply to a fair-share agreement that covers public safety employees or transit employees.

Section 586. 111.70 (3) (a) 5. of the statutes is amended to read:

111.70 (3) (a) 5. To violate any collective bargaining agreement previously agreed upon by the parties with respect to wages, hours, and conditions of employment affecting public safety employees or, transit employees, or municipal employees in a collective bargaining unit containing a frontline worker, including an agreement to arbitrate questions arising as to the meaning or application of the terms of a collective bargaining agreement or to accept the terms of such arbitration award, where previously the parties have agreed to accept such award as final and binding upon them or to violate any collective bargaining agreement affecting a

 $\mathbf{2}$

collective bargaining unit containing only general municipal employees, that was previously agreed upon by the parties with respect to wages.

Section 587. 111.70 (3) (a) 6. of the statutes is amended to read:

111.70 (3) (a) 6. To deduct labor organization dues from the earnings of a public safety employee or, a transit employee, or a municipal employee who is in a collective bargaining unit containing a frontline worker unless the municipal employer has been presented with an individual order therefor, signed by the employee personally, and terminable by at least the end of any year of its life or earlier by the public safety employee or transit municipal employee giving at least 30 days' written notice of such termination to the municipal employer and to the representative organization, except when a fair-share agreement is in effect.

SECTION 588. 111.70 (3) (a) 9. of the statutes is amended to read:

111.70 (3) (a) 9. If the collective bargaining unit contains a public safety employee or, transit employee, or frontline worker, after a collective bargaining agreement expires and before another collective bargaining agreement takes effect, to fail to follow any fair-share agreement in the expired collective bargaining agreement.

Section 589. 111.70 (3g) of the statutes is amended to read:

111.70 **(3g)** Wage deduction prohibition. A municipal employer may not deduct labor organization dues from the earnings of a general municipal employee, unless the general municipal employee is in a collective bargaining unit that contains a frontline worker, or from the earnings of a supervisor.

Section 590. 111.70 (4) (bm) (title) of the statutes is amended to read:

111.70 (4) (bm) (title) Transit employee or frontline worker determination.

SECTION 591. 111.70 (4) (bm) of the statutes is renumbered 111.70 (4) (bm) 1.

SECTION 592. 111.70 (4) (bm) 2. of the statutes is created to read:

111.70 (4) (bm) 2. The commission shall determine that a municipal employee is a frontline worker if the commission finds that the municipal employee has regular job duties that include interacting with members of the public or with large populations of people or that directly involve the maintenance of public works. The commission may not determine that a public safety employee or a transit employee is a frontline worker.

SECTION 593. 111.70 (4) (cg) (title), 1., 2., 3., 4. and 5. of the statutes are amended to read:

employees and municipal employees in a collective bargaining unit containing a frontline worker. 1. 'Notice of commencement of contract negotiations.' To advise the commission of the commencement of contract negotiations involving a collective bargaining unit containing transit employees or a collective bargaining unit containing a frontline worker, whenever either party requests the other to reopen negotiations under a binding collective bargaining agreement, or the parties otherwise commence negotiations if no collective bargaining agreement exists, the party requesting negotiations shall immediately notify the commission in writing. Upon failure of the requesting party to provide notice, the other party may provide notice to the commission. The notice shall specify the expiration date of the existing collective bargaining agreement, if any, and shall provide any additional information the commission may require on a form provided by the commission.

2. 'Presentation of initial proposals; open meetings.' The meetings between parties to a collective bargaining agreement or proposed collective bargaining agreement under this subchapter that involve a collective bargaining unit

 $\mathbf{2}$

- containing a transit employee <u>or a frontline worker</u> and that are held to present initial bargaining proposals, along with supporting rationale, are open to the public. Each party shall submit its initial bargaining proposals to the other party in writing. Failure to comply with this subdivision does not invalidate a collective bargaining agreement under this subchapter.
- 3. 'Mediation.' The commission or its designee shall function as mediator in labor disputes involving transit employees or municipal employees in a collective bargaining unit containing a frontline worker upon request of one or both of the parties, or upon initiation of the commission. The function of the mediator is to encourage voluntary settlement by the parties. No mediator has the power of compulsion.
- 4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or application of the terms of a written collective bargaining agreement involving a collective bargaining unit containing a transit employee or a frontline worker may agree in writing to have the commission or any other appropriate agency serve as arbitrator or may designate any other competent, impartial, and disinterested person to serve as an arbitrator.
- 5. 'Voluntary impasse resolution procedures.' In addition to the other impasse resolution procedures provided in this paragraph, a municipal employer that employs a transit employee or a municipal employee in a collective bargaining unit containing a frontline worker and a labor organization may at any time, as a permissive subject of bargaining, agree in writing to a dispute settlement procedure, including binding interest arbitration, which is acceptable to the parties for resolving an impasse over terms of any collective bargaining agreement under this subchapter. The parties shall file a copy of the agreement with the commission. If

the parties agree to any form of binding interest arbitration, the arbitrator shall give weight to the factors enumerated under subds. 7. and 7g.

SECTION 594. 111.70 (4) (cg) 6. a. of the statutes is amended to read:

111.70 (4) (cg) 6. a. If, in any collective bargaining unit containing transit employees or a frontline worker, a dispute has not been settled after a reasonable period of negotiation and after mediation by the commission under subd. 3. and other settlement procedures, if any, established by the parties have been exhausted, and the parties are deadlocked with respect to any dispute between them over wages, hours, or conditions of employment to be included in a new collective bargaining agreement, either party, or the parties jointly, may petition the commission, in writing, to initiate compulsory, final, and binding arbitration, as provided in this paragraph. At the time the petition is filed, the petitioning party shall submit in writing to the other party and the commission its preliminary final offer containing its latest proposals on all issues in dispute. Within 14 calendar days after the date of that submission, the other party shall submit in writing its preliminary final offer on all disputed issues to the petitioning party and the commission. If a petition is filed jointly, both parties shall exchange their preliminary final offers in writing and submit copies to the commission when the petition is filed.

SECTION 595. 111.70 (4) (cg) 7r. d., e. and f. of the statutes are amended to read: 111.70 (4) (cg) 7r. d. Comparison of wages, hours, and conditions of employment of the transit municipal employees involved in the arbitration proceedings with the wages, hours, and conditions of employment of other employees performing similar services.

e. Comparison of the wages, hours, and conditions of employment of the transit municipal employees involved in the arbitration proceedings with the wages, hours,

and conditions of employment of other employees generally in public employment in the same community and in comparable communities.

f. Comparison of the wages, hours, and conditions of employment of the transit municipal employees involved in the arbitration proceedings with the wages, hours, and conditions of employment of other employees in private employment in the same community and in comparable communities.

Section 596. 111.70 (4) (cg) 7r. h. of the statutes is amended to read:

111.70 (4) (cg) 7r. h. The overall compensation presently received by the transit municipal employees involved in the arbitration proceedings, including direct wage compensation, vacation, holidays, and excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

SECTION 597. 111.70 (4) (cg) 8m. of the statutes is amended to read:

111.70 (4) (cg) 8m. 'Term of agreement; reopening of negotiations.' Except for the initial collective bargaining agreement between the parties and except as the parties otherwise agree, every collective bargaining agreement covering transit employees or a frontline worker shall be for a term of 2 years, but in no case may a collective bargaining agreement for any collective bargaining unit eonsisting of transit employees subject to this paragraph be for a term exceeding 3 years. No arbitration award involving transit employees or a frontline worker may contain a provision for reopening of negotiations during the term of a collective bargaining agreement, unless both parties agree to such a provision. The requirement for agreement by both parties does not apply to a provision for reopening of negotiations with respect to any portion of an agreement that is declared invalid by a court or

administrative agency or rendered invalid by the enactment of a law or promulgation of a federal regulation.

SECTION 598. 111.70 (4) (d) 1. of the statutes is amended to read:

111.70 (4) (d) 1. A representative chosen for the purposes of collective bargaining by a majority of the public safety employees or transit municipal employees voting in a collective bargaining unit shall be the exclusive representative of all employees in the unit for the purpose of collective bargaining. A representative chosen for the purposes of collective bargaining by at least 51 percent of the general municipal employees in a collective bargaining unit shall be the exclusive representative of all employees in the unit for the purpose of collective bargaining. Any individual employee, or any minority group of employees in any collective bargaining unit, shall have the right to present grievances to the municipal employer in person or through representatives of their own choosing, and the municipal employer shall confer with the employee in relation thereto, if the majority representative has been afforded the opportunity to be present at the conferences. Any adjustment resulting from these conferences may not be inconsistent with the conditions of employment established by the majority representative and the municipal employer.

Section 599. 111.70 (4) (d) 2. a. of the statutes is amended to read:

111.70 (4) (d) 2. a. The commission shall determine the appropriate collective bargaining unit for the purpose of collective bargaining and shall whenever possible avoid fragmentation by maintaining as few collective bargaining units as practicable in keeping with the size of the total municipal workforce. The commission may decide whether, in a particular case, the municipal employees in the same or several departments, divisions, institutions, crafts, professions, or other occupational

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

groupings constitute a collective bargaining unit. Before making its determination, the commission may provide an opportunity for the municipal employees concerned to determine, by secret ballot, whether they desire to be established as a separate collective bargaining unit. The commission may not decide, however, that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both professional employees and nonprofessional employees, unless a majority of the professional employees vote for inclusion in the unit. commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both school district employees and general municipal employees who are not school district employees. The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both public safety employees and general municipal employees, if the group includes both transit employees and general municipal employees, or if the group includes both transit employees and public safety employees place public safety employees in a collective bargaining unit with employees who are not public safety employees or place transit employees in a collective bargaining unit with employees who are not transit employees. The commission may place frontline workers in a collective bargaining unit with municipal employees who are not frontline workers if the commission determines it is appropriate; if the commission places in a collective bargaining unit frontline workers and municipal employees who are not frontline workers, the collective bargaining unit is treated as if all employees in the collective bargaining unit are frontline workers. The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both craft employees and noncraft employees unless a majority of the

craft employees vote for inclusion in the unit. The commission shall place the professional employees who are assigned to perform any services at a charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit from a unit that includes any other professional employees whenever at least 30 percent of those professional employees request an election to be held to determine that issue and a majority of the professional employees at the charter school who cast votes in the election decide to be represented in a separate collective bargaining unit.

SECTION 600. 111.70 (4) (d) 3. a. and c. of the statutes are consolidated and renumbered 111.70 (4) (d) 3.

SECTION 601. 111.70 (4) (d) 3. b. of the statutes is repealed.

Section 602. 111.70 (4) (mb) (intro.) of the statutes is amended to read:

111.70 (4) (mb) Prohibited subjects of bargaining; general municipal employees. (intro.) The municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing a only general municipal employee employees with respect to any of the following:

Section 603. 111.70 (4) (mbb) of the statutes is amended to read:

111.70 (4) (mbb) Consumer price index change. For purposes of determining compliance with par. (mb), the commission shall provide, upon request, to a municipal employer or to any representative of a collective bargaining unit containing a only general municipal employee employees, the consumer price index change during any 12-month period. The commission may get the information from the department of revenue.

Section 604. 111.70 (4) (p) of the statutes is amended to read:

111.70 (4) (p) Permissive subjects of collective bargaining; public safety and employees, transit employees, and municipal employees in a collective bargaining

 $\mathbf{2}$

unit containing a frontline worker. A municipal employer is not required to bargain with public safety employees er, transit employees, or municipal employees in a collective bargaining unit containing a frontline worker on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours, and conditions of employment of the public safety employees or in a collective bargaining unit, of the transit employees in a collective bargaining unit, or of the municipal employees in the collective bargaining unit containing a frontline worker, whichever is appropriate.

Section 605. 111.70 (7m) (c) 1. a. of the statutes is amended to read:

111.70 (7m) (c) 1. a. Any labor organization that represents public safety employees or, transit employees, or a frontline worker which violates sub. (4) (L) may not collect any dues under a collective bargaining agreement or under a fair-share agreement from any employee covered by either agreement for a period of one year. At the end of the period of suspension, any such agreement shall be reinstated unless the labor organization is no longer authorized to represent the public safety employees or transit municipal employees covered by the collective bargaining agreement or fair-share agreement or the agreement is no longer in effect.

SECTION 606. 111.81 (1) of the statutes is renumbered 111.81 (1s) and amended to read:

111.81 (1s) "Collective bargaining" means the performance of the mutual obligation of the state as an employer, by its officers and agents, and the representatives of its employees, to meet and confer at reasonable times, in good faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect to for public safety employees, with respect to the subjects of bargaining provided in s. 111.91 (1w) for employees in a collective bargaining unit containing a frontline

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

required of all members.

worker, and with respect to the subjects of bargaining provided in s. 111.91 (3), with respect to for general employees who are in a collective bargaining unit that does not contain a frontline worker, with the intention of reaching an agreement, or to resolve questions arising under such an agreement. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. **Section 607.** 111.81 (1d) of the statutes is created to read: 111.81 (1d) "Authority" means a body created under subch. II of ch. 114 or ch. 231, 232, 233, 234, 237, 238, or 279. **Section 608.** 111.81 (7) (ag) of the statutes is created to read: 111.81 (7) (ag) An employee of an authority. **Section 609.** 111.81 (8) of the statutes is amended to read: 111.81 (8) "Employer" means the state of Wisconsin and includes an authority. **Section 610.** 111.81 (9) of the statutes is amended to read: 111.81 (9) "Fair-share agreement" means an agreement between the employer and a labor organization representing public safety employees or a frontline worker under which all of the public safety employees in the collective bargaining unit or all of the employees in a collective bargaining unit containing a frontline worker are

SECTION 611. 111.81 (9b) of the statutes is created to read:

111.81 **(9b)** "Frontline worker" means an employee who is determined to be a frontline worker under s. 111.817.

required to pay their proportionate share of the cost of the collective bargaining

process and contract administration measured by the amount of dues uniformly

 $\mathbf{2}$

Section 612. 111.81 (9g) of the statutes is amended to read:

111.81 **(9g)** "General employee" means an employee who is not a public safety employee or a frontline worker.

Section 613. 111.81 (12) (intro.) of the statutes is amended to read:

111.81 (12) (intro.) "Labor organization" means any employee organization whose purpose is to represent employees in collective bargaining with the employer, or its agents, on matters that are subject to collective bargaining under s. 111.91 (1), (1w), or (3), whichever is applicable; but the term shall not include any organization:

Section 614. 111.81 (12m) of the statutes is amended to read:

111.81 (12m) "Maintenance of membership agreement" means an agreement between the employer and a labor organization representing public safety employees or a frontline worker which requires that all of the public safety employees or employees who are in a collective bargaining unit containing a frontline worker whose dues are being deducted from earnings under s. 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement, and that dues shall be deducted from the earnings of all public safety such employees who are hired on or after the effective date of the agreement.

Section 615. 111.81 (16) of the statutes is amended to read:

111.81 (16) "Referendum" means a proceeding conducted by the commission in which public safety employees in a collective bargaining unit or all employees in a collective bargaining unit containing a frontline worker may cast a secret ballot on the question of directing the labor organization and the employer to enter into a fair-share or maintenance of membership agreement or to terminate such an agreement.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SECTION 616. 111.815 (1) of the statutes is amended to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The division shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the division shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining units specified in s. 111.825 (1r) and (1t), the division is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern and with operating authorities on matters of authority concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the division that require legislative action. With respect to the collective bargaining units specified in s. 111.825 (1r), the Board of Regents of the University of Wisconsin System is responsible for the employer functions under this subchapter. With respect to the collective bargaining units specified in s. 111.825 (1t), the chancellor of the University of Wisconsin-Madison is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (1r) (ef), the governing board of the charter school established by contract under s. 118.40 (2r) (cm), 2013 stats., is responsible for the employer functions under this subchapter.

Section 617. 111.817 of the statutes is created to read:

111.817 Duty of commission; determination of frontline workers. The commission shall determine that an employee is a frontline worker if the commission

finds that the employee has regular job duties that include interacting with members of the public or with large populations of people or that directly involve the maintenance of public works. The commission may not determine that a public safety employee is a frontline worker.

SECTION 618. 111.82 of the statutes is renumbered 111.82 (1) and amended to read:

111.82 (1) Employees have the right of self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing under this subchapter, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. Employees also have the right to refrain from any or all of such activities. A general employee may not be covered by a fair-share agreement unless the general employee is in a collective bargaining unit containing a frontline worker. Unless the general employee is covered by a fair-share agreement, a general employee has the right to refrain from paying dues while remaining a member of a collective bargaining unit.

Section 619. 111.82 (2) of the statutes is created to read:

111.82 (2) General employees who are not in a collective bargaining unit containing a frontline worker have the right to have their employer consult with them, through a representative of their own choosing, with no intention of reaching an agreement, with respect to wages, hours, and conditions of employment. The right may be exercised either when the employer proposes or implements policy changes affecting wages, hours, or conditions of employment or, if no policy changes are proposed or implemented, at least quarterly.

Section 620. 111.825 (1) (intro.) of the statutes is amended to read:

111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful collective bargaining, units must be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, collective bargaining units for employees in the classified service of the state and for employees of authorities are structured on a statewide basis with one collective bargaining unit for each of the following occupational groups:

Section 621. 111.825 (3) of the statutes is amended to read:

111.825 (3) The commission shall assign employees to the appropriate collective bargaining units set forth in subs. (1), (1r), (1t), and (2). The commission may place frontline workers in a collective bargaining unit with employees who are not frontline workers if the commission determines it is appropriate; if the commission places in a collective bargaining unit frontline workers and employees who are not frontline workers, the collective bargaining unit is treated as if all employees in the collective bargaining unit are frontline workers and may bargain as provided in s. 111.91 (1w).

Section 622. 111.825 (5) of the statutes is amended to read:

of this subchapter, the commission may consider a petition for a statewide collective bargaining unit of professional supervisors or a statewide unit of nonprofessional supervisors in the classified service, but the representative of supervisors may not be affiliated with any labor organization representing employees. For purposes of this subsection, affiliation does not include membership in a national, state, county or municipal federation of national or international labor organizations. The certified representative of supervisors who are not public safety employees or frontline workers may not bargain collectively with respect to any matter other than

 $\mathbf{2}$

wages as provided in s. 111.91 (3), and the certified representative of supervisors who are public safety employees may not bargain collectively with respect to any matter other than wages and fringe benefits as provided in s. 111.91 (1), and the certified representative of supervisors who are frontline workers may bargain as provided in s. 111.91 (1w).

Section 623. 111.83 (1) of the statutes is amended to read:

111.83 (1) Except as provided in sub. (5), a representative chosen for the purposes of collective bargaining by at least 51 percent of the general employees in a collective bargaining unit shall be the exclusive representative of all of the employees in such unit for the purposes of collective bargaining. A representative chosen for the purposes of collective bargaining by a majority of the public safety employees voting in a collective bargaining unit shall be the exclusive representative of all of the employees in such unit for the purposes of collective bargaining. Any individual employee, or any minority group of employees in any collective bargaining unit, may present grievances to the employer in person, or through representatives of their own choosing, and the employer shall confer with the employee or group of employees in relation thereto if the majority representative has been afforded the opportunity to be present at the conference. Any adjustment resulting from such a conference may not be inconsistent with the conditions of employment established by the majority representative and the employer.

Section 624. 111.83 (3) (a) of the statutes is renumbered 111.83 (3).

Section 625. 111.83 (3) (b) of the statutes is repealed.

Section 626. 111.83 (4) of the statutes is amended to read:

111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which the name of more than one proposed representative appears on the ballot and results

in no conclusion, the commission may, if requested by any party to the proceeding within 30 days from the date of the certification of the results of the election, conduct a runoff election. In that runoff election, the commission shall drop from the ballot the name of the representative who received the least number of votes at the original election. The commission shall drop from the ballot the privilege of voting against any representative if the least number of votes cast at the first election was against representation by any named representative.

Section 627. 111.84 (1) (d) of the statutes is amended to read:

111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91 (1), (1w), or (3), whichever is appropriate, with a representative of a majority of its employees in an appropriate collective bargaining unit. Where the employer has a good faith doubt as to whether a labor organization claiming the support of a majority of its employees in appropriate collective bargaining unit does in fact have that support, it may file with the commission a petition requesting an election as to that claim. It is not deemed to have refused to bargain until an election has been held and the results thereof certified to it by the commission. A violation of this paragraph includes, but is not limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

Section 628. 111.84 (1) (f) of the statutes is amended to read:

111.84 (1) (f) To deduct labor organization dues from the earnings of a public safety employee or an employee who is in a collective bargaining unit containing a frontline worker, unless the employer has been presented with an individual order therefor, signed by the public safety employee personally, and terminable by at least the end of any year of its life or earlier by the public safety employee giving at least 30 but not more than 120 days' written notice of such termination to the employer

and to the representative labor organization, except if there is a fair-share or maintenance of membership agreement in effect. The employer shall give notice to the labor organization of receipt of such notice of termination.

Section 629. 111.84 (2) (c) of the statutes is amended to read:

111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91 (1), (1w), or (3), whichever is appropriate, with the duly authorized officer or agent of the employer which is the recognized or certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (a) or (ag) in an appropriate collective bargaining unit or with the certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (ar) to (f) in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

Section 630. 111.85 (1) of the statutes is amended to read:

111.85 (1) (a) No fair-share or maintenance of membership agreement eovering public safety employees under this subchapter may become effective unless authorized by a referendum. The commission shall order a referendum whenever it receives a petition supported by proof that at least 30 percent of the public safety employees in a collective bargaining unit or at least 30 percent of the employees in a collective bargaining unit containing a frontline worker desire that a fair-share or maintenance of membership agreement be entered into between the employer and a labor organization. A petition may specify that a referendum is requested on a maintenance of membership agreement only, in which case the ballot shall be limited to that question.

- (b) For a fair-share agreement to be authorized, at least two-thirds of the eligible public safety employees voting in a referendum shall vote in favor of the agreement or at least two-thirds of the employees in a collective bargaining unit containing a frontline worker shall vote in favor of the agreement. For a maintenance of membership agreement to be authorized, at least a majority of the eligible public safety employees voting in a referendum shall vote in favor of the agreement or at least a majority of the employees in a collective bargaining unit containing a frontline worker shall vote in favor of the agreement. In a referendum on a fair-share agreement, if less than two-thirds but more than one-half of the eligible public safety employees vote in favor of the agreement, a maintenance of membership agreement is authorized.
- (c) If a fair-share or maintenance of membership agreement is authorized in a referendum ordered under par. (a), the employer shall enter into such an agreement with the labor organization named on the ballot in the referendum. Each fair-share or maintenance of membership agreement shall contain a provision requiring the employer to deduct the amount of dues as certified by the labor organization from the earnings of the public safety employees affected by the agreement and to pay the amount so deducted to the labor organization. Unless the parties agree to an earlier date, the agreement shall take effect 60 days after certification by the commission that the referendum vote authorized the agreement. The employer shall be held harmless against any claims, demands, suits and other forms of liability made by public safety the employees affected by the agreement or by local labor organizations which may arise for actions taken by the employer in compliance with this section. All such lawful claims, demands, suits, and other forms

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

of liability are the responsibility of the labor organization entering into the agreement.

(d) Under each fair-share or maintenance of membership agreement, a public safety an employee affected by the agreement who has religious convictions against dues payments to a labor organization based on teachings or tenets of a church or religious body of which he or she is a member shall, on request to the labor organization, have his or her dues paid to a charity mutually agreed upon by the public safety employee and the labor organization. Any dispute concerning this paragraph may be submitted to the commission for adjudication.

Section 631. 111.85 (2) of the statutes is amended to read:

111.85 (2) (a) Once authorized <u>under sub.</u> (1), a fair-share or maintenance of membership agreement covering public safety employees shall continue in effect, subject to the right of the employer or labor organization concerned to petition the commission to conduct a new referendum. Such petition must be supported by proof that at least 30 percent of the public safety employees in the collective bargaining unit or at least 30 percent of the employees in a collective bargaining unit containing a frontline worker desire that the fair-share or maintenance of membership agreement be discontinued. Upon so finding, the commission shall conduct a new referendum. If the continuance of the fair-share or maintenance of membership agreement is approved in the referendum by at least the percentage of eligible voting public safety employees required for its initial authorization, it shall be continued in effect, subject to the right of the employer or labor organization to later initiate a further vote following the procedure prescribed in this subsection. If the continuation of the agreement is not supported in any referendum, it is deemed terminated terminates at the termination of the collective bargaining agreement, or

one year from the date of the certification of the result of the referendum, whichever is earlier.

(b) The commission shall declare any fair-share or maintenance of membership agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation or creed to receive as a member any public safety employee in the collective bargaining unit involved, and the agreement shall be made subject to the findings and orders of the commission. Any of the parties to the agreement, or any public safety employee covered thereby, may come before the commission, as provided in s. 111.07, and petition the commission to make such a finding.

Section 632. 111.85 (4) of the statutes is amended to read:

111.85 (4) The commission may, under rules adopted for that purpose, appoint as its agent an official of a state agency <u>or authority</u> whose public safety employees are entitled to vote in a referendum to conduct a referendum provided for herein under this section.

Section 633. 111.86 (2) of the statutes is amended to read:

111.86 (2) The division shall charge a state department or, agency, or authority the employer's share of the cost related to grievance arbitration under sub. (1) for any arbitration that involves one or more employees of the state department or, agency, or authority. Each state department or, agency, or authority so charged shall pay the amount that the division charges from the appropriation account or accounts used to pay the salary of the grievant. Funds received under this subsection shall be credited to the appropriation account under s. 20.505 (1) (ks).

Section 634. 111.88 (1) of the statutes is amended to read:

 $\mathbf{2}$

111.88 (1) If a dispute has not been settled after a reasonable period of negotiation and after the settlement procedures, if any, established by the parties have been exhausted, the representative which has been certified by the commission after an election, or, in the case of a representative of employees specified in s. 111.81 (7) (a) or (ag), has been duly recognized by the employer, as the exclusive representative of employees in an appropriate collective bargaining unit, and the employer, its officers and agents, after a reasonable period of negotiation, are deadlocked with respect to any dispute between them arising in the collective bargaining process, the parties jointly, may petition the commission, in writing, to initiate fact-finding under this section, and to make recommendations to resolve the deadlock.

Section 635. 111.90 (1) of the statutes is amended to read:

111.90 (1) Carry out the statutory mandate and goals assigned to a state agency or authority by the most appropriate and efficient methods and means and utilize personnel in the most appropriate and efficient manner possible.

Section 636. 111.90 (2) of the statutes is amended to read:

111.90 (2) Manage the employees of a state agency <u>or authority</u>; hire, promote, transfer, assign or retain employees in positions within the agency <u>or authority</u>; and in that regard establish reasonable work rules.

Section 637. 111.91 (1w) of the statutes is created to read:

111.91 (1w) (a) Except as provided in pars. (b) and (c), with regard to a collective bargaining unit that contains at least one frontline worker, matters subject to collective bargaining to the point of impasse are wage rates, consistent with sub. (2), the assignment and reassignment of classifications to pay ranges, determination of an incumbent's pay status resulting from position reallocation or reclassification,

- and pay adjustments upon temporary assignment of classified employees to duties of a higher classification or downward reallocations of a classified employee's position; fringe benefits consistent with sub. (2); hours and conditions of employment.
- (b) With regard to a collective bargaining unit that contains at least one frontline worker, the employer is not required to bargain on management rights under s. 111.90, except that procedures for the adjustment or settlement of grievances or disputes arising out of any type of disciplinary action referred to in s. 111.90 (3) shall be a subject of bargaining.
- (c) The employer is prohibited from bargaining on matters contained in sub. (2) with a collective bargaining unit that contains at least one frontline worker.
 - **Section 638.** 111.91 (2) (intro.) of the statutes is amended to read:
- 111.91 **(2)** (intro.) The employer is prohibited from bargaining with a collective bargaining unit under s. 111.825 (1) (g) or with a collective bargaining unit that contains a frontline worker with respect to all of the following:
 - **Section 639.** 111.91 (3) (intro.) of the statutes is amended to read:
- 111.91 (3) (intro.) The employer is prohibited from bargaining with a collective bargaining unit containing a only general employee employees with respect to any of the following:
 - **SECTION 640.** 111.91 (3q) of the statutes is amended to read:
- 111.91 (3q) For purposes of determining compliance with sub. (3), the commission shall provide, upon request, to the employer or to any representative of a collective bargaining unit containing —a—only general employee employees, the consumer price index change during any 12-month period. The commission may get the information from the department of revenue.

Section 641. 111.91 (4) of the statutes is amended to read:

111.91 (4) The administrator of the division, in connection with the development of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a) 1., shall endeavor to obtain tentative agreements with each recognized or certified labor organization representing employees or supervisors of employees specified in s. 111.81 (7) (a) or (ag) and with each certified labor organization representing employees specified in s. 111.81 (7) (b) to (e) which do not contain any provision for the payment to any employee of a cumulative or noncumulative amount of compensation in recognition of or based on the period of time an employee has been employed by the state.

SECTION 642. 111.92 (3) (a) of the statutes is amended to read:

111.92 (3) (a) Agreements covering a collective bargaining unit specified under s. 111.825 (1) (g) or a collective bargaining unit containing a frontline worker shall coincide with the fiscal year or biennium.

Section 643. 111.92 (3) (b) of the statutes is amended to read:

111.92 (3) (b) No agreements covering a collective bargaining unit containing —a only general employee employees may be for a period that exceeds one year, and each agreement must coincide with the fiscal year. Agreements covering a collective bargaining unit containing —a only general employees may not be extended.

Section 644. 111.93 (3) (a) of the statutes is amended to read:

111.93 (3) (a) If a collective bargaining agreement exists between the employer and a labor organization representing employees in a collective bargaining unit under s. 111.825 (1) (g) or in a collective bargaining unit containing a frontline worker, the provisions of that agreement shall supersede the provisions of civil service and other applicable statutes, as well as rules and policies of the University

of Wisconsin-Madison and the board of regents of the University of Wisconsin System, and policies or determinations of an authority, that are related to wages, fringe benefits, hours, and conditions of employment, whether or not the matters contained in those statutes, rules, and policies, and determinations are set forth in the collective bargaining agreement.

Section 645. 111.93 (3) (b) of the statutes is amended to read:

111.93 (3) (b) If a collective bargaining agreement exists between the employer and a labor organization representing <u>only</u> general employees in a collective bargaining unit, the provisions of that agreement shall supersede the provisions of civil service and other applicable statutes, as well as rules and policies of the board of regents of the University of Wisconsin System, related to wages, whether or not the matters contained in those statutes, rules, and policies are set forth in the collective bargaining agreement.

Section 646. 118.22 (4) of the statutes is created to read:

118.22 (4) A collective bargaining agreement under subch. IV of ch. 111 may modify, waive, or replace any of the provisions of this section as they apply to teachers in the collective bargaining unit, but neither the employer nor the bargaining agent for the employees is required to bargain such modification, waiver, or replacement.

Section 647. 118.245 (1) of the statutes is amended to read:

118.245 (1) If a school board wishes to increase the total base wages of its general municipal employees, as defined in s. 111.70 (1) (fm), in an amount that exceeds the limit under s. 111.70 (4) (mb) 2., the school board shall adopt a resolution to that effect. The resolution shall specify the amount by which the proposed total base wages increase will exceed the limit under s. 111.70 (4) (mb) 2. The resolution may not take effect unless it is approved in a referendum called for that purpose. The

under subch. IV of ch. 111.

1	referendum shall occur in April for collective bargaining agreements that begin in
2	July of that year. The results of a referendum apply to the total base wages only in
3	the next collective bargaining agreement.
4	Section 648. 118.42 (3) (a) 4. of the statutes is amended to read:
5	118.42 (3) (a) 4. Implement changes in administrative and personnel
3	structures that are consistent with applicable collective bargaining agreements

Section 649. 118.42 (5) of the statutes is amended to read:

118.42 (5) Nothing in this section alters or otherwise affects the rights or remedies afforded school districts and school district employees under federal or state law or under the terms of any applicable collective bargaining agreement under subch. IV of ch. 111.

Section 650. 120.12 (15) of the statutes is amended to read:

120.12 (15) School hours. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. This subsection does not eliminate a school district's duty under subch. IV of ch. 111 to bargain with its employees' collective bargaining representative over any calendaring proposal which is primarily related to wages, hours, or conditions of employment.

Section 651. 120.18 (1) (gm) of the statutes is amended to read:

120.18 (1) (gm) Payroll and related benefit costs for all school district employees in the previous school year. Payroll costs Costs for represented employees shall be based upon the costs of wages of any collective bargaining agreements covering such employees for the previous school year. If, as of the time specified by the department for filing the report, the school district has not entered into a

collective bargaining agreement for any portion of the previous school year with the recognized or certified representative of any of its employees, increased costs of wages reflected in the report shall be equal to the maximum wage expenditure that is subject to collective bargaining under s. 111.70 (4) (mb) 2. for the employees limited to the lower of the school district's offer or the representative's offer. The school district shall amend the annual report to reflect any change in such costs as a result of any collective bargaining agreement entered into between the date of filing the report and October 1. Any such amendment shall be concurred in by the certified public accountant licensed or certified under ch. 442 certifying the school district audit.

Section 652. 230.10 (2) of the statutes is amended to read:

230.10 (2) The compensation plan in effect at the time that a representative is recognized or certified to represent employees in a collective bargaining unit and the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time that a representative is certified to represent employees in a collective bargaining unit under subch. V of ch. 111 constitute the compensation plan or employee salary and benefit provisions for employees in the collective bargaining unit until a collective bargaining agreement becomes effective for that unit. If a collective bargaining agreement under subch. V of ch. 111 expires prior to the effective date of a subsequent agreement, and a representative continues to be recognized or certified to represent employees specified in s. 111.81 (7) (a) or (ag) or certified to represent employees specified in s. 111.81 (7) (ar) to (f) in that collective bargaining unit, the wage rates of the employees in such a unit shall be frozen until a subsequent agreement becomes effective, and the compensation plan under s. 230.12 and salary

 $\mathbf{2}$

and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the unit.

SECTION 9214. Fiscal changes; Employment Relations Commission.

(1) Collective Bargaining modifications. In the schedule under s. 20.005 (3) for the appropriation to the employment relations commission under s. 20.425 (1) (a), the dollar amount for fiscal year 2023–24 is increased by \$214,700 to increase the authorized FTE positions by 2.0 GPR to implement expanded collective bargaining rights for state and local government employees. In the schedule under s. 20.005 (3) for the appropriation to the employment relations commission under s. 20.425 (1) (a), the dollar amount for fiscal year 2024–25 is increased by \$283,000 to increase the authorized FTE positions by 2.0 GPR to implement expanded collective bargaining rights for state and local government employees.

SECTION 9351. Initial applicability; Other.

(1) Collective bargaining; employee rights. The treatment of ss. 20.425 (1) (i), 20.505 (1) (ks), 20.921 (1) (a) 2., 40.51 (7) (a), 46.2895 (8) (a) 1., 109.03 (1) (b), 111.70 (1) (a), (f), (fd), (fm), (n), and (p), (3) (a) 3., 5., 6., and 9., (3g), (4) (bm) (title), (cg) (title), 1., 2., 3., 4., 5., 6. a., 7r. d., e., f., and h., and 8m., (d) 1., 2. a., and 3. a., b., and c., (mb) (intro.), (mbb), and (p), and (7m) (c) 1. a., 111.81 (1), (1d), (7) (ag), (8), (9), (9b), (9g), (12) (intro.), (12m), and (16), 111.815 (1), 111.817, 111.825 (1) (intro.), (3), and (5), 111.83 (1), (3) (a) and (b), and (4), 111.84 (1) (d) and (f) and (2) (c), 111.85 (1), (2), and (4), 111.86 (2), 111.88 (1), 111.90 (1) and (2), 111.91 (1w), (2) (intro.), (3) (intro.), (3q), and (4), 111.92 (3) (a) and (b), 111.93 (3) (a) and (b), 118.22 (4), 118.245 (1), 118.42 (3) (a) 4. and (5), 120.12 (15), 120.18 (1) (gm), and 230.10 (2), the renumbering of s. 111.70 (4) (bm), the renumbering and amendment of ss. 111.70 (2) and 111.82, and the creation of ss. 111.70 (2) (b) and (4) (bm) 2. and 111.82 (2) first

23

and costs.

apply to employees who are covered by a collective bargaining agreement under ch. 1 $\mathbf{2}$ 111 that contains provisions inconsistent with those sections on the day on which the 3 agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.". 4 5 **162.** Page 374, line 11: after that line insert: **"Section 653.** 66.0509 (1m) (c) 1. of the statutes is amended to read: 6 7 66.0509 (1m) (c) 1. A grievance procedure that addresses employee 8 terminations, employee discipline, and workplace safety. 9 **Section 654.** 66.0509 (1m) (c) 2. of the statutes is repealed and recreated to 10 read: 11 66.0509 (1m) (c) 2. A just cause standard of review for employee terminations, 12 including a refusal to renew a teaching contract under s. 118.22. 13 **Section 655.** 66.0509 (1m) (c) 3. of the statutes is repealed. 14 **Section 656.** 66.0509 (1m) (d) 2. of the statutes is amended to read: 66.0509 (1m) (d) 2. A hearing before an impartial hearing officer from the 15 16 employment relations commission. 17 **Section 657.** 66.0509 (1m) (d) 4. and 5. of the statutes are created to read: 18 66.0509 (1m) (d) 4. A provision indicating that the grievant shall be entitled 19 to representation throughout the grievance process. 5. A provision indicating that the employer shall bear all fees and costs 20 21 associated with the grievance process, except for the grievant's representational fees

Section 9214. Fiscal changes; Employment Relations Commission.

(1u) Local government employee grievance. In the schedule under s. 20.005 (3) for the appropriation to the employment relations commission under s. 20.425 (1) (a), the dollar amount for fiscal year 2023–24 is increased by \$112,400 to increase the authorized FTE positions by 1.0 GPR hearing officer for local government employee grievances. In the schedule under s. 20.005 (3) for the appropriation to the employment relations commission under s. 20.425 (1) (a), the dollar amount for fiscal year 2024–25 is increased by \$146,500 to increase the authorized FTE positions by 1.0 GPR hearing officer for local government employee grievances.".

163. Page 374, line 11: after that line insert:

"Section 658. 15.405 (6) (b) of the statutes is amended to read:

15.405 (6) (b) Three dental hygienists who are licensed under ch. 447. The governor shall, to the extent possible, appoint members under this paragraph so that at least one of the members under this paragraph is an individual who is also a dental therapist licensed under ch. 447. Notwithstanding s. 15.08 (1m) (a), the dental hygienist members under this paragraph may participate in the preparation and grading of licensing examinations for dental hygienists.

SECTION 659. 20.165 (1) (g) of the statutes is amended to read:

20.165 (1) (g) General program operations. The amounts in the schedule for the licensing, rule-making rule-making, and regulatory functions of the department, other than the licensing, rule-making, and credentialing functions of the medical examining board and the affiliated credentialing boards attached to the medical examining board and except for preparing, administering, and grading examinations. Ninety percent of all All moneys received under chs. 440 to 480, except subchs. II and IV to IX of ch. 448, ch. 460 and ss. 440.03 (13), 440.05 (1) (b), 458.21,

and 458.365, less \$10 of each renewal fee received under s. 452.12 (5); and all moneys transferred from the appropriation under par. (i); and all moneys received under s. 440.055 (2), shall be credited to this appropriation.

SECTION 660. 20.165 (1) (gm) of the statutes is amended to read:

20.165 (1) (gm) Applicant investigation reimbursement. Ninety percent of all All moneys received from applicants for credentials under s. 440.03 (13), for the purpose of conducting investigations under s. 440.03 (13).

SECTION 661. 20.165 (1) (hg) of the statutes is amended to read:

20.165 (1) (hg) General program operations; medical examining board; interstate medical licensure compact; prescription drug monitoring program. Biennially, the amounts in the schedule for the licensing, rule-making, and regulatory functions of the medical examining board and the affiliated credentialing boards attached to the medical examining board, except for preparing, administering, and grading examinations; for any costs associated with the interstate medical licensure compact under s. 448.980, including payment of assessments under s. 448.980 (13) (a); and for the controlled substances board's operation of the prescription drug monitoring program under s. 961.385. Ninety percent of all All moneys received for issuing and renewing credentials under subchs. II and IV to IX of ch. 448 shall be credited to this appropriation. All and ch. 460 and all moneys received from the interstate medical licensure compact commission under s. 448.980 shall be credited to this appropriation.

Section 662. 20.165 (1) (i) of the statutes is amended to read:

20.165 (1) (i) Examinations; general program operations. Ninety percent of all All moneys received under s. 440.05 (1) (b) for the purposes of preparing, administering, and grading examinations. Notwithstanding s. 20.001 (3) (c), any

unencumbered balance in this appropriation account, excluding any amount specified by the secretary of administration that is reserved for the payment of future employee compensation or fringe benefit costs, at the end of each fiscal year which exceeds 30 percent of the estimated amount shown in the schedule under s. 20.005 for that fiscal year shall be transferred to the appropriation account under par. (g).

SECTION 663. 20.165 (1) (jm) of the statutes is amended to read:

20.165 (1) (jm) *Nursing workforce survey administration*. Biennially, the amounts in the schedule for administrative expenses related to distributing a nursing workforce survey to applicants for renewal of credentials <u>nurse licensees</u> under s. 441.01 (7). All moneys received from the fee under s. 441.01 (7) (a) 2. shall be credited to this appropriation account. Annually, there is transferred from this appropriation account to the appropriation account under s. 20.445 (1) (km) all moneys received from the fee under s. 441.01 (7) (a) 2. that are not appropriated to this appropriation account.

SECTION 664. 20.165 (1) (jr) of the statutes is amended to read:

20.165 (1) (jr) *Proprietary school programs*. The amounts in the schedule for the examination and approval of proprietary school programs under s. 440.52. Ninety percent of all All moneys received from the issuance of solicitor's permits under s. 440.52 (8) and from the fees under s. 440.52 (10) and all moneys received from the fees under s. 440.52 (13) (d) shall be credited to this appropriation account.

SECTION 665. 29.193 (1m) (a) 2. (intro.) of the statutes is amended to read:

29.193 (1m) (a) 2. (intro.) Has a permanent substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of any one of the following standard tests, administered under the direction of a licensed

physician, a licensed physician assistant, a licensed chiropractor, or a certified licensed advanced practice registered nurse prescriber:

SECTION 666. 29.193 (2) (b) 2. of the statutes is amended to read:

29.193 (2) (b) 2. An applicant shall submit an application on a form prepared and furnished by the department, which shall include a written statement or report prepared and signed by a licensed physician, a licensed physician assistant, a licensed chiropractor, a licensed podiatrist, or a certified licensed advanced practice registered nurse prescriber prepared no more than 6 months preceding the application and verifying that the applicant is physically disabled.

Section 667. 29.193 (2) (c) 3. of the statutes is amended to read:

29.193 (2) (c) 3. The department may issue a Class B permit to an applicant who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the applicant and the recommendation of a licensed physician, a licensed physician assistant, a licensed chiropractor, a licensed podiatrist, or a certified licensed advanced practice registered nurse prescriber selected by the applicant from a list of licensed physicians, licensed physician assistants, licensed chiropractors, licensed podiatrists, and certified licensed advanced practice nurse prescribers registered nurses compiled by the department, the department finds that issuance of a permit complies with the intent of this subsection. The use of this review procedure is discretionary with the department and all costs of the review procedure shall be paid by the applicant.

Section 668. 29.193 (2) (cd) 2. b. of the statutes is amended to read:

29.193 (2) (cd) 2. b. The person has a permanent substantial loss of function in one or both arms and fails to meet the minimum standards of the standard upper

extremity pinch test, the standard grip test, or the standard nine-hole peg test, administered under the direction of a licensed physician, a licensed physician assistant, a licensed chiropractor, or a certified licensed advanced practice registered nurse prescriber.

SECTION 669. 29.193 (2) (cd) 2. c. of the statutes is amended to read:

29.193 (2) (cd) 2. c. The person has a permanent substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength test, administered under the direction of a licensed physician, a licensed physician assistant, a licensed chiropractor, or a certified licensed advanced practice registered nurse prescriber.

Section 670. 29.193 (2) (e) of the statutes is amended to read:

29.193 (2) (e) Review of decisions. An applicant denied a permit under this subsection, except a permit under par. (c) 3., may obtain a review of that decision by a licensed physician, a licensed physician assistant, a licensed chiropractor, a licensed podiatrist, or a certified <u>licensed</u> advanced practice <u>registered</u> nurse prescriber designated by the department and with an office located in the department district in which the applicant resides. The department shall pay for the cost of a review under this paragraph unless the denied application on its face fails to meet the standards set forth in par. (c) 1. or 2. A review under this paragraph is the only method of review of a decision to deny a permit under this subsection and is not subject to further review under ch. 227.

Section 671. 29.193 (3) (a) of the statutes is amended to read:

29.193 (3) (a) Produces a certificate from a licensed physician, a licensed physician assistant, a licensed optometrist, or a certified licensed advanced practice

<u>registered</u> nurse prescriber stating that his or her sight is impaired to the degree that he or she cannot read ordinary newspaper print with or without corrective glasses.

Section 672. 46.03 (44) of the statutes is amended to read:

46.03 (44) Sexually transmitted disease treatment information. Prepare and keep current an information sheet to be distributed to a patient by a physician, a physician assistant, or certified an advanced practice registered nurse prescriber who may issue prescription orders under s. 441.09 (2) providing expedited partner therapy to that patient under s. 441.092, 448.035, or 448.9725. The information sheet shall include information about sexually transmitted diseases and their treatment and about the risk of drug allergies. The information sheet shall also include a statement advising a person with questions about the information to contact his or her physician, advanced practice registered nurse, pharmacist, or local health department, as defined in s. 250.01 (4).

Section 673. 50.01 (1b) of the statutes is repealed.

Section 674. 50.08 (2) of the statutes is amended to read:

50.08 **(2)** A physician, an advanced practice <u>registered</u> nurse <u>prescriber</u> eertified <u>who may issue prescription orders</u> under s. 441.16 441.09 (2), or a physician assistant who prescribes a psychotropic medication to a nursing home resident who has degenerative brain disorder shall notify the nursing home if the prescribed medication has a boxed warning under 21 CFR 201.57.

Section 675. 50.09 (1) (a) (intro.) of the statutes is amended to read:

50.09 **(1)** (a) (intro.) Private and unrestricted communications with the resident's family, physician, physician assistant, advanced practice <u>registered</u> nurse prescriber, attorney, and any other person, unless medically contraindicated as documented by the resident's physician, physician assistant, or advanced practice

registered nurse prescriber in the resident's medical record, except that communications with public officials or with the resident's attorney shall not be restricted in any event. The right to private and unrestricted communications shall include, but is not limited to, the right to:

Section 676. 50.09 (1) (f) 1. of the statutes is amended to read:

50.09 (1) (f) 1. Privacy for visits by spouse or domestic partner. If both spouses or both domestic partners under ch. 770 are residents of the same facility, the spouses or domestic partners shall be permitted to share a room unless medically contraindicated as documented by the resident's physician, physician assistant, or advanced practice <u>registered</u> nurse <u>prescriber</u> in the resident's medical record.

Section 677. 50.09 (1) (h) of the statutes is amended to read:

50.09 (1) (h) Meet with, and participate in activities of social, religious, and community groups at the resident's discretion, unless medically contraindicated as documented by the resident's physician, physician assistant, or advanced practice registered nurse prescriber in the resident's medical record.

Section 678. 50.09 (1) (k) of the statutes is amended to read:

50.09 (1) (k) Be free from mental and physical abuse, and be free from chemical and physical restraints except as authorized in writing by a physician, physician assistant, or advanced practice <u>registered</u> nurse <u>prescriber</u> for a specified and limited period of time and documented in the resident's medical record. Physical restraints may be used in an emergency when necessary to protect the resident from injury to himself or herself or others or to property. However, authorization for continuing use of the physical restraints shall be secured from a physician, physician assistant, or advanced practice <u>registered</u> nurse <u>prescriber</u> within 12 hours. Any use of physical restraints shall be noted in the resident's medical records. "Physical

restraints" includes, but is not limited to, any article, device, or garment that interferes with the free movement of the resident and that the resident is unable to remove easily, and confinement in a locked room.

Section 679. 50.36 (3s) of the statutes is created to read:

50.36 (3s) The department shall require a hospital that provides emergency services to have sufficient qualified personnel at all times to manage the number and severity of emergency department cases anticipated by the location. At all times, a hospital that provides emergency services shall have on-site at least one physician who, through education, training, and experience, specializes in emergency medicine.

Section 680. 50.49 (1) (b) (intro.) of the statutes is amended to read:

50.49 (1) (b) (intro.) "Home health services" means the following items and services that are furnished to an individual, who is under the care of a physician, physician assistant, or advanced practice registered nurse prescriber, by a home health agency, or by others under arrangements made by the home health agency, that are under a plan for furnishing those items and services to the individual that is established and periodically reviewed by a physician, physician assistant, or advanced practice registered nurse prescriber and that are, except as provided in subd. 6., provided on a visiting basis in a place of residence used as the individual's home:

Section 681. 51.41 (1d) (b) 4. of the statutes is amended to read:

51.41 (1d) (b) 4. A psychiatric mental health advanced practice <u>registered</u> nurse who is suggested by the Milwaukee County board of supervisors. The Milwaukee County board of supervisors shall solicit suggestions from organizations including the Wisconsin Nurses Association for individuals who specialize in a full

continuum of behavioral health and medical services including emergency detention, inpatient, residential, transitional, partial hospitalization, intensive outpatient, and wraparound community-based services. The Milwaukee County board of supervisors shall suggest to the Milwaukee County executive 4 psychiatric mental health advanced practice <u>registered</u> nurses for this board membership position.

Section 682. 70.47 (8) (intro.) of the statutes is amended to read:

70.47 (8) HEARING. (intro.) The board shall hear upon oath all persons who appear before it in relation to the assessment. Instead of appearing in person at the hearing, the board may allow the property owner, or the property owner's representative, at the request of either person, to appear before the board, under oath, by telephone or to submit written statements, under oath, to the board. The board shall hear upon oath, by telephone, all ill or disabled persons who present to the board a letter from a physician, physician assistant, or advanced practice registered nurse prescriber certified under s. 441.16 (2) licensed under ch. 441 that confirms their illness or disability. At the request of the property owner or the property owner's representative, the board may postpone and reschedule a hearing under this subsection, but may not postpone and reschedule a hearing more than once during the same session for the same property. The board at such hearing shall proceed as follows:

SECTION 683. 77.54 (14) (f) 3. of the statutes is repealed.

SECTION 684. 77.54 (14) (f) 4. of the statutes is amended to read:

77.54 (14) (f) 4. An advanced practice <u>registered</u> nurse <u>who may issue</u> prescription orders under s. 441.09 (2).

Section 685. 97.59 of the statutes is amended to read:

97.59 Handling foods. No person in charge of any public eating place or other establishment where food products to be consumed by others are handled may knowingly employ any person handling food products who has a disease in a form that is communicable by food handling. If required by the local health officer or any officer of the department for the purposes of an investigation, any person who is employed in the handling of foods or is suspected of having a disease in a form that is communicable by food handling shall submit to an examination by the officer or by a physician, physician assistant, or advanced practice registered nurse prescriber designated by the officer. The expense of the examination, if any, shall be paid by the person examined. Any person knowingly infected with a disease in a form that is communicable by food handling who handles food products to be consumed by others and any persons knowingly employing or permitting such a person to handle food products to be consumed by others shall be punished as provided by s. 97.72.

Section 686. 102.13 (1) (a) of the statutes is amended to read:

102.13 (1) (a) Except as provided in sub. (4), whenever compensation is claimed by an employee, the employee shall, upon the written request of the employee's employer or worker's compensation insurer, submit to reasonable examinations by physicians, chiropractors, psychologists, dentists, physician assistants, advanced practice nurse prescribers registered nurses, or podiatrists provided and paid for by the employer or insurer. No employee who submits to an examination under this paragraph is a patient of the examining physician, chiropractor, psychologist, dentist, physician assistant, advanced practice registered nurse prescriber, or podiatrist for any purpose other than for the purpose of bringing an action under ch. 655, unless the employee specifically requests treatment from that physician,

 $\mathbf{2}$

chiropractor, psychologist, dentist, physician assistant, advanced practice <u>registered</u> nurse prescriber, or podiatrist.

SECTION 687. 102.13 (1) (b) (intro.), 1., 3. and 4. of the statutes are amended to read:

102.13 (1) (b) (intro.) An employer or insurer who requests that an employee submit to reasonable examination under par. (a) or (am) shall tender to the employee, before the examination, all necessary expenses including transportation expenses. The employee is entitled to have a physician, chiropractor, psychologist, dentist, physician assistant, advanced practice registered nurse prescriber, or podiatrist provided by himself or herself present at the examination and to receive a copy of all reports of the examination that are prepared by the examining physician, chiropractor, psychologist, podiatrist, dentist, physician assistant, advanced practice registered nurse prescriber, or vocational expert immediately upon receipt of those reports by the employer or worker's compensation insurer. The employee is entitled to have one observer provided by himself or herself present at the examination. The employee is also entitled to have a translator provided by himself or herself present at the examination if the employee has difficulty speaking or understanding the English language. The employer's or insurer's written request for examination shall notify the employee of all of the following:

1. The proposed date, time, and place of the examination and the identity and area of specialization of the examining physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice <u>registered</u> nurse prescriber, or vocational expert.

- 3. The employee's right to have his or her physician, chiropractor, psychologist, dentist, physician assistant, advanced practice <u>registered</u> nurse prescriber, or podiatrist present at the examination.
- 4. The employee's right to receive a copy of all reports of the examination that are prepared by the examining physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice <u>registered</u> nurse <u>prescriber</u>, or vocational expert immediately upon receipt of these reports by the employer or worker's compensation insurer.

Section 688. 102.13 (1) (d) 1., 2., 3. and 4. of the statutes are amended to read: 102.13 (1) (d) 1. Any physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice <u>registered</u> nurse <u>prescriber</u>, or vocational expert who is present at any examination under par. (a) or (am) may be required to testify as to the results of the examination.

- 2. Any physician, chiropractor, psychologist, dentist, physician assistant, advanced practice <u>registered</u> nurse <u>prescriber</u>, or podiatrist who attended a worker's compensation claimant for any condition or complaint reasonably related to the condition for which the claimant claims compensation may be required to testify before the division when the division so directs.
- 3. Notwithstanding any statutory provisions except par. (e), any physician, chiropractor, psychologist, dentist, physician assistant, advanced practice <u>registered</u> nurse prescriber, or podiatrist attending a worker's compensation claimant for any condition or complaint reasonably related to the condition for which the claimant claims compensation may furnish to the employee, employer, worker's compensation insurer, department, or division information and reports relative to a compensation claim.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

4. The testimony of any physician, chiropractor, psychologist, dentist, physician assistant, advanced practice <u>registered</u> nurse <u>prescriber</u>, or podiatrist who is licensed to practice where he or she resides or practices in any state and the testimony of any vocational expert may be received in evidence in compensation proceedings.

Section 689. 102.13 (2) (a) of the statutes is amended to read:

102.13 (2) (a) An employee who reports an injury alleged to be work-related for hearing or files an application waives any physician-patient, psychologist-patient, or chiropractor-patient privilege with respect to any condition or complaint reasonably related to the condition for which the employee claims compensation. Notwithstanding ss. 51.30 and 146.82 and any other law, any physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice registered nurse prescriber, hospital, or health care provider shall, within a reasonable time after written request by the employee, employer, worker's compensation insurer, department, or division, or its representative, provide that person with any information or written material reasonably related to any injury for which the employee claims compensation. If the request is by a representative of a worker's compensation insurer for a billing statement, the physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice registered nurse prescriber, hospital, or health care provider shall, within 30 days after receiving the request, provide that person with a complete copy of an itemized billing statement or a billing statement in a standard billing format recognized by the federal government.

Section 690. 102.13 (2) (b) of the statutes is amended to read:

102.13 (2) (b) A physician, chiropractor, podiatrist, psychologist, dentist, physician assistant, advanced practice registered nurse prescriber, hospital, or health service provider shall furnish a legible, certified duplicate of the written material requested under par. (a) in paper format upon payment of the actual costs of preparing the certified duplicate, not to exceed the greater of 45 cents per page or \$7.50 per request, plus the actual costs of postage, or shall furnish a legible, certified duplicate of that material in electronic format upon payment of \$26 per request. Any person who refuses to provide certified duplicates of written material in the person's custody that is requested under par. (a) shall be liable for reasonable and necessary costs and, notwithstanding s. 814.04 (1), reasonable attorney fees incurred in enforcing the requester's right to the duplicates under par. (a).

Section 691. 102.17 (1) (d) 1. and 2. of the statutes are amended to read:

102.17 (1) (d) 1. The contents of certified medical and surgical reports by physicians, podiatrists, surgeons, dentists, psychologists, physician assistants, advanced practice nurse prescribers registered nurses, and chiropractors licensed in and practicing in this state, and of certified reports by experts concerning loss of earning capacity under s. 102.44 (2) and (3), presented by a party for compensation constitute prima facie evidence as to the matter contained in those reports, subject to any rules and limitations the division prescribes. Certified reports of physicians, podiatrists, surgeons, dentists, psychologists, physician assistants, advanced practice nurse prescribers registered nurses, and chiropractors, wherever licensed and practicing, who have examined or treated the claimant, and of experts, if the practitioner or expert consents to being subjected to cross-examination, also constitute prima facie evidence as to the matter contained in those reports. Certified reports of physicians, podiatrists, surgeons, psychologists, and chiropractors are

 $\mathbf{2}$

admissible as evidence of the diagnosis, necessity of the treatment, and cause and extent of the disability. Certified reports by doctors of dentistry, physician assistants, and advanced practice nurse prescribers registered nurses are admissible as evidence of the diagnosis and necessity of treatment but not of the cause and extent of disability. Any physician, podiatrist, surgeon, dentist, psychologist, chiropractor, physician assistant, advanced practice registered nurse prescriber, or expert who knowingly makes a false statement of fact or opinion in a certified report may be fined or imprisoned, or both, under s. 943.395.

2. The record of a hospital or sanatorium in this state that is satisfactory to the division, established by certificate, affidavit, or testimony of the supervising officer of the hospital or sanatorium, any other person having charge of the record, or a physician, podiatrist, surgeon, dentist, psychologist, physician assistant, advanced practice registered nurse prescriber, or chiropractor to be the record of the patient in question, and made in the regular course of examination or treatment of the patient, constitutes prima facie evidence as to the matter contained in the record, to the extent that the record is otherwise competent and relevant.

Section 692. 102.29 (3) of the statutes is amended to read:

102.29 (3) Nothing in this chapter shall prevent an employee from taking the compensation that the employee may be entitled to under this chapter and also maintaining a civil action against any physician, chiropractor, psychologist, dentist, physician assistant, advanced practice <u>registered</u> nurse prescriber, or podiatrist for malpractice.

Section 693. 102.42 (2) (a) of the statutes is amended to read:

102.42 (2) (a) When the employer has notice of an injury and its relationship to the employment, the employer shall offer to the injured employee his or her choice

of any physician, chiropractor, psychologist, dentist, physician assistant, advanced practice <u>registered</u> nurse <u>prescriber</u>, or podiatrist licensed to practice and practicing in this state for treatment of the injury. By mutual agreement, the employee may have the choice of any qualified practitioner not licensed in this state. In case of emergency, the employer may arrange for treatment without tendering a choice. After the emergency has passed the employee shall be given his or her choice of attending practitioner at the earliest opportunity. The employee has the right to a 2nd choice of attending practitioner on notice to the employer or its insurance carrier. Any further choice shall be by mutual agreement. Partners and clinics are considered to be one practitioner. Treatment by a practitioner on referral from another practitioner is considered to be treatment by one practitioner.

Section 694. 106.30 (1) of the statutes is amended to read:

106.30 (1) Definition. In this section, "nurse" means a registered nurse licensed under s. 441.06 or permitted under s. 441.08, a licensed practical nurse licensed or permitted under s. 441.10, or an advanced practice registered nurse prescriber certified under s. 441.16 (2), or a nurse-midwife licensed under s. 441.15 441.09.

Section 695. 106.30 (2) of the statutes is amended to read:

106.30 (2) Survey form. Each odd-numbered year Biennially, the department of workforce development shall develop and submit to the department of safety and professional services a survey form to gather data under s. 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the supply of, demand for, and turnover among nurses in this state and in determining whether there are any regional shortages of nurses, shortages of nurses in any speciality areas, or impediments to entering the nursing profession in this state.

 $\mathbf{2}$

SECTION 696. 118.15 (3) (a) of the statutes is amended to read:

118.15 (3) (a) Any child who is excused by the school board because the child is temporarily not in proper physical or mental condition to attend a school program but who can be expected to return to a school program upon termination or abatement of the illness or condition. The school attendance officer may request the parent or guardian of the child to obtain a written statement from a licensed physician, naturopathic doctor, dentist, chiropractor, optometrist, psychologist, physician assistant, or nurse practitioner, as defined in s. 255.06 (1) (d), or certified advanced practice registered nurse prescriber, or registered nurse described under s. 255.06 (1) (f) 1. or Christian Science practitioner living and residing in this state, who is listed in the Christian Science Journal, as sufficient proof of the physical or mental condition of the child. An excuse under this paragraph shall be in writing and shall state the time period for which it is valid, not to exceed 30 days.

Section 697. 118.25 (1) (a) of the statutes is amended to read:

118.25 **(1)** (a) "Practitioner" means a person licensed as a physician, naturopathic doctor, or physician assistant in any state or licensed <u>as an advanced practice registered nurse</u> or certified as an advanced practice <u>registered nurse</u> prescriber in any state. In this paragraph, "physician" has the meaning given in s. 448.01 (5).

SECTION 698. 118.29 (1) (e) of the statutes is amended to read:

118.29 (1) (e) "Practitioner" means any physician, naturopathic doctor, dentist, optometrist, physician assistant, advanced practice <u>registered</u> nurse <u>prescriber with</u> prescribing authority, or podiatrist licensed in any state.

Section 699. 118.2925 (1) (b) of the statutes is repealed.

Section 700. 118.2925 (3) of the statutes is amended to read:

118.2925 (3) Prescriptions for schools. A physician, an advanced practice registered nurse prescriber who may issue prescription orders under s. 441.09 (2), or a physician assistant may prescribe epinephrine auto-injectors or prefilled syringes in the name of a school that has adopted a plan under sub. (2) (a), to be maintained by the school for use under sub. (4).

Section 701. 118.2925 (4) (c) of the statutes is amended to read:

to a pupil or other person who the school nurse or designated school personnel in good faith believes is experiencing anaphylaxis in accordance with a standing protocol from a physician, an advanced practice registered nurse prescriber who may issue prescription orders under s. 441.09 (2), or a physician assistant, regardless of whether the pupil or other person has a prescription for an epinephrine auto-injector or prefilled syringe. If the pupil or other person does not have a prescription for an epinephrine auto-injector or prefilled syringe, or the person who administers the epinephrine auto-injector or prefilled syringe does not know whether the pupil or other person has a prescription for an epinephrine auto-injector or prefilled syringe, the person who administers the epinephrine auto-injector or prefilled syringe, the person who administers the epinephrine auto-injector or prefilled syringe shall, as soon as practicable, report the administration by dialing the telephone number "911" or, in an area in which the telephone number "911" is not available, the telephone number for an emergency medical service provider.

Section 702. 118.2925 (5) of the statutes is amended to read:

118.2925 **(5)** Immunity from civil liability; exemption from practice of MEDICINE. A school and its designated school personnel, and a physician, <u>an</u> advanced practice <u>registered</u> nurse <u>prescriber</u> <u>who may issue prescription orders under s.</u>

441.09 **(2)**, or <u>a</u> physician assistant who provides a prescription or standing protocol

 $\mathbf{2}$

for school epinephrine auto-injectors or prefilled syringes, are not liable for any injury that results from the administration or self-administration of an epinephrine auto-injector or prefilled syringe under this section, regardless of whether authorization was given by the pupil's parent or guardian or by the pupil's physician, physician assistant, or advanced practice registered nurse prescriber, unless the injury is the result of an act or omission that constitutes gross negligence or willful or wanton misconduct. The immunity from liability provided under this subsection is in addition to and not in lieu of that provided under s. 895.48.

Section 703. 146.615 (1) (a) of the statutes is amended to read:

146.615 (1) (a) "Advanced practice clinician" means a physician assistant or an advanced practice <u>registered</u> nurse, <u>including a nurse practitioner</u>, <u>certified</u> nurse-midwife, clinical nurse specialist, or certified registered nurse anesthetist licensed under s. 441.09.

SECTION 704. 146.81 (1) (c) of the statutes is amended to read:

146.81 (1) (c) A dentist or dental therapist licensed under ch. 447.

Section 705. 146.82 (3) (a) of the statutes is amended to read:

146.82 (3) (a) Notwithstanding sub. (1), a physician, a naturopathic doctor, a limited-scope naturopathic doctor, a physician assistant, or an advanced practice registered nurse prescriber certified under s. 441.16 (2) licensed under s. 441.09 who treats a patient whose physical or mental condition in the physician's, naturopathic doctor's, limited-scope naturopathic doctor's, physician assistant's, or advanced practice nurse prescriber's registered nurse's judgment affects the patient's ability to exercise reasonable and ordinary control over a motor vehicle may report the patient's name and other information relevant to the condition to the department of transportation without the informed consent of the patient.

Section 706. 146.89 (1) (r) 1. of the statutes is amended to read:

146.89 (1) (r) 1. Licensed as a physician under ch. 448, naturopathic doctor under ch. 466, a dentist, dental therapist, or dental hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife under ch. 441, an optometrist under ch. 449, a physician assistant under subch. IX of ch. 448, a pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch. III of ch. 448.

SECTION 49e. 146.89 (1) (r) 1. of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

146.89 (1) (r) 1. Licensed as a physician under ch. 448, naturopathic doctor under ch. 466, a dentist, dental therapist, or dental hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife advanced practice registered nurse under ch. 441, an optometrist under ch. 449, a physician assistant under subch. IX of ch. 448, a pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch. III of ch. 448.

SECTION 707. 146.89 (1) (r) 3. of the statutes is renumbered 146.89 (1) (r) 5e. and amended to read:

146.89 (1) (r) 5e. A <u>registered</u> nurse <u>practitioner</u>, as defined in s. 255.06 (1) (d) who holds a multistate license, as defined in s. 441.51 (2) (h), issued by a party state, as defined in s. 441.51 (2) (k), and whose practice of professional nursing under s. 441.001 (4) includes performance of delegated medical services under the supervision of a physician, dentist, podiatrist, or advanced practice registered nurse.

SECTION 708. 146.89 (1) (r) 5. of the statutes is amended to read:

 $\mathbf{2}$

146.89 (1) (r) 5. An individual who holds a valid, unexpired license, certification, or registration issued by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual who is described in subds. 1. to 4., except a dentist, dental therapist, or dental hygienist, is licensed or certified to perform and who performs acts that are within the scope of that license, certification, or registration.

Section 709. 146.89 (1) (r) 8. of the statutes is repealed.

SECTION 710. 146.89 (3) (b) 8. of the statutes is amended to read:

146.89 **(3)** (b) 8. Dental services, including tooth extractions and other procedures done under local anesthesia only and any necessary suturing related to the extractions, performed by a dentist <u>or dental therapist</u> who is a volunteer health provider; and dental hygiene services, performed by a dental hygienist who is a volunteer health provider.

SECTION 711. 146.89 (3m) (intro.) of the statutes is amended to read:

146.89 (3m) (intro.) A volunteer health care provider who is a dentist <u>or dental</u> therapist may provide dental services or a volunteer health care provider who is a dental hygienist may provide dental hygiene services, to persons who are recipients of Medical Assistance, if all of the following apply:

Section 712. 146.89 (6) of the statutes is amended to read:

146.89 **(6)** (a) While serving as a volunteer health care provider under this section, an advanced practice <u>registered</u> nurse who has a certificate to issue prescription orders under s. 441.16 (2) is considered to meet the requirements of s. 655.23, if required to comply with s. 655.23.

(b) While serving as a volunteer health care provider under this section, an
$advanced\ practice\ \underline{registered}\ nurse\ \underline{who}\ has\ a\ certificate\ to\ issue\ prescription\ orders$
under s. 441.16 (2) is not required to maintain in effect malpractice insurance.

Section 713. 146.997 (1) (d) 3. of the statutes is amended to read:

146.997 (1) (d) 3. A dentist or dental therapist licensed under ch. 447.

Section 714. 154.01 (1g) of the statutes is amended to read:

154.01 (**1g**) "Advanced practice registered nurse" means a nurse an individual licensed under ch. 441 who is currently certified by a national certifying body approved by the board of nursing as a nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist, or clinical nurse specialist s. 441.09.

SECTION 715. 155.01 (1g) (b) of the statutes is repealed and recreated to read: 155.01 (1g) (b) An individual who is licensed as an advanced practice registered nurse and possesses a nurse practitioner specialty designation under s. 441.09.

SECTION 716. 155.01 (7) of the statutes, as affected by 2021 Wisconsin Act 251, is amended to read:

155.01 (7) "Health care provider" means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist or dental therapist licensed under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, or genetic counselor licensed under ch. 448, a naturopathic doctor licensed under ch. 466, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a psychologist who is licensed under ch. 455, who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b), a physical therapist or physical

 $\mathbf{2}$

therapist assistant who holds a compact privilege under subch. XI of ch. 448, an
occupational therapist or occupational therapy assistant who holds a compact
privilege under subch. XII of ch. 448, a partnership thereof, a corporation or limited
liability company thereof that provides health care services, a cooperative health
care association organized under s. 185.981 that directly provides services through
salaried employees in its own facility, or a home health agency, as defined in s. 50.49
(1) (a).

SECTION 717. 227.01 (13) (zxm) of the statutes is created to read:

227.01 (13) (zxm) Establishes or adjusts a renewal date or renewal cycle for credentials that are subject to periodic renewal under s. 440.08 (2) (a) 1n.

SECTION 718. 251.01 (1c) of the statutes is repealed and recreated to read:

251.01 (**1c**) "Advanced practice registered nurse" means an individual licensed under s. 441.09.

Section 719. 252.01 (1c) of the statutes is repealed.

Section 720. 252.07 (8) (a) 2. of the statutes is amended to read:

252.07 (8) (a) 2. The department or local health officer provides to the court a written statement from a physician, physician assistant, or advanced practice registered nurse prescriber that the individual has infectious tuberculosis or suspect tuberculosis.

SECTION 721. 252.07 (9) (c) of the statutes is amended to read:

252.07 **(9)** (c) If the court orders confinement of an individual under this subsection, the individual shall remain confined until the department or local health officer, with the concurrence of a treating physician, physician assistant, or advanced practice <u>registered</u> nurse <u>prescriber</u>, determines that treatment is complete or that the individual is no longer a substantial threat to himself or herself or to the public

health. If the individual is to be confined for more than 6 months, the court shall review the confinement every 6 months.

SECTION 722. 252.10 (7) of the statutes is amended to read:

252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis shall be purchased by the department from the appropriation account under s. 20.435 (1) (e) and dispensed to patients through the public health dispensaries, local health departments, physicians, or advanced practice nurse prescribers registered nurses who may issue prescription orders under s. 441.09 (2).

Section 723. 252.11 (2), (4), (5) and (7) of the statutes are amended to read:

252.11 (2) An officer of the department or a local health officer having knowledge of any reported or reasonably suspected case or contact of a sexually transmitted disease for which no appropriate treatment is being administered, or of an actual contact of a reported case or potential contact of a reasonably suspected case, shall investigate or cause the case or contact to be investigated as necessary. If, following a request of an officer of the department or a local health officer, a person reasonably suspected of being infected with a sexually transmitted disease refuses or neglects examination by a physician, physician assistant, or advanced practice registered nurse prescriber or treatment, an officer of the department or a local health officer may proceed to have the person committed under sub. (5) to an institution or system of care for examination, treatment, or observation.

(4) If a person infected with a sexually transmitted disease ceases or refuses treatment before reaching what in a physician's, physician assistant's, or advanced practice nurse prescriber's registered nurse's opinion is the noncommunicable stage, the physician, physician assistant, or advanced practice registered nurse prescriber shall notify the department. The department shall without delay take the necessary

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

steps to have the person committed for treatment or observation under sub. (5), or shall notify the local health officer to take these steps.

- (5) Any court of record may commit a person infected with a sexually transmitted disease to any institution or may require the person to undergo a system of care for examination, treatment, or observation if the person ceases or refuses examination, treatment, or observation under the supervision of a physician, physician assistant, or advanced practice registered nurse prescriber. The court shall summon the person to appear on a date at least 48 hours, but not more than 96 hours, after service if an officer of the department or a local health officer petitions the court and states the facts authorizing commitment. If the person fails to appear or fails to accept commitment without reasonable cause, the court may cite the person for contempt. The court may issue a warrant and may direct the sheriff, any constable, or any police officer of the county immediately to arrest the person and bring the person to court if the court finds that a summons will be ineffectual. The court shall hear the matter of commitment summarily. Commitment under this subsection continues until the disease is no longer communicable or until other provisions are made for treatment that satisfy the department. The certificate of the petitioning officer is prima facie evidence that the disease is no longer communicable or that satisfactory provisions for treatment have been made.
- (7) Reports, examinations and inspections, and all records concerning sexually transmitted diseases are confidential and not open to public inspection, and may not be divulged except as may be necessary for the preservation of the public health, in the course of commitment proceedings under sub. (5), or as provided under s. 938.296 (4) or 968.38 (4). If a physician, physician assistant, or advanced practice <u>registered</u> nurse prescriber has reported a case of sexually transmitted disease to the

department under sub. (4), information regarding the presence of the disease and treatment is not privileged when the patient, physician, physician assistant, or advanced practice <u>registered</u> nurse <u>prescriber</u> is called upon to testify to the facts before any court of record.

Section 724. 252.11 (10) of the statutes is amended to read:

252.11 (10) The state laboratory of hygiene shall examine specimens for the diagnosis of sexually transmitted diseases for any physician, naturopathic doctor, physician assistant, advanced practice <u>registered</u> nurse <u>prescriber</u>, or local health officer in the state, and shall report the positive results of the examinations to the local health officer and to the department. All laboratories performing tests for sexually transmitted diseases shall report all positive results to the local health officer and to the department, with the name of the physician, naturopathic doctor, physician assistant, or advanced practice <u>registered</u> nurse <u>prescriber</u> to whom reported.

Section 725. 252.14 (1) (ar) 3. of the statutes is amended to read:

252.14 (1) (ar) 3. A dentist or dental therapist licensed under ch. 447.

SECTION 726. 252.15 (3m) (d) 11. b. and 13., (5g) (c), (5m) (d) 2. and (e) 2. and 3. and (7m) (intro.) and (b) of the statutes are amended to read:

252.15 (3m) (d) 11. b. The coroner, medical examiner, or appointed assistant is investigating the cause of death of the subject of the HIV test and has contact with the body fluid of the subject of the HIV test that constitutes a significant exposure, if a physician, physician assistant, or advanced practice <u>registered</u> nurse prescriber, based on information provided to the physician, physician assistant, or advanced practice <u>registered</u> nurse prescriber, determines and certifies in writing that the

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

coroner, medical examiner, or appointed assistant has had a contact that constitutes a significant exposure and if the certification accompanies the request for disclosure.

13. If the subject of the HIV test has a positive HIV test result and is deceased, by the subject's attending physician, physician assistant, or advanced practice registered nurse prescriber, to persons, if known to the physician, physician assistant, or advanced practice registered nurse prescriber, with whom the subject had sexual contact or shared intravenous drug use paraphernalia.

(5g) (c) A physician, physician assistant, or advanced practice registered nurse prescriber, based on information provided to the physician, physician assistant, or advanced practice registered nurse prescriber, determines and certifies in writing that the person has had contact that constitutes a significant exposure. certification shall accompany the request for HIV testing and disclosure. If the person is a physician, physician assistant, or advanced practice registered nurse prescriber, he or she may not make this determination or certification. information that is provided to a physician, physician assistant, or advanced practice registered nurse prescriber to document the occurrence of the contact that constitutes a significant exposure and the physician's, physician assistant's, or advanced practice nurse prescriber's registered nurse's certification that the person has had contact that constitutes a significant exposure, shall be provided on a report form that is developed by the department of safety and professional services under s. 101.02 (19) (a) or on a report form that the department of safety and professional services determines, under s. 101.02 (19) (b), is substantially equivalent to the report form that is developed under s. 101.02 (19) (a).

(5m) (d) 2. A physician, physician assistant, or advanced practice <u>registered</u> nurse prescriber, based on information provided to the physician, physician

- assistant, or advanced practice <u>registered</u> nurse <u>prescriber</u>, determines and certifies in writing that the contact under subd. 1. constitutes a significant exposure. A health care provider who has a contact under subd. 1. c. may not make the certification under this subdivision for himself or herself.
- (e) 2. If the contact occurs as provided under par. (d) 1. b., the attending physician, physician assistant, or advanced practice <u>registered</u> nurse prescriber of the funeral director, coroner, medical examiner, or appointed assistant.
- 3. If the contact occurs as provided under par. (d) 1. c., the physician, physician assistant, or advanced practice <u>registered</u> nurse prescriber who makes the certification under par. (d) 2.
- (7m) Reporting of Persons Significantly exposed. (intro.) If a positive, validated HIV test result is obtained from a test subject, the test subject's physician, physician assistant, or advanced practice <u>registered</u> nurse <u>prescriber</u> who maintains a record of the HIV test result under sub. (4) (c) may report to the state epidemiologist the name of any person known to the physician, physician assistant, or advanced practice <u>registered</u> nurse <u>prescriber</u> to have had contact with body fluid of the test subject that constitutes a significant exposure, only after the physician, physician assistant, or advanced practice <u>registered</u> nurse <u>prescriber</u> has done all of the following:
- (b) Notified the HIV test subject that the name of any person known to the physician, physician assistant, or advanced practice <u>registered</u> nurse <u>prescriber</u> to have had contact with body fluid of the test subject that constitutes a significant exposure will be reported to the state epidemiologist.

SECTION 727. 252.16 (3) (c) (intro.) of the statutes is amended to read:

1	252.16 (3) (c) (intro.) Has submitted to the department a certification from a
2	physician, as defined in s. 448.01 (5), physician assistant, or advanced practice
3	registered nurse prescriber of all of the following:
4	Section 728. 252.17 (3) (c) (intro.) of the statutes is amended to read:
5	252.17 (3) (c) (intro.) Has submitted to the department a certification from a
6	physician, as defined in s. 448.01 (5), physician assistant, or advanced practice
7	registered nurse prescriber of all of the following:
8	Section 729. 253.07 (4) (d) of the statutes is amended to read:
9	253.07 (4) (d) In each fiscal year, \$31,500 as grants for employment in
10	communities of licensed registered nurses, licensed practical nurses, certified
11	nurse-midwives licensed advanced practice registered nurses, or licensed physician
12	assistants who are members of a racial minority.
13	Section 730. 253.115 (1) (f) of the statutes is created to read:
14	253.115 (1) (f) "Nurse-midwife" means an individual who is licensed as an
15	advanced practice registered nurse and possesses a certified nurse-midwife
16	specialty designation under s. 441.09.
17	Section 731. 253.115 (4) of the statutes is amended to read:
18	253.115 (4) Screening required. Except as provided in sub. (6), the physician,
19	nurse-midwife licensed under s. 441.15, or certified professional midwife licensed
20	under s. 440.982 who attended the birth shall ensure that the infant is screened for
21	hearing loss before being discharged from a hospital, or within 30 days of birth if the
22	infant was not born in a hospital.
23	Section 732. 253.115 (7) (a) (intro.) of the statutes is amended to read:

253.115 (7) (a) (intro.) The physician, nurse-midwife licensed under s. 441.15, or certified professional midwife licensed under s. 440.982 who is required to ensure that the infant is screened for hearing loss under sub. (4) shall do all of the following:

SECTION 733. 253.13 (1) of the statutes is renumbered 253.13 (1) (b) and amended to read:

253.13 (1) (b) The attending physician or nurse licensed under s. 441.15 nurse-midwife shall cause every infant born in each hospital or maternity home, prior to its discharge therefrom, to be subjected to tests for congenital and metabolic disorders, as specified in rules promulgated by the department. If the infant is born elsewhere than in a hospital or maternity home, the attending physician, nurse licensed under s. 441.15 nurse-midwife, or birth attendant who attended the birth shall cause the infant, within one week of birth, to be subjected to these tests.

Section 734. 253.13 (1) (a) of the statutes is created to read:

253.13 (1) (a) In this subsection, "nurse-midwife" means an individual who is licensed as an advanced practice registered nurse and possesses a certified nurse-midwife specialty designation under s. 441.09.

SECTION 735. 253.15 (1) (em) of the statutes is created to read:

253.15 (1) (em) "Nurse-midwife" means an individual who is licensed as an advanced practice registered nurse and possesses a certified nurse-midwife specialty designation under s. 441.09.

Section 736. 253.15 (2) of the statutes is amended to read:

253.15 (2) Informational materials. The board shall purchase or prepare or arrange with a nonprofit organization to prepare printed and audiovisual materials relating to shaken baby syndrome and impacted babies. The materials shall include information regarding the identification and prevention of shaken baby syndrome

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

and impacted babies, the grave effects of shaking or throwing on an infant or young child, appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child, and a discussion of ways to reduce the risks that can lead a person to shake or throw an infant or young child. The materials shall be prepared in English, Spanish, and other languages spoken by a significant number of state residents, as determined by the board. The board shall make those written and audiovisual materials available to all hospitals, maternity homes, and nurse-midwives licensed under s. 441.15 that are required to provide or make available materials to parents under sub. (3) (a) 1., to the department and to all county departments and nonprofit organizations that are required to provide the materials to child care providers under sub. (4) (d), and to all school boards and nonprofit organizations that are permitted to provide the materials to pupils in one of grades 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those written materials available to all county departments and Indian tribes that are providing home visitation services under s. 48.983 (4) (b) 1. and to all providers of prenatal, postpartum, and young child care coordination services under s. 49.45 (44). The board may make available the materials required under this subsection to be made available by making those materials available at no charge on the board's Internet site.

SECTION 737. 255.06 (1) (d) of the statutes is renumbered 255.06 (1) (f) (intro.) and amended to read:

255.06 **(1)** (f) (intro.) "Nurse practitioner" "Women's health nurse clinician" means a any of the following:

1. A registered nurse who is licensed under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51

.... (this act), is amended to read:

24

1	(2) (k), and whose practice of professional nursing under s. 441.001 (4) includes
2	performance of delegated medical services under the supervision of a physician,
3	naturopathic doctor, dentist, or podiatrist, or advanced practice registered nurse.
4	Section 738. 255.06 (1) (f) 2. of the statutes is created to read:
5	255.06 (1) (f) 2. An advanced practice registered nurse.
6	Section 739. 255.06 (2) (d) of the statutes is amended to read:
7	255.06 (2) (d) Specialized training for rural colposcopic examinations and
8	activities. Provide not more than \$25,000 in each fiscal year as reimbursement for
9	the provision of specialized training of nurse practitioners women's health nurse
10	clinicians to perform, in rural areas, colposcopic examinations and follow-up
11	activities for the treatment of cervical cancer.
12	Section 740. 255.07 (1) (d) of the statutes is amended to read:
13	255.07 (1) (d) "Health care practitioner" means a physician, a physician
14	assistant, or an advanced practice registered nurse who is certified to may issue
15	prescription orders under s. 441.16 <u>441.09 (2)</u> .
16	SECTION 741. 257.01 (5) (a) of the statutes is amended to read:
17	257.01 (5) (a) An individual who is licensed as a physician, a physician
18	assistant, or a podiatrist under ch. 448, licensed as a naturopathic doctor under ch.
19	466, licensed as a registered nurse, licensed practical nurse, or nurse-midwife under
20	ch. 441, licensed as a dentist or dental therapist under ch. 447, licensed as a
21	pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary
22	technician under ch. 89, or certified as a respiratory care practitioner under ch. 448
23	Section 84e. 257.01 (5) (a) of the statutes, as affected by 2023 Wisconsin Act

 $\mathbf{2}$

257.01 (5) (a) An individual who is licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a naturopathic doctor under ch. 466, licensed as a registered nurse, licensed practical nurse, or nurse-midwife advanced practice registered nurse under ch. 441, licensed as a dentist or dental therapist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89, or certified as a respiratory care practitioner under ch. 448.

SECTION 742. 257.01 (5) (b) of the statutes is amended to read:

257.01 (5) (b) An individual who was at any time within the previous 10 years, but is not currently, licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a naturopathic doctor under ch. 466, licensed as a registered nurse, licensed practical nurse or nurse-midwife, under ch. 441, licensed as a dentist or dental therapist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89, or certified as a respiratory care practitioner under ch. 448, if the individual's license or certification was never revoked, limited, suspended, or denied renewal.

SECTION 85e. 257.01 (5) (b) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

257.01 (5) (b) An individual who was at any time within the previous 10 years, but is not currently, licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a naturopathic doctor under ch. 466, licensed as a registered nurse, licensed practical nurse, or nurse-midwife, advanced practice registered nurse under ch. 441, licensed as a nurse-midwife under ch. 441, 2021 stats., licensed as a dentist or dental therapist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

technician under ch. 89, or certified as a respiratory care practitioner under ch. 448, if the individual's license or certification was never revoked, limited, suspended, or denied renewal.

SECTION 743. 341.14 (1a), (1e) (a), (1m) and (1q) of the statutes are amended to read:

341.14 (1a) If any resident of this state, who is registering or has registered an automobile, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000 pounds or a motor home, submits a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from an advanced practice registered nurse licensed to practice nursing in any state, from a public health nurse certified or licensed to practice in any state, from a physician assistant licensed or certified to practice in any state, from a podiatrist licensed to practice in any state, from a chiropractor licensed to practice chiropractic in any state, or from a Christian Science practitioner residing in this state and listed in the Christian Science journal certifying to the department that the resident is a person with a disability that limits or impairs the ability to walk, the department shall procure, issue and deliver to the disabled person plates of a special design in lieu of plates which ordinarily would be issued for the vehicle, and shall renew the plates. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is owned by a nonveteran disabled person and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee shall be made for the issuance or renewal of such plates.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

(1e) (a) If any resident of this state, who is registering or has registered a motorcycle, submits a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from an advanced practice registered nurse licensed to practice nursing in any state, from a public health nurse certified or licensed to practice in any state, from a physician assistant licensed or certified to practice in any state, from a podiatrist licensed to practice in any state, from a chiropractor licensed to practice chiropractic in any state, from a Christian Science practitioner residing in this state and listed in the Christian Science journal, or from the U.S. department of veterans affairs certifying to the department that the resident is a person with a disability that limits or impairs the ability to walk, the department shall procure, issue and deliver to the disabled person a plate of a special design in lieu of the plate which ordinarily would be issued for the motorcycle, and shall renew the plate. The statement shall state whether the disability is permanent or temporary and, if temporary, the opinion of the physician, advanced practice registered nurse, public health nurse, physician assistant, podiatrist, chiropractor, practitioner, or U.S. department of veterans affairs as to the duration of the disability. The plate shall be so designed as to readily apprise law enforcement officers of the fact that the motorcycle is owned by a disabled person and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee may be made for the issuance or renewal of the plate.

(1m) If any licensed driver submits to the department a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from a public health nurse certified or licensed to practice in any state, from an advanced practice <u>registered</u> nurse licensed to practice nursing in any state, from a physician assistant licensed or certified to practice in any state,

from a podiatrist licensed to practice in any state, from a chiropractor licensed to practice chiropractic in any state, or from a Christian Science practitioner residing in this state and listed in the Christian Science journal certifying that another person who is regularly dependent on the licensed driver for transportation is a person with a disability that limits or impairs the ability to walk, the department shall issue and deliver to the licensed driver plates of a special design in lieu of the plates which ordinarily would be issued for the automobile or motor truck, dual purpose motor home or dual purpose farm truck having a gross weight of not more than 8,000 pounds, farm truck having a gross weight of not more than 12,000 pounds or motor home, and shall renew the plates. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is operated by a licensed driver on whom a disabled person is regularly dependent and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee may be made for the issuance or renewal of the plates. The plates shall conform to the plates required in sub. (1a).

(1q) If any employer who provides an automobile, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000 pounds or a motor home, for an employee's use submits to the department a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from an advanced practice registered nurse licensed to practice nursing in any state, from a public health nurse certified or licensed to practice in any state, from a physician assistant licensed or certified to practice in any state, from a podiatrist licensed to practice in any state, from a chiropractor licensed to practice chiropractic in any state, or from a Christian

Science practitioner residing in this state and listed in the Christian Science journal certifying that the employee is a person with a disability that limits or impairs the ability to walk, the department shall issue and deliver to such employer plates of a special design in lieu of the plates which ordinarily would be issued for the vehicle, and shall renew the plates. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is operated by a disabled person and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee may be made for the issuance or renewal of the plates. The plates shall conform to the plates required in sub. (1a).

Section 744. 343.16 (5) (a) of the statutes is amended to read:

343.16 (5) (a) The secretary may require any applicant for a license or any licensed operator to submit to a special examination by such persons or agencies as the secretary may direct to determine incompetency, physical or mental disability, disease, or any other condition that might prevent such applicant or licensed person from exercising reasonable and ordinary control over a motor vehicle. If the department requires the applicant to submit to an examination, the applicant shall pay for the examination. If the department receives an application for a renewal or duplicate license after voluntary surrender under s. 343.265 or receives a report from a physician, physician assistant, advanced practice registered nurse prescriber certified under s. 441.16 (2) licensed under s. 441.09, or optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests within a one-year period for any combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

the use of a vehicle, the department shall determine, by interview or otherwise, whether the operator should submit to an examination under this section. The examination may consist of an assessment. If the examination indicates that education or treatment for a disability, disease or condition concerning the use of alcohol, a controlled substance or a controlled substance analog is appropriate, the department may order a driver safety plan in accordance with s. 343.30 (1q). If there is noncompliance with assessment or the driver safety plan, the department shall revoke the person's operating privilege in the manner specified in s. 343.30 (1q) (d).

Section 745. 343.51 (1) of the statutes is amended to read:

343.51 (1) Any person who qualifies for registration plates of a special design under s. 341.14 (1), (1a), (1m), or (1q) or any other person with a disability that limits or impairs the ability to walk may request from the department a special identification card that will entitle any motor vehicle parked by, or under the direction of, the person, or a motor vehicle operated by or on behalf of the organization when used to transport such a person, to parking privileges under s. 346.50 (2), (2a), and (3). The department shall issue the card at a fee to be determined by the department, upon submission by the applicant, if the applicant is an individual rather than an organization, of a statement from a physician licensed to practice medicine in any state, from an advanced practice registered nurse licensed to practice nursing in any state, from a public health nurse certified or licensed to practice in any state, from a physician assistant licensed or certified to practice in any state, from a podiatrist licensed to practice in any state, from a chiropractor licensed to practice chiropractic in any state, or from a Christian Science practitioner residing in this state and listed in the Christian Science journal that the person is a person with a disability that limits or impairs the ability to walk. The statement

 $\mathbf{2}$

shall state whether the disability is permanent or temporary and, if temporary, the opinion of the physician, advanced practice <u>registered</u> nurse, public health nurse, physician assistant, podiatrist, chiropractor, or practitioner as to the duration of the disability. The department shall issue the card upon application by an organization on a form prescribed by the department if the department believes that the organization meets the requirements under this subsection.

SECTION 746. 343.62 (4) (a) 4. of the statutes is amended to read:

343.62 (4) (a) 4. The applicant submits with the application a statement completed within the immediately preceding 24 months, except as provided by rule, by a physician licensed to practice medicine in any state, from an advanced practice registered nurse licensed to practice nursing in any state, from a physician assistant licensed or certified to practice in any state, from a podiatrist licensed to practice in any state, from a chiropractor licensed to practice chiropractic in any state, or from a Christian Science practitioner residing in this state, and listed in the Christian Science journal certifying that, in the medical care provider's judgment, the applicant is physically fit to teach driving.

Section 747. 440.01 (1) (dL) of the statutes is created to read:

440.01 (1) (dL) "Renewal cycle" means the period of time between 2 successive renewal dates.

Section 748. 440.01 (1) (dm) of the statutes is amended to read:

440.01 (1) (dm) "Renewal date" means the date, determined by the department under s. 440.08 (2), on which a credential expires and before which it must be renewed for the holder to maintain without interruption the rights, privileges and authority conferred by the credential.

SECTION 749. 440.03 (13) (b) 3. of the statutes is repealed.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

- **Section 750.** 440.03 (13) (b) 20m. of the statutes is created to read:
- 2 440.03 (13) (b) 20m. Dental therapist.
- 3 **Section 751.** 440.03 (13) (b) 39m. of the statutes is created to read:
- 4 440.03 (13) (b) 39m. Nurse, advanced practice registered.
- **SECTION 752.** 440.03 (13) (b) 42. of the statutes is repealed.
- **SECTION 753.** 440.03 (13) (br) of the statutes is created to read:
 - 440.03 (13) (br) When conducting an investigation of an arrest or conviction record under par. (a) or (bm), the department shall review and obtain information to determine the circumstances of each case or offense, except that the department may, in its discretion, complete its investigation of an arrest or conviction record without reviewing the circumstances of any of the following types of violations:
 - 1. If the violation occurred more than 5 years before the application date, a first violation of s. 346.63 (1) (a), (am), or (b) or a local ordinance in conformity therewith or a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) (a), (am), or (b) or the law of another jurisdiction prohibiting driving or operating a motor vehicle while intoxicated or under the influence of alcohol, a controlled substance, a controlled substance analog, or a combination thereof or under the influence of any drug that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws.
 - 2. A violation of s. 125.07 (4) (a) or (b) or a local ordinance that strictly conforms to s. 125.07 (4) (a) or (b) or of a substantially similar law of another jurisdiction.
 - 3. A minor, nonviolent ordinance violation, as determined by the department.
 - **Section 754.** 440.03 (14) (c) of the statutes is amended to read:

440.03 (14) (c) The renewal dates for certificates granted under par. (a) and
licenses granted under par. (am) are specified in shall be determined by the
$\underline{\text{department under}} \text{ s. } 440.08 \text{ (2) } \\ \underline{\text{(a)}}. \text{ Renewal applications shall be submitted to the}$
department on a form provided by the department and shall include the renewal fee
determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the
department that the person's certification, registration, or accreditation specified in
par. (a) 1. a., 2. a., or 3. a. has not been revoked.
Section 755. 440.03 (15) of the statutes is amended to read:

440.03 **(15)** The department shall promulgate rules that establish the fees specified in ss. 440.05 (10) and 440.08 (2) (d) (2m) (c).

SECTION 756. 440.032 (5) of the statutes is amended to read:

440.032 (5) LICENSE RENEWAL. The renewal dates for licenses granted under sub. (3) are specified in shall be as determined by the department under s. 440.08 (2) (a) 68c. Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the department that the person's certification or membership specified in sub. (3) that is required for the license has not been revoked or invalidated.

Section 757. 440.077 (1) (a) of the statutes is amended to read:

440.077 (1) (a) "Advanced practice <u>registered</u> nurse <u>prescriber</u>" means an advanced practice <u>registered</u> nurse <u>prescriber certified licensed</u> under s. 441.16 (2) 441.09.

SECTION 758. 440.077 (2) (c) of the statutes is amended to read:

440.077 (2) (c) Under the program under par. (a), a participating military medical personnel shall be supervised by a physician, physician assistant,

 $\mathbf{2}$

podiatrist, registered professional nurse, or advanced practice <u>registered</u> nurse <u>prescriber</u>. The supervising physician, physician assistant, podiatrist, registered professional nurse, or advanced practice <u>registered</u> nurse <u>prescriber</u> shall retain responsibility for the care of the patient.

Section 759. 440.08 (2) (title) of the statutes is amended to read:

440.08 (2) (title) RENEWAL DATES, FEES AND APPLICATIONS.

SECTION 760. 440.08 (2) (a) (intro.) of the statutes is amended to read:

440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04, 444.03, 444.11, 447.04 (2) (c) 2., 447.05 (1) (b), 449.17 (1m) (d), 449.18 (2) (e), 455.06 (1) (b), 463.10, 463.12, and 463.25 and subch. II of ch. 448, the renewal dates for credentials are as follows all of the following apply with respect to renewals of credentials:

Section 761. 440.08 (2) (a) 1. to 37. of the statutes, as affected by 2023 Wisconsin Act (this act), are repealed.

SECTION 762. 440.08 (2) (a) 1n. and 2n. of the statutes are created to read:

440.08 (2) (a) 1n. The department shall establish renewal dates and renewal cycles for credentials that are subject to periodic renewal and may adjust the renewal dates and renewal cycles so established. For practicality and expediency, the department may stagger renewal cycles among credential holders. The department shall consult with the relevant credentialing boards in establishing renewal dates and renewal cycles under this subdivision and shall notify each credential holder of any renewal date or renewal cycle established or adjusted under this subdivision. The department shall publish a schedule of renewal dates and renewal cycles on its website.

1	2n. The department or a credentialing board may promulgate rules to do any
2	of the following:
3	a. Establish interim continuing education or other reporting requirements
4	between renewal dates established under subd. 1n. as needed to account for the
5	length of a renewal cycle established under subd. 1n.
6	b. Notwithstanding any specific continuing education or similar requirement
7	in chs. 440 to 480, adjust or prorate the requirement to align it with the length of a
8	renewal cycle established under subd. 1n.
9	Section 763. 440.08 (2) (a) 25m. of the statutes is created to read:
10	440.08 (2) (a) 25m. Dental therapist: October 1 of each odd-numbered year.
11	Section 764. 440.08 (2) (a) 37m. of the statutes, as created by 2021 Wisconsin
12	Act 251, is repealed.
13	Section 765. 440.08 (2) (a) 38. to 72. of the statutes are repealed.
14	Section 766. 440.08 (2) (ar) of the statutes is created to read:
15	440.08 (2) (ar) 1. Notwithstanding par. (a) and chs. 440 to 480, the department
16	may, in cooperation with credentialing boards, establish a system or process to
17	transition credential holders from 2-year renewal cycles under chs. 440 to 480, 2021
18	stats., to renewal cycles established by the department under par. (a) 1n.
19	2. Notwithstanding the fees for credential renewals determined under s.
20	440.03 (9), if the department under subd. 1. transitions credential holders from
21	2-year renewal cycles under chs. 440 to 480, 2021 stats., to different renewal cycles
22	under par. (a) 1n. before revised renewal fees can be determined under s. 440.03 (9)
23	the department may adjust the applicable renewal fee accordingly, in cooperation
24	with credentialing boards, until a revised fee can be determined under s. 440.03 (9).
25	Section 767. 440.08 (2) (b) of the statutes is amended to read:

440.08 (2) (b) The renewal fee for an apprentice, journeyman, student or
temporary credential is \$10. The renewal dates specified in par. (a) determined
under par. (a) do not apply to apprentice, journeyman, student or temporary
credentials.

SECTION 768. 440.08 (2) (c) of the statutes is renumbered 440.08 (2m) (a) and amended to read:

440.08 **(2m)** (a) Except as provided in par. (e) (d) and sub. (3), renewal applications shall include the applicable renewal fee as determined by the department under s. 440.03 (9) (a) or as specified in par. (b).

SECTION 769. 440.08 (2) (d) of the statutes is renumbered 440.08 (2m) (c).

SECTION 770. 440.08 (2) (e) of the statutes is renumbered 440.08 (2m) (d).

Section 771. 440.08 (2m) (title) of the statutes is created to read:

440.08 (2m) (title) RENEWAL FEES AND APPLICATIONS.

Section 772. 440.08 (2m) (b) of the statutes is created to read:

440.08 **(2m)** (b) The renewal fee for an apprentice, journeyman, student, or temporary credential is \$10.

Section 773. 440.08 (4) (a) of the statutes is amended to read:

440.08 (4) (a) *Generally*. If the department or the interested examining board or affiliated credentialing board, as appropriate, determines that an applicant for renewal has failed to comply with sub. (2)–(e) (2m) (a) or (3) or with any other applicable requirement for renewal established under chs. 440 to 480 or that the denial of an application for renewal of a credential is necessary to protect the public health, safety or welfare, the department, examining board or affiliated credentialing board may summarily deny the application for renewal by mailing to the holder of the credential a notice of denial that includes a statement of the facts

or conduct that warrant the denial and a notice that the holder may, within 30 days after the date on which the notice of denial is mailed, file a written request with the department to have the denial reviewed at a hearing before the department, if the department issued the credential, or before the examining board or affiliated credentialing board that issued the credential.

Section 774. 440.09 (3) (a) of the statutes is amended to read:

440.09 (3) (a) A reciprocal credential granted under this section expires on the applicable renewal date specified in determined by the department under s. 440.08 (2) (a), except that if the first renewal date specified in s. 440.08 (2) (a) after the date on which the credential is granted is within 180 days of the date on which the credential is granted, the credential expires on the 2nd renewal date specified in s. 440.08 (2) (a) after the date on which the credential is granted.

Section 775. 440.094 (1) (c) 1. of the statutes is amended to read:

440.094 (1) (c) 1. A registered nurse, licensed practical nurse, or nurse midwife licensed under ch. 441, or an advanced practice registered nurse prescriber certified licensed under ch. 441.

SECTION 776. 440.094 (1) (c) 3. of the statutes is amended to read:

440.094 (1) (c) 3. A dentist or dental therapist licensed under ch. 447.

SECTION 777. 440.094 (2) (a) (intro.) of the statutes is amended to read:

440.094 **(2)** (a) (intro.) Notwithstanding ss. 441.06 (4), 441.15 (2), 441.16, 441.09 (3) (b), 446.02 (1), 447.03 (1) and (2), 448.03 (1) (a), (b), and (c) and (1m), 448.51 (1), 448.61, 448.76, 448.961 (1) and (2), 449.02 (1), 450.03 (1), 451.04 (1), 455.02 (1m), 457.04 (4), (5), (6), and (7), 459.02 (1), 459.24 (1), and 460.02, a health care provider may provide services within the scope of the credential that the health care provider

holds and the department shall grant the health care provider a temporary credential to practice under this section if all of the following apply:

SECTION 778. 440.26 (3) of the statutes is amended to read:

440.26 (3) Issuance of licenses; fees. Upon receipt and examination of an application executed under sub. (2), and after any investigation that it considers necessary, the department shall, if it determines that the applicant is qualified, grant the proper license upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). No license shall be issued for a longer period than 2-years, and the The license of a private detective shall expire on the renewal date of the license of the private detective agency, even if the license of the private detective has not been in effect for a full -2-years licensure period. Renewals of the original licenses issued under this section shall be issued in accordance with renewal forms prescribed by the department and shall be accompanied by the applicable fees specified in s. 440.08 or determined by the department under s. 440.03 (9) (a). The department may not renew a license unless the applicant provides evidence that the applicant has in force at the time of renewal the bond or liability policy specified in this section.

Section 779. 440.26 (5m) (b) of the statutes is amended to read:

440.26 (5m) (b) The renewal dates for permits issued under this subsection are specified shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

Section 780. 440.313 (1) of the statutes is amended to read:

 $\mathbf{2}$

440.313 (1) The renewal date for licenses granted under this subchapter is specified in shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

Section 781. 440.415 (2) (a) of the statutes is amended to read:

440.415 (2) (a) The renewal date for a license granted under sub. (1) is specified in shall be as determined by the department under s. 440.08 (2) (a) 69m. A renewal application shall be submitted to the department on a form prescribed by the department and shall include any information required by the department by rule.

SECTION 782. 440.71 (3) of the statutes is amended to read:

440.71 (3) Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a).

Section 783. 440.88 (4) of the statutes is amended to read:

440.88 (4) APPLICATIONS; CERTIFICATION PERIOD. An application for certification as a substance abuse counselor, clinical supervisor, or prevention specialist under this section shall be made on a form provided by the department and filed with the department and shall be accompanied by the initial credential fee determined by the department under s. 440.03 (9) (a). The renewal date for certification as a substance abuse counselor, clinical supervisor, or prevention specialist is specified shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for such certifications is determined by the department under s. 440.03 (9) (a). Renewal of

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

The department shall by rule prescribe the number of times that a certification as a substance abuse counselor-in-training, a clinical supervisor-in-training, or a prevention specialist-in-training may be made only twice renewed. **Section 784.** 440.905 (2) of the statutes is amended to read: 440.905 (2) The board has rule-making authority and may promulgate rules relating to the regulation of cemetery authorities, cemetery salespersons, and cemetery preneed sellers. The board may determine, by rule, a fee under s. 440.05 (1) (a) and under s. 440.08 (2) (a) 21. that is sufficient to fund the board's operating costs. **Section 785.** 440.91 (1) (c) of the statutes is amended to read: 440.91(1) (c) The renewal dates for licenses granted under par. (b) are specified in shall be as determined by the department under s. 440.08 (2) (a), and the renewal fees for such licenses are determined by the department under s. 440.03 (9) (a). **SECTION 786.** 440.91 (1m) (c) of the statutes is amended to read: 440.91 (1m) (c) The renewal date and renewal fee for a registration granted under par. (b) are specified in shall be as determined by the department under s. 440.08 (2). The department shall determine the renewal fee for a registration granted under par. (b) under s. 440.03 (9) (a).

SECTION 787. 440.91 (4) of the statutes is amended to read:

440.91 (4) Renewal applications shall be submitted to the board on a form provided by the board on or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 788. 440.92 (1) (c) of the statutes is amended to read:

 $\mathbf{2}$

440.92 (1) (c) Renewal applications shall be submitted to the board on a form provided by the board on or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a).

Section 789. 440.972 (2) of the statutes is amended to read:

440.972 (2) The renewal date for certificates granted under this section is specified shall be as determined by the department under s. 440.08 (2) (a) 38g., and the renewal fee for such certificates is determined by the department under s. 440.03 (9) (a).

Section 790. 440.974 (2) of the statutes is amended to read:

440.974 (2) The department shall promulgate rules establishing continuing education requirements for individuals registered under this subchapter. The rules promulgated under this subsection shall require the completion of at least 40 hours of continuing education every -2 years, except that the rules may not require continuing education for an applicant for renewal of a registration that expires on the 1st and 2nd renewal dates after the date on which the department initially granted the registration 2-year period, except that the department shall shall, for up to a 2-year period, exempt new registrants from the requirement under this subsection.

Section 791. 440.98 (6) of the statutes is amended to read:

440.98 (6) APPLICATIONS. An application for a sanitarian registration under this section shall be made on a form provided by the department and filed with the department and shall be accompanied by the initial credential fee determined by the department under s. 440.03 (9) (a). The renewal date for a sanitarian registration is specified shall be as determined by the department under s. 440.08 (2) (a), and the

renewal fee for such registration is determined by the department under s. 440.03 (9) (a).

SECTION 792. 440.981 (1) of the statutes is amended to read:

440.981 (1) No person may use the title "licensed midwife," describe or imply that he or she is a licensed midwife, or represent himself or herself as a licensed midwife unless the person is granted a license under this subchapter or is licensed as <u>a nurse-midwife under s. 441.15</u> an advanced practice registered nurse and possesses a certified nurse-midwife specialty designation under s. 441.09.

Section 793. 440.982 (1) of the statutes is amended to read:

440.982 (1) No person may engage in the practice of midwifery unless the person is granted a license under this subchapter, is granted a temporary permit pursuant to a rule promulgated under s. 440.984 (2m), or is licensed as —a nurse—midwife under s. 441.15 an advanced practice registered nurse and possesses a certified nurse—midwife specialty designation under s. 441.09.

SECTION 794. 440.983 (1) of the statutes is amended to read:

440.983 (1) The renewal date for licenses granted under this subchapter is specified in shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

Section 795. 440.987 (2) of the statutes is amended to read:

440.987 (2) One member who is licensed as a nurse-midwife under s. 441.15 an advanced practice registered nurse and possesses a certified nurse-midwife specialty designation under s. 441.09 and who practices in an out-of-hospital setting.

Section 796.	440.992 (6) of the	statutes is re	pealed.
--------------	------------	----------	----------------	---------

Section 797. 440.9935 of the statutes is amended to read:

440.9935 Renewal. The renewal date for certificates of registration issued under this subchapter is specified in shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for such certificates is determined by the department under s. 440.03 (9) (a). Renewal applications shall be submitted to the department on a form provided by the department.

Section 798. 441.001 (1c) of the statutes is created to read:

441.001 (1c) Advanced practice registered nursing" means the practice of a certified nurse-midwife, the practice of a certified registered nurse anesthetist, the practice of a clinical nurse specialist, and the practice of a nurse practitioner.

Section 799. 441.001 (3c) of the statutes is created to read:

441.001 (3c) PRACTICE OF A CERTIFIED NURSE-MIDWIFE. "Practice of a certified nurse-midwife" means practice in the management of women's health care, pregnancy, childbirth, postpartum care for newborns, family planning, and gynecological services consistent with the standards of practice of the American College of Nurse-Midwives or its successor.

Section 800. 441.001 (3g) of the statutes is created to read:

441.001 (3g) Practice of a certified registered nurse anesthetist" means providing anesthesia care, pain management care, and care related to anesthesia and pain management for persons across their lifespan, whose health status may range from healthy through all levels of acuity, including persons with immediate, severe, or life-threatening illness or

24

(d) Nurse practitioner.

injury, in diverse settings, including hospitals, ambulatory surgery centers, 1 2 outpatient clinics, medical offices, and home health care settings. 3 **Section 801.** 441.001 (3n) of the statutes is created to read: 441.001 (3n) Practice of a clinical nurse specialist. "Practice of a clinical 4 5 nurse specialist" means providing advanced nursing care, primarily in health care 6 facilities, including the diagnosis and treatment of illness for identified specific 7 populations based on a specialty. 8 **Section 802.** 441.001 (3r) of the statutes is created to read: "Practice of a nurse 9 441.001 (3r) PRACTICE OF A NURSE PRACTITIONER. 10 practitioner" means practice in ambulatory, acute, long-term, or other health care 11 settings as a primary or specialty care provider who provides health services, 12 including assessing, diagnosing, treating, or managing acute, episodic, and chronic 13 illnesses. 14 **Section 803.** 441.001 (3w) of the statutes is created to read: 15 441.001 (3w) Prescription order" has the meaning given 16 in s. 450.01 (21). **Section 804.** 441.001 (5) of the statutes is created to read: 17 441.001 (5) RECOGNIZED ROLE. "Recognized role" means one of the following 18 19 roles: 20 (a) Certified nurse-midwife. 21(b) Certified registered nurse anesthetist. 22 (c) Clinical nurse specialist.

Section 805. 441.01 (3) of the statutes is amended to read:

441.01 (3) The board may <u>promulgate rules to</u> establish minimum standards for schools for professional nurses and, schools for licensed practical nurses, <u>and schools for advanced practice registered nurses</u>, including all related clinical units and facilities, and make and provide periodic surveys and consultations to such schools. It <u>The board</u> may also establish <u>promulgate</u> rules to prevent unauthorized persons from practicing professional nursing. It shall approve all rules for the administration of this chapter in accordance with ch. 227.

Section 806. 441.01 (4) of the statutes is amended to read:

441.01 (4) The board shall direct that those schools that qualify be placed on a list of schools the board has approved for professional nurses or, of schools the board has approved for licensed practical nurses, or of schools the board has approved for advanced practice registered nurses on application and proof of qualifications; and the board shall make a study of nursing education and initiate promulgate rules and policies to improve it.

SECTION 149e. 441.01 (7) (a) (intro.) and 1. of the statutes are amended to read: 441.01 (7) (a) (intro.) The board shall require each applicant for the renewal Biennially, each holder of a registered nurse or licensed practical nurse license issued under this chapter to shall do all of the following as a condition for renewing the license:

1. Complete and submit to the department with the application for renewal of the license a nursing workforce survey developed by the department of workforce development under s. 106.30 (2).

SECTION 149f. 441.01 (7) (a) (intro.) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

441.01 (7) (a) (intro.) Biennially, each holder of a registered nurse or, licensed practical nurse, or licensed advanced practice registered nurse license issued under this chapter shall do all of the following:

Section 807. 441.01 (7) (b) of the statutes is amended to read:

441.01 (7) (b) The board may not renew a registered nurse or licensed practical nurse license under this chapter unless the renewal applicant has completed the nursing workforce survey to the satisfaction of the board. The board shall establish standards to determine whether the <u>nursing workforce</u> survey has been completed. The board shall, by no later than June 30 of each odd-numbered year, submit all completed nursing workforce survey forms to the department of workforce development.

Section 808. 441.01 (7) (c) of the statutes is created to read:

441.01 (7) (c) An applicant who is renewing both a registered nurse and advanced practice registered nurse license under s. 441.09 (1) (c) is only required to pay a single fee under par. (a) 2.

SECTION 809. 441.06 (title) of the statutes is repealed and recreated to read:

441.06 (title) Registered nurses; civil liability exemption.

Section 152e. 441.06 (3) of the statutes is amended to read:

441.06 (3) A registered nurse practicing for compensation shall, on or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a), submit to the board on furnished forms a statement giving name, residence, and other facts that the board requires, with the nursing workforce survey and fee required under s. 441.01 (7) and the applicable renewal fee determined by the department under s. 440.03 (9) (a).

 $\mathbf{2}$

SECTION 152f. 441.06 (3) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

441.06 (3) A Except as provided in s. 441.09 (1) (c), a registered nurse practicing for compensation shall, on or before the applicable renewal date determined by the department under s. 440.08 (2), submit to the board on furnished forms a statement giving name, residence, and other facts that the board requires, with the applicable renewal fee determined by the department under s. 440.03 (9) (a).

Section 810. 441.06 (4) of the statutes is amended to read:

441.06 (4) Except as provided in ss. 257.03 and 440.077, no person may practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that he or she is a registered or professional nurse unless he or she is licensed under this section. Except as provided in ss. 257.03 and 440.077, no person not so licensed may use in connection with his or her nursing employment or vocation any title or anything else to indicate that he or she is a trained, certified or graduate nurse. This subsection does not apply to any registered nurse who holds a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted the nurse licensure compact under s. 441.51.

SECTION 811. 441.06 (7) of the statutes is renumbered 441.09 (7) and amended to read:

441.09 (7) <u>CIVIL LIABILITY.</u> No person <u>certified licensed</u> as an advanced practice <u>registered</u> nurse <u>prescriber</u> under <u>s. 441.16 (2) this section</u> is liable for civil damages for any of the following:

(a) Reporting in good faith to the department of transportation under s. 146.82(3) a patient's name and other information relevant to a physical or mental condition

of the patient that in the advanced practice nurse prescriber's registered nurse's judgment impairs the patient's ability to exercise reasonable and ordinary control over a motor vehicle.

(b) In good faith, not reporting to the department of transportation under s. 146.82 (3) a patient's name and other information relevant to a physical or mental condition of the patient that in the advanced practice nurse prescriber's registered nurse's judgment does not impair the patient's ability to exercise reasonable and ordinary control over a motor vehicle.

SECTION 812. 441.07 (1g) (intro.), (a), (c) and (e) of the statutes are amended to read:

441.07 (1g) (intro.) Subject to the rules promulgated under s. 440.03 (1), the board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a registered nurse, nurse-midwife advanced practice registered nurse, or licensed practical nurse; deny an initial certificate or revoke, limit, suspend, or deny the renewal of a certificate to prescribe drugs or devices granted under s. 441.16; or reprimand a registered nurse, nurse-midwife advanced practice registered nurse, or licensed practical nurse; if the board finds that the applicant or licensee committed any of the following:

- (a) Fraud in the procuring or renewal of the certificate or license.
- (c) Acts which that show the registered nurse, nurse-midwife advanced practice registered nurse, or licensed practical nurse to be unfit or incompetent by reason of negligence, abuse of alcohol or other drugs, or mental incompetency.
- (e) A violation of any state or federal law that regulates prescribing or dispensing drugs or devices, if the person has a certificate to prescribe drugs or devices under s. 441.16 may issue prescription orders under s. 441.09 (2).

 $\mathbf{2}$

6

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Section 813. 441.09 of the statutes is created to read:

441.09 Advanced practice registered nurses; civil liability exemption.

- 3 (1) LICENSE. (a) An applicant who satisfies all of the following requirements may
 4 apply to the board for initial licensure by the board as an advanced practice
 5 registered nurse:
 - 1. The applicant satisfies one of the following criteria:
- a. The applicant holds a valid license to practice as a registered nurse issued under s. 441.06 (1), (1c), or (1m).
 - b. The applicant applies concurrently for a license under s. 441.06 (1), (1c), or (1m) with the application for a license under this paragraph.
 - c. The applicant is a registered nurse who holds a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted the nurse licensure compact.
 - 2. The applicant provides evidence satisfactory to the board that he or she satisfies one of the following criteria:
 - a. The applicant has completed a graduate-level or postgraduate-level education program that is approved by the board and that prepares the applicant for the practice of advanced practice registered nursing in one of the 4 recognized roles, and the applicant holds a current certification by a national certifying body approved by the board.
 - b. On January 1, 2023, the applicant was licensed as a registered nurse in this state and was practicing in a recognized role, and the applicant satisfies additional criteria established by the board by rule under sub. (6) (a) 3. relating to practice, education, or certification.
 - 3. The applicant pays the fee specified under s. 440.05 (1).

- 4. The applicant provides to the board evidence of any malpractice liability insurance coverage required under sub. (5).
 - 5. If the applicant is applying to receive a certified nurse-midwife specialty designation under par. (b) 1., the applicant does all of the following:
 - a. Provides evidence satisfactory to the board that the applicant is currently certified by the American Midwifery Certification Board or its successor.
 - b. Files with the board any plan required under sub. (3m) (i).
 - 6. The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335.
 - 7. The applicant meets any other criteria established by the board by rule under sub. (6) (a) 3. relating to the education, training, or experience required for each recognized role.
 - (b) 1. a. Subject to s. 441.07 (1g), the board shall grant an advanced practice registered nurse license to an applicant the board determines meets the requirements under par. (a). The board shall also grant a person who is granted a license under this subd. 1. a. one or more specialty designations corresponding to the recognized roles for which the board determines that the person qualifies based on the person's qualifications under par. (a).
 - b. The board shall grant an advanced practice registered nurse license to each individual who, on the day before the effective date of this subd. 1. b. [LRB inserts date], was certified to issue prescription orders under s. 441.16, 2021 stats. The board shall also grant a person who is granted a license under this subd. 1. b. one or more specialty designations corresponding to the recognized roles for which the board determines that the person qualifies based on the person's qualifications.

 $\mathbf{2}$

- c. The board shall grant an advanced practice registered nurse license to each individual who, on the day before the effective date of this subd. 1. c. [LRB inserts date], was licensed as a nurse-midwife under s. 441.15, 2021 stats. The board shall also grant a person who is granted a license under this subd. 1. c. a nurse-midwife specialty designation.
- 2. Each specialty designation granted under subd. 1. shall appear on the person's advanced practice registered nurse license.
- 3. The board may not grant an advanced practice registered nurse license to a person applying concurrently for a license under s. 441.06 (1), (1c), or (1m), unless the board also grants the person the license under s. 441.06 (1), (1c), or (1m).
- 4. The board may place specific limitations on a person licensed as an advanced practice registered nurse as a condition of licensure.
- 5. If all of the following apply to a person, a notation indicating that the person may not issue prescription orders shall appear on the person's advanced practice registered nurse license:
- a. The person is granted an advanced practice registered nurse license under subd. 1. a. and satisfies only par. (a) 2. b. but not par. (a) 2. a., or the person is granted an advanced practice registered nurse license under subd. 1. c.
- b. On January 1, 2023, the person did not hold a certificate under s. 441.16 (2), 2021 stats.
 - (c) On or before the applicable renewal date determined by the department under s. 440.08 (2), an advanced practice registered nurse shall submit to the board on a form furnished by the board a statement giving his or her name and residence, the nursing workforce survey and fee required under s. 441.01 (7), evidence of having satisfied the continuing education requirements under sub. (4), evidence of any

 $\mathbf{2}$

malpractice liability insurance coverage required under sub. (5), any plan required under sub. (3m) (i), current evidence that the person satisfies each of the requirements under par. (a) 1., 2., 5. a., and 7. that apply with respect to the person, and any other information that the board requires by rule, with the applicable renewal fee determined by the department under s. 440.03 (9) (a). The board shall grant to a person who satisfies the requirements under this paragraph the renewal of his or her advanced practice registered nurse license and specialty designations granted under par. (b) 1. and shall, if the person holds a license under s. 441.06 (1), (1c), or (1m), also grant the renewal of that license.

- (2) Prescribing authority. (a) Except as provided in par. (b), an advanced practice registered nurse may issue prescription orders, subject to the rules promulgated under sub. (6) (a) 1. and 4., and may provide expedited partner therapy in the manner described in s. 441.092.
- (b) An advanced practice registered nurse may not issue prescription orders if a notation under sub. (1) (b) 4. indicating that the advanced practice registered nurse may not issue prescription orders appears on the advanced practice registered nurse's license.
- (3) LICENSE REQUIRED; USE OF TITLES. (a) 1. The holder of a license issued under this section is an "advanced practice registered nurse," may append to his or her name the title "A.P.R.N.," and is authorized to practice advanced practice registered nursing.
- 2. Notwithstanding s. 448.03 (3m), the holder of a specialty designation for a recognized role granted under sub. (1) (b) 1. may append to his or her name the title and an abbreviation described under par. (b) 2. corresponding to that recognized role.

 $\mathbf{2}$

- (b) 1. Except as provided in sub. (3m) (h) and s. 257.03, no person may practice or attempt to practice advanced practice registered nursing, nor use the title "advanced practice registered nurse," the title "A.P.R.N.," or anything else to indicate that he or she is an advanced practice registered nurse unless he or she is licensed under this section.
 - 2. Except as provided in s. 257.03, no person may do any of the following:
- a. Use the title "certified nurse-midwife," the title "C.N.M.," or anything else to indicate that he or she is a certified nurse-midwife unless he or she has been granted a certified nurse-midwife specialty designation under sub. (1) (b) 1.
- b. Use the title "certified registered nurse anesthetist," the title "C.R.N.A.," or anything else to indicate that he or she is a certified registered nurse anesthetist unless he or she has been granted a certified registered nurse anesthetist specialty designation under sub. (1) (b) 1.
- c. Use the title "clinical nurse specialist," the title "C.N.S.," or anything else to indicate that he or she is a clinical nurse specialist unless he or she has been granted a clinical nurse specialist specialist designation under sub. (1) (b) 1.
- d. Use the title "nurse practitioner," the title "N.P.," or anything else to indicate that he or she is a nurse practitioner unless he or she has been granted a nurse practitioner specialty designation under sub. (1) (b) 1.
- (3m) Practice requirements and limitations. (a) 1. An advanced practice registered nurse licensed under this section may, except as provided in subd. 2. and par. (b), practice advanced practice registered nursing only in collaboration with a physician or dentist.
- 2. Subdivision 1. does not apply to an advanced practice registered nurse with a certified nurse-midwife specialty designation.

- (b) An advanced practice registered nurse to whom par. (a) 1. applies may, except as provided in pars. (d) 1. and (f), practice advanced practice registered nursing in a recognized role without being supervised by or collaborating with, and independent of, a physician or dentist if the board verifies, upon application of the advanced practice registered nurse, that the advanced practice registered nurse satisfies all of the following:
- 1. The advanced practice registered nurse has, except as provided in subd. 3., completed 3,840 hours of professional nursing in a clinical setting. Clinical hours completed as a requirement of a nursing program offered by a qualifying school of nursing described under s. 441.06 (1) (c) may be used to satisfy the requirement under this subdivision. Hours completed to satisfy a requirement of an education program described in sub. (1) (a) 2. a. may not be used to satisfy the requirement under this subdivision.
- 2. At least 24 months have elapsed since the advanced practice registered nurse first began completing the clinical hours required by a nursing program described under subd. 1.
- 3. The advanced practice registered nurse has completed 3,840 clinical hours of advanced practice registered nursing practice in that recognized role while working with a physician or dentist who was immediately available for consultation and accepted responsibility for the actions of the advanced practice registered nurse during those 3,840 hours of practice. The advanced practice registered nurse may substitute additional hours of advanced practice registered nursing working with a physician or dentist described in this subdivision to count toward the requirement under subd. 1. Each such additional hour shall count toward one hour of the requirement under subd. 1.

 $\mathbf{2}$

- 4. At least 24 months have elapsed since the advanced practice registered nurse first began practicing advanced practice registered nursing in that recognized role as described in subd. 3.
- (c) For purposes of par. (b) 3., hours of advanced practice registered nursing practice may include the lawful practice of advanced practice registered nursing outside this state or the lawful practice of advanced practice registered nursing in this state prior to the effective date of this paragraph [LRB inserts date].
- (d) 1. An advanced practice registered nurse may provide pain management services only while working in a collaborative relationship with a physician who, through education, training, and experience, specializes in pain management. Except as provided in subd. 2., this subdivision applies regardless of whether the advanced practice registered nurse has qualified for independent practice under par. (b).
- 2. Except as provided in par. (f), subd. 1. does not apply to an advanced practice registered nurse who is providing pain management services in a hospital, as defined in s. 50.33 (2), or a clinic associated with a hospital, and who has qualified for independent practice under par. (b).
- (e) For purposes of pars. (a) 1. and (d) 1., a collaborative relationship is a process in which an advanced practice registered nurse is working with a physician or dentist, in each other's presence when necessary, to deliver health care services within the scope of the advanced practice registered nurse's training, education, and experience. The advanced practice registered nurse shall document such a collaborative relationship.
- (f) Nothing in this section prohibits an entity employing or with a relationship with an advanced practice registered nurse from establishing additional

requirements for an advanced practice registered nurse as a condition of employment or relationship.

- (g) An advanced practice registered nurse shall adhere to professional standards when managing situations that are beyond the advanced practice registered nurse's expertise. If a particular patient's needs are beyond the advanced practice registered nurse's expertise, the advanced practice registered nurse shall, as warranted by the patient's needs, consult or collaborate with or refer the patient to at least one of the following:
 - 1. A physician licensed under ch. 448.
- 2. Another health care provider for whom the advanced practice registered nurse has reasonable evidence of having a scope of practice that includes the authorization to address the patient's needs.
- (h) An advanced practice registered nurse licensed under this section may delegate a task or order to another clinically trained health care worker if the task or order is within the scope of the advanced practice registered nurse's practice, the advanced practice registered nurse is competent to perform the task or issue the order, and the advanced practice registered nurse has reasonable evidence that the health care worker is minimally competent to perform the task or issue the order under the circumstances.
- (i) An advanced practice registered nurse with a certified nurse-midwife specialty designation may not offer to deliver babies outside of a hospital setting unless the advanced practice registered nurse files with the board, and the board approves, a proactive plan for ensuring appropriate care or care transitions conforming with professional standards for patients with higher acuity or emergency care needs that exceed the advanced practice registered nurse's scope of practice. An

 $\mathbf{2}$

- advanced practice registered nurse who offers to deliver babies outside of a hospital setting shall file a plan under this paragraph when applying for an initial license under this section or a renewal of a license under this section, shall keep the plan current with the board, and shall follow the plan.
- (4) CONTINUING EDUCATION. Every advanced practice registered nurse shall submit to the board evidence of having completed at least 16 contact hours per biennium in clinical pharmacology or therapeutics relevant to the advanced practice registered nurse's area of practice. The board may promulgate rules regarding the continuing education requirements under this subsection.
- (5) Malpractice liability insurance. No person may practice advanced practice registered nursing unless he or she at all times has in effect malpractice liability insurance coverage in the minimum amounts specified under s. 655.23 (4). An advanced practice registered nurse shall submit evidence of that coverage to the board when applying for an initial license under this section or a renewal of a license under this section. An advanced practice registered nurse shall also submit such evidence to the board upon request of the board.
- (6) Rules. (a) The board shall promulgate rules necessary to administer this section, including rules for all of the following:
- 1. Further defining the scope of practice of an advanced practice registered nurse, practice of a certified nurse-midwife, practice of a certified registered nurse anesthetist, practice of a nurse practitioner, and practice of a clinical nurse specialist and defining the scope of practice within which an advanced practice registered nurse may issue prescription orders under sub. (2).
 - 2. Determining acceptable national certification for purposes of sub. (1) (a) 2.

a.

	3.	Establishing	the	appropriate	education,	training,	or	experier	ıce
req	uireme	ents that a regis	stered	l nurse must sa	atisfy in order	r to be an a	dvan	iced pract	ice
registered nurse and to obtain each specialty designation corresponding to the									
rec	ognize	d roles.							

- 4. Specifying the classes of drugs, individual drugs, or devices that may not be prescribed by an advanced practice registered nurse under sub. (2).
 - 5. Specifying the conditions to be met for registered nurses to do the following:
 - a. Administer a drug prescribed by an advanced practice registered nurse.
 - b. Administer a drug at the direction of an advanced practice registered nurse.
- 7. Establishing standards of professional conduct for advanced practice registered nurses generally and for practicing in each recognized role.
- (am) Notwithstanding par. (a), the board may promulgate rules to implement sub. (3m) (b).
- (b) The board may not promulgate rules that expand the scope of practice of an advanced practice registered nurse beyond the practices within advanced practice registered nursing.

Section 814. 441.092 of the statutes is created to read:

441.092 Expedited partner therapy. (1) In this section:

- (b) "Antimicrobial drug" has the meaning given in s. 448.035 (1) (b).
- (c) "Expedited partner therapy" has the meaning given in s. 448.035 (1) (c).
- (2) Notwithstanding the requirements of s. 448.9785, an advanced practice registered nurse who may issue prescription orders under s. 441.09 (2) may provide expedited partner therapy if a patient is diagnosed as infected with a chlamydial infection, gonorrhea, or trichomoniasis and the patient has had sexual contact with a sexual partner during which the chlamydial infection, gonorrhea, or

 $\mathbf{2}$

trichomoniasis may have been transmitted to or from the sexual partner. The advanced practice registered nurse shall attempt to obtain the name of the patient's sexual partner. A prescription order for an antimicrobial drug prepared under this subsection shall include the name and address of the patient's sexual partner, if known. If the advanced practice registered nurse is unable to obtain the name of the patient's sexual partner, the prescription order shall include, in ordinary, bold-faced capital letters, the words, "expedited partner therapy" or the letters "EPT."

- (3) The advanced practice registered nurse shall provide the patient with a copy of the information sheet prepared by the department of health services under s. 46.03 (44) and shall request that the patient give the information sheet to the person with whom the patient had sexual contact.
- (4) (a) Except as provided in par. (b), an advanced practice registered nurse is immune from civil liability for injury to or the death of a person who takes any antimicrobial drug if the antimicrobial drug is prescribed, dispensed, or furnished under this section and if expedited partner therapy is provided as specified under this section.
- (b) The immunity under par. (a) does not extend to the donation, distribution, furnishing, or dispensing of an antimicrobial drug by an advanced practice registered nurse whose act or omission involves reckless, wanton, or intentional misconduct.

Section 815. 441.10 (6) of the statutes is amended to read:

441.10 (6) On or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a), a licensed practical nurse practicing for compensation shall submit to the board, on forms furnished by the department, an application for license renewal, together with a statement giving name, residence,

nature and extent of practice as a licensed practical nurse during the prior year and prior unreported years, the nursing workforce survey and fee required under s. 441.01 (7), and other facts bearing upon current competency that the board requires, accompanied by the applicable license renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 816. 441.10 (7) of the statutes is amended to read:

441.10 (7) No license is required for practical nursing, but, except as provided in s. 257.03, no person without a license may hold himself or herself out as a licensed practical nurse or licensed attendant, use the title or letters "Trained Practical Nurse" or "T.P.N.", "Licensed Practical Nurse" or "L.P.N.", "Licensed Attendant" or "L.A.", "Trained Attendant" or "T.A.", or otherwise seek to indicate that he or she is a licensed practical nurse or licensed attendant. No licensed practical nurse or licensed attendant may use the title, or otherwise seek to act as a registered, licensed, graduate or professional nurse. Anyone violating this subsection shall be subject to the penalties prescribed by s. 441.13. The board shall grant without examination a license as a licensed practical nurse to any person who was on July 1, 1949, a licensed attendant. This subsection does not apply to any licensed practical nurse who holds a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted the nurse licensure compact under s. 441.51.

- **SECTION 817.** 441.11 (title) of the statutes is repealed.
- **Section 818.** 441.11 (1) of the statutes is repealed.
 - **SECTION 819.** 441.11 (2) of the statutes is renumbered 441.09 (5m) and amended to read:
 - 441.09 (5m) <u>LICENSURE EXEMPTION</u>. The provisions of s. 448.04 (1) (g) <u>448.03</u> (1) (d) do not apply to -a- an advanced practice registered nurse licensed under this

 $\mathbf{2}$

section who possesses a certified registered nurse anesthetist specialty designation under sub. (1) (b) 1. or to a person who engages in the practice of a nurse anesthetist while performing official duties for the armed services or federal health services of the United States.

SECTION 820. 441.11 (3) of the statutes is repealed.

SECTION 821. 441.15 of the statutes, as affected by 2023 Wisconsin Act (this act), is repealed.

SECTION 164e. 441.15 (3) (b) of the statutes is amended to read:

441.15 (3) (b) On or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a), a person issued a license under par. (a) and practicing nurse-midwifery shall submit to the board on furnished forms a statement giving his or her name, residence, and other information that the board requires by rule, with the applicable renewal fee determined by the department under s. 440.03 (9) (a). If applicable, the person shall also submit evidence satisfactory to the board that he or she has in effect the malpractice liability insurance required under the rules promulgated under sub. (5) (bm). The board shall grant to a person who pays the fee determined by the department under s. 440.03 (9) (a) for renewal of a license to practice nurse-midwifery and who satisfies the requirements of this paragraph the renewal of his or her license to practice nurse-midwifery and the renewal of his or her license to practice nurse-midwifery and the renewal of his or her license to practice nurse-midwifery and the renewal of his or her license to practice as a registered nurse.

SECTION 822. 441.16 of the statutes is repealed.

Section 823. 441.18 (2) (a) (intro.) of the statutes is amended to read:

441.18 **(2)** (a) (intro.) An advanced practice <u>registered</u> nurse <u>certified to who</u> <u>may</u> issue prescription orders under s. 441.16 <u>441.09</u> (2) may do any of the following:

Section 824. 441.18 (2) (b) of the statutes is amended to read:

441.18 (2) (b) An advanced practice <u>registered</u> nurse who prescribes or delivers an opioid antagonist under par. (a) 1. shall ensure that the person to whom the opioid antagonist is prescribed has or has the capacity to provide the knowledge and training necessary to safely administer the opioid antagonist to an individual undergoing an opioid-related overdose and that the person demonstrates the capacity to ensure that any individual to whom the person further delivers the opioid antagonist has or receives that knowledge and training.

Section 825. 441.18 (3) of the statutes is amended to read:

441.18 (3) An advanced practice <u>registered</u> nurse who, acting in good faith, prescribes or delivers an opioid antagonist in accordance with sub. (2), or who, acting in good faith, otherwise lawfully prescribes or dispenses an opioid antagonist, shall be immune from criminal or civil liability and may not be subject to professional discipline under s. 441.07 for any outcomes resulting from prescribing, delivering, or dispensing the opioid antagonist.

Section 826. 441.19 of the statutes is repealed.

Section 827. 442.083 (1) of the statutes is amended to read:

442.083 (1) The renewal dates for licenses issued under this chapter are specified shall be as determined by the department under s. 440.08 (2) (a), and the renewal fees for such licenses are determined by the department under s. 440.03 (9) (a). The department may not renew a license issued to a firm unless, at the time of renewal, the firm satisfies the requirements under s. 442.08 (2) and demonstrates, to the satisfaction of the department, that the firm has complied with the requirements under s. 442.087.

SECTION 828. 442.083 (2) (a) of the statutes is amended to read:

 $\mathbf{2}$

442.083 (2) (a) The examining board shall promulgate rules establishing continuing education requirements for renewal of licenses granted to individuals licensed under this chapter. The rules promulgated under this paragraph may not require an individual to complete more than 80 continuing education credits during the per 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a).

SECTION 829. 443.015 (1e) of the statutes is amended to read:

443.015 (1e) The rules promulgated under sub. (1) by the registered interior designer section of the examining board shall require a Wisconsin registered interior designer to complete at least 15 hours of continuing education during the per 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a). At least 10 of the 15 hours shall be in subjects related to the practice of interior design that safeguard the public's health, safety, and welfare.

SECTION 830. 443.07 (6) of the statutes is amended to read:

443.07 **(6)** The renewal date for permits under this section is specified shall be as determined by the department under s. 440.08 (2) (a), and the fee for renewal of such permits is determined by the department under s. 440.03 (9) (a).

SECTION 831. 443.08 (3) (b) of the statutes is amended to read:

443.08 (3) (b) The renewal date for certificates of authorization under this section is specified shall be as determined by the department under s. 440.08 (2) (a), and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a).

SECTION 832. 443.10 (2) (e) of the statutes is amended to read:

443.10 (2) (e) The renewal date dates for certificates of registration for architects, landscape architects, professional engineers, and Wisconsin registered

1	interior designers is specified shall be as determined by the department under s.
2	440.08 (2) (a), and the fee for renewal of such certificates is determined by the
3	department under s. 440.03 (9) (a).
4	SECTION 833. 443.10 (5) of the statutes is amended to read:
5	443.10 (5) FEES; RENEWALS. The professional land surveyor section shall grant
6	a license to engage in the practice of professional land surveying to any applicant who
7	has met the applicable requirements of this chapter. The renewal date for the license
8	is specified shall be as determined by the department under s. $440.08(2)$ (a), and the
9	renewal fee for the license is determined by the department under s. $440.03\ (9)\ (a)$.
10	Section 834. 445.06 (1) of the statutes is amended to read:
11	445.06 (1) The renewal date for a funeral director's license is specified shall be
12	as determined by the department under s. 440.08 (2) (a), and the renewal fee for such
13	license is determined by the department under s. 440.03 (9) (a).
14	Section 835. 445.07 (1) of the statutes is repealed.
15	Section 836. 445.07 (2) of the statutes is amended to read:
16	445.07 (2) (a) The examining board may waive the requirement under sub. (1)
17	(a) (b) in cases where the examining board is satisfied that an applicant would be
18	unable to satisfy the requirement prior to the renewal date by which the requirement
19	must be satisfied.
20	(b) Subsection (1) (a) (3) (b) does not apply to an applicant who was granted a
21	reciprocal license under s. 445.08.
22	Section 837. 445.07 (3) of the statutes is renumbered 445.07 (3) (a) and
23	amended to read:
24	445.07 (3) (a) The examining board shall promulgate rules to implement this
25	section establish continuing education requirements for an applicant licensed under

this chapter. The rules shall, except as required in par. (b) and sub. (2), require completion of 15 hours of continuing education per 2-year period.

SECTION 838. 445.07 (3) (b) of the statutes is created to read:

445.07 (3) (b) The examining board shall establish separate continuing education requirements for new licensees. The examining board shall specify permitted or required subjects for the continuing education under this paragraph, which shall be subjects that the examining board determines prepare a new licensee for practice as a funeral director.

Section 839. 445.095 (1) (c) of the statutes is amended to read:

445.095 (1) (c) A certificate of apprenticeship issued under this section shall be renewable annually upon the payment on January 1 of each year of the renewal fee specified in s. 440.08 (2) (2m) (b).

SECTION 840. 445.105 (3) of the statutes is amended to read:

445.105 (3) Applications for funeral establishment permits shall be made on forms provided by the department and filed with the department and shall be accompanied by the initial credential fee determined by the department under s. 440.03 (9) (a). The renewal date for a funeral establishment permit is specified shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for such permit is determined by the department under s. 440.03 (9) (a).

Section 841. 446.02 (1) (b) of the statutes is amended to read:

446.02 (1) (b) Submits evidence satisfactory to the examining board that the person meets the requirements of continuing education for license renewal as the examining board may require, which requirements shall include current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved

under s. 46.03 (38) to provide such instruction. The person shall include the approval number assigned under sub. (5) (b) to each educational program completed by the person to satisfy the requirements of this paragraph. During the time between initial licensure and commencement of a full 2-year licensure period The examining board shall, for up to a 2-year period, exempt new licensees shall not be required to meet continuing education requirements from the requirements under this paragraph. Any person who has not engaged in the practice of chiropractic for 2 years or more, while holding a valid license under this chapter, and desiring to engage in such practice, shall be required by the examining board to complete a continuing education course at a school of chiropractic approved by the examining board or pass a practical examination administered by the examining board or both.

Section 842. 446.02 (4) of the statutes is amended to read:

446.02 (4) The renewal date for all licenses granted by the examining board is specified shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a).

SECTION 843. 446.025 (3) (a) of the statutes is renumbered 446.025 (3) (a) 1. and amended to read:

446.025 (3) (a) 1. The renewal date and fees for a certificate issued under this section are specified in shall be as determined by the department under s. 440.08 (2) (a).

Section 844. 446.025 (3) (a) 2. of the statutes is created to read:

446.025 (3) (a) 2. The renewal fees for a certificate issued under this section are determined by the department under s. 440.03 (9) (a).

Section 845. 446.025 (3) (b) of the statutes is amended to read:

446.025 (3) (b) A chiropractic radiological technician shall, at the time that he
or she applies for renewal of a certificate under par. (a), submit evidence satisfactory
to the examining board that he or she has completed at least 12 continuing
educational credit hours in programs established by rules promulgated by the
examining board, which shall require at least 12 credit hours per 2-year period.
Section 846. 446.026 (3) (a) of the statutes is renumbered 446.026 (3) (a) 1. and
amended to read:
446.026 (3) (a) 1. The renewal date and fees for a certificate issued under this
section are specified in shall be as determined under s. 440.08 (2) (a).
Section 847. 446.026 (3) (a) 2. of the statutes is created to read:
446.026(3)(a) 2. The renewal fees for a certificate issued under this section are
determined by the department under s. 440.03 (9) (a).
SECTION 848. 446.026 (3) (b) of the statutes is amended to read:
446.026(3) (b) A chiropractic technician shall, at the time that he or she applies
for renewal of a certificate under par. (a), submit evidence satisfactory to the
examining board that he or she has completed at least 6 continuing educational
credit hours in programs established by rules promulgated by the examining board,
which shall require at least 6 credit hours per 2-year period.
Section 849. 447.01 (6g) of the statutes is created to read:
447.01 (6g) "Dental therapist" means an individual who practices dental
therapy.
Section 850. 447.01 (6r) of the statutes is created to read:
447.01 (6r) "Dental therapy" means the limited practice of dentistry, consisting
of the services, treatments, and procedures specified in s. 447.06 (3) (b).

Section 851. 447.02 (1) (a) of the statutes is amended to read:

447.02 (1) (a) Governing the reexamination of an applicant who fails an
examination specified in s. $447.04(1)(a)$ 5., $(1m)(e)$, or $(2)(a)$ 5. The rules may specify
additional educational requirements for those applicants and may specify the
number of times an applicant may be examined.
Section 852. 447.02 (1) (b) of the statutes is amended to read:
447.02 (1) (b) Governing the standards and conditions for the use of radiation
and ionizing equipment in the practice of dentistry or dental therapy.
Section 853. 447.02 (1) (g) of the statutes is created to read:
447.02 (1) (g) Specifying services, treatments, or procedures, in addition to
those specified under s. 447.06 (3) (b) 1. to 27., that are included within the practice
of dental therapy.
Section 854. 447.02 (2) (a) of the statutes is amended to read:
447.02 (2) (a) The conditions for supervision and the degree of supervision
required under ss. 447.03 (3) (a), (am), (b) and (d) 2. and 447.065.
Section 855. 447.02 (3) (a) (intro.) of the statutes is amended to read:
447.02 (3) (a) (intro.) The examining board may issue a permit authorizing the
practice in this state, without compensation, of dentistry, dental therapy, or dental
hygiene to an applicant who is licensed to practice dentistry, dental therapy, or dental
hygiene in another state, if all of the following apply:
SECTION 856. 447.02 (3) (a) 2. of the statutes is amended to read:
447.02(3)(a) 2. The examining board determines that the applicant is qualified
and satisfies the criteria specified under s. 447.04 (1) (b) 1. to 3., except that the
examining board may not require the applicant to pass an examination of state
statutes and rules relating to dentistry, dental therapy, or dental hygiene.

Section 857. 447.02 (3) (a) 3. of the statutes is created to read:

447.02 (3) (a) 3. If the applicant is applying for a permit to practice dental therapy, the applicant graduated from a dental therapy education program approved under s. 447.04 (1m) (c) 1. to 3.

Section 858. 447.02 (3) (b) of the statutes is amended to read:

447.02 (3) (b) A permit under this subsection shall authorize the practice of dentistry, dental therapy, or dental hygiene in a specified area of the state for a period of time not more than 10 days in a year and may be renewed by the examining board. The examining board may not require an applicant to pay a fee for the issuance or renewal of a permit under this subsection.

SECTION 859. 447.02 (5) of the statutes is amended to read:

447.02 **(5)** Except as provided in ss. 447.058 and 447.063, nothing in this chapter may be construed as authorizing the examining board to regulate business or administrative support functions or services, that do not constitute the practice of dentistry, dental therapy, or dental hygiene, provided to a business that provides dental or dental hygiene services.

Section 860. 447.02 (6) of the statutes is created to read:

447.02 **(6)** The examining board shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register when the board determines that 50 or more individuals are currently licensed as dental therapists in this state under s. 447.04 (1m). This subsection does not apply on or after the first day of the 6th year beginning after publication of this act [LRB inserts date].

Section 861. 447.03 (1m) of the statutes is created to read:

447.03 (1m) Dental therapists. Except as provided under sub. (3) and s. 447.02 (3), no person may do any of the following unless he or she is licensed to practice dental therapy under this chapter:

(0)	Dragation	0.70	offor	+~	mmostica	dontal	thomomer
(a)	Practice	OI.	oner	w	practice	uentai	merapy.

(b) Represent himself or herself to the public as a dental therapist or use, in connection with his or her name, any title or description that may convey the impression that he or she is a dental therapist.

Section 862. 447.03 (3) (am) of the statutes is created to read:

447.03 (3) (am) A dental therapy student who practices dental therapy under the supervision of a dentist in an infirmary, clinic, hospital, or other institution connected or associated for training purposes with a dental therapy school accredited by the American Dental Association commission on dental accreditation or its successor agency.

SECTION 863. 447.03 (3) (c) of the statutes is amended to read:

447.03 (3) (c) An individual licensed to practice dentistry, dental therapy, or dental hygiene in another state or country who practices dentistry, dental therapy, or dental hygiene in a program of dental education or research at the invitation of a group of dentists or practices dentistry, dental therapy, or dental hygiene under the jurisdiction of the army, navy, air force, U.S. public health service, or veterans bureau.

Section 864. 447.04 (1m) of the statutes is created to read:

447.04 (1m) Dental therapists. The examining board shall grant a license to practice dental therapy to an individual who does all of the following:

- (a) Submits an application for the license to the department on a form provided by the department.
 - (b) Pays the fee specified in s. 440.05 (1).
- (c) Submits evidence satisfactory to the examining board that he or she has done one of the following:

- 1. Graduated from a dental therapy education program accredited by the American Dental Association commission on dental accreditation or its successor agency.
- 2. Graduated from a dental therapy education program that was not accredited by the American Dental Association commission on dental accreditation or its successor agency at the time of graduation, but was, on or before the effective date of this subdivision [LRB inserts date], accredited or approved by the Minnesota Board of Dentistry.
- 3. Graduated from a dental therapy education program located outside this state that was not accredited by the American Dental Association commission on dental accreditation or its successor agency, but that is approved by the examining board. The examining board shall approve a program under this subdivision if the examining board determines that the dental therapy education program is substantially similar to a program accredited by the American Dental Association commission on dental accreditation or its successor agency.
- (d) Submits evidence satisfactory to the examining board that he or she has passed a national board dental therapy examination and a dental therapy clinical examination administered by a regional testing service that has been approved by the examining board to administer clinical examinations for dental professionals. If a national board examination or a regional testing service examination for dental therapy does not exist, the examining board shall accept evidence of passing an alternative examination administered by another entity or testing service that is approved by the examining board.
- (e) Passes an examination administered by the examining board on the statutes and rules relating to dental therapy.

- (f) Submits evidence satisfactory to the examining board that he or she has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.
- (g) If the individual was licensed or is currently licensed in another state or territory of the United States or in another country, the individual submits information related to his or her licensure in other jurisdictions as required by the examining board.
- (h) Completes any other requirements established by the examining board by rule that are comparable to and no more restrictive than the requirements established by the board for dentists under sub. (1) (a) 6. and dental hygienists under sub. (2) (a) 6.

SECTION 865. 447.05 (1) (a) of the statutes is amended to read:

447.05 (1) (a) Except as provided in par. (b), renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a).

Section 866. 447.05 (2m) of the statutes is created to read:

447.05 (2m) The examining board may not renew a license to practice dental therapy unless the applicant for renewal attests that he or she has complied with s. 447.057 and any rules promulgated under s. 447.057, that he or she has current proficiency in cardiopulmonary resuscitation, and that he or she has current proficiency in the use of an automated external defibrillator achieved through

instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

SECTION 867. 447.055 (1) (a) of the statutes is amended to read:

447.055 (1) (a) 1. Except as provided in subs. (3) and (4), a person is not eligible for renewal of a license to practice dental hygiene, other than a permit issued under s. 447.02 (3), unless the person has taught, prepared, attended, or otherwise completed, during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), 12 credit hours of satisfied the applicable continuing education relating to the clinical practice of dental hygiene that is sponsored or recognized by a local, state, regional, national, or international dental, dental hygiene, dental assisting, or medical-related professional organization. requirements established under subd. 2.

2. Notwithstanding subd. 1., the <u>The</u> examining board <u>may shall</u> promulgate <u>a rule rules</u> requiring not more than 20 nor less than 12 credit hours of continuing education for eligibility for renewal of a license to practice dental hygiene <u>to be</u> taught, prepared, attended, or otherwise completed per 2-year period. The rules shall require that continuing education be sponsored or recognized by a local, state, regional, national, or international dental, dental hygiene, dental assisting, or medical-related professional organization in order to qualify under this paragraph.

Section 868. 447.055 (1) (b) 1. of the statutes is amended to read:

447.055 (1) (b) 1. Basic life support or cardiopulmonary resuscitation. Not more than 2 of the credit hours required under par. (a) <u>per 2-year period</u> may be satisfied by such training.

Section 869. 447.055 (1) (b) 2. of the statutes is amended to read:

1	447.055 (1) (b) 2. Infection control. Not less than 2 of the credit hours required
2	under par. (a) per 2-year period must be satisfied by such training.
3	Section 870. 447.055 (3) of the statutes is repealed and recreated to read:
4	447.055 (3) The examining board shall, for up to a 2-year period, exempt new
5	licensees from the requirements under this section.
6	Section 871. 447.056 (1) (intro.) of the statutes is amended to read:
7	447.056 (1) (intro.) Except as provided in subs. (2) to and (4), a person is not
8	eligible for renewal of a license to practice dentistry, other than a permit issued under
9	s. 447.02 (3), unless the person has taught, attended, or otherwise completed, during
10	the 2-year period immediately preceding the renewal date specified under s. 440.08
11	(2) (a), 30 credit hours of satisfied the applicable continuing education related to the
12	practice of dentistry or the practice of medicine, including requirements established
13	under this subsection. The examining board shall promulgate rules requiring 30
14	credit hours of continuing education to be taught, prepared, attended, or otherwise
15	completed per 2-year period. The rules shall require that not less than 25 credit
16	hours of instruction <u>per 2-year period be</u> in clinical dentistry or clinical medicine.
17	Not The rules may not allow more than 4 of the 30 hours may per 2-year period to
18	be from teaching. Continuing education does not satisfy the requirements under this
19	subsection unless the continuing education is one of the following:
20	Section 872. 447.056 (2) of the statutes is repealed and recreated to read:
21	447.056 (2) The examining board shall, for up to a 2-year period, exempt new
22	licensees from the requirements under this section.
23	Section 873. 447.056 (3) of the statutes is repealed.

Section 874. 447.057 of the statutes is created to read:

447.057 Continuing education; dental therapists. (1) (a) Except as
provided in subs. (3) and (4), a person is not eligible for renewal of a license to practice
dental therapy, other than a permit issued under s. 447.02 (3), unless the person has
taught, prepared, attended, or otherwise completed, during the 2-year period
immediately preceding the renewal date specified under s. 440.08 (2) (a), 12 credit
hours of continuing education relating to the clinical practice of dental therapy that
is sponsored or recognized by a local, state, regional, national, or international
dental, dental therapy, dental hygiene, dental assisting, or medical-related
professional organization.

- (b) Continuing education required under par. (a) may include training in all of the following:
- 1. Basic life support or cardiopulmonary resuscitation. Not more than 2 of the credit hours required under par. (a) may be satisfied by such training.
- 2. Infection control. Not less than 2 of the credit hours required under par. (a) must be satisfied by such training.
- (c) After consultation with the department of health services, the examining board may promulgate rules requiring that continuing education credit hours under par. (a) include courses in specific clinical subjects.
- (2) The credit hours required under sub. (1) (a) may be satisfied by independent study, correspondence, or Internet programs or courses.
- (3) Subsection (1) (a) does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the examining board initially granted the license.
- (4) A person may substitute credit hours of college level courses related to the practice of dental therapy for the credit hours required under sub. (1) (a). For

purposes of this subsection, one credit hour of a college level course is equivalent to 6 credit hours of continuing education.

- (5) For purposes of sub. (1) (a), one hour of teaching or preparing a continuing education program is equivalent to one credit hour of continuing education, but a person who teaches or prepares a continuing education program may obtain credit for the program only once.
- (6) The examining board may require applicants for renewal of a license to practice dental therapy to submit proof of compliance with the requirements of this section.
- **SECTION 217e.** 447.057 (1) (a) and (b) 1. and 2. of the statutes, as created by 2023 Wisconsin Act (this act), are amended to read:
- 447.057 (1) (a) Except as provided in subs. (3) and (4), a person is not eligible for renewal of a license to practice dental therapy, other than a permit issued under s. 447.02 (3), unless the person has taught, prepared, attended, or otherwise completed, during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), 12 credit hours of satisfied the applicable continuing education relating to the clinical practice of dental therapy that is sponsored or recognized by a local, state, regional, national, or international dental, dental therapy, dental hygiene, dental assisting, or medical-related professional organization requirements established under subd. 2.
- (b) 1. Basic life support or cardiopulmonary resuscitation. Not more than 2 of the credit hours required under par. (a) <u>per 2-year period</u> may be satisfied by such training.
- 2. Infection control. Not less than 2 of the credit hours required under par. (a) per 2-year period must be satisfied by such training.

22

23

24

1 **Section 217f.** 447.057 (3) of the statutes, as created by 2023 Wisconsin Act 2 (this act), is repealed and recreated to read: 3 447.057 (3) The examining board shall, for up to a 2-year period, exempt new 4 licensees from the requirements under this section. 5 **Section 875.** 447.058 (2) (b) of the statutes is amended to read: 6 447.058 (2) (b) A mobile dentistry program registrant shall submit an 7 application for renewal, and the applicable renewal fee determined by the 8 department under s. 440.03 (9) (a), to the department on a form provided by the 9 department on or before the applicable renewal date specified determined by the 10 <u>department</u> under s. 440.08 (2) (a). 11 **Section 876.** 447.06 (1) of the statutes is amended to read: 12 447.06 (1) No contract of employment entered into between a dentist or dental 13 therapist and any other party under which the dentist or dental therapist renders 14 dental services may require the dentist or dental therapist to act in a manner which 15 that violates the professional standards for dentistry or dental therapy set forth in 16 this chapter. Nothing in this subsection limits the ability of the other party to control the operation of the dental practice in a manner in accordance with the professional 17 18 standards for dentistry or dental therapy set forth in this chapter. 19 **Section 877.** 447.06 (1m) of the statutes is created to read: 20 447.06 (1m) No contract of employment entered into between a dental

SECTION 878. 447.06 (2) (a) 3. of the statutes is amended to read:

the number of patients seen or the number of procedures performed.

therapist and any other party under which the dental therapist is employed to

practice dental therapy may require a dental therapist to meet a minimum quota for

23

24

1	447.06 (2) (a) 3. For a school for the education of dentists, dental therapists,
2	or dental hygienists.
3	Section 879. 447.06 (2) (b) of the statutes is amended to read:
4	447.06 (2) (b) A dental hygienist may practice dental hygiene or perform
5	remediable procedures under par. (a) 1. only as authorized by a dentist or dental
6	therapist who is licensed to practice dentistry or dental therapy under this chapter
7	and who is present in the facility in which those practices or procedures are
8	performed, except as provided in par. (c).
9	Section 880. 447.06 (2) (c) (intro.) of the statutes is amended to read:
10	447.06 (2) (c) (intro.) A dental hygienist may practice dental hygiene or perform
11	remediable procedures under par. (a) 1. if a dentist or dental therapist who is licensed
12	to practice dentistry or dental therapy under this chapter is not present in the facility
13	in which those practices or procedures are performed only if all of the following
14	conditions are met:
15	Section 881. 447.06 (2) (c) 2. (intro.) of the statutes is amended to read:
16	447.06 (2) (c) 2. (intro.) The dentist or dental therapist who made the written
17	or oral prescription has examined the patient at least once during the 12-month
18	period immediately preceding:
19	Section 882. 447.06 (3) of the statutes is created to read:
20	447.06 (3) (a) In this subsection:
21	1. "Collaborative management agreement" means an agreement under par. (d).
22	2. "Dental health shortage area" has the meaning given in s. 36.60 (1) (ad).

3. "Direct supervision" means that the dentist is present in the dental office or other practice setting, personally diagnoses the condition to be treated, personally

 $\mathbf{2}$

- authorizes each procedure, and before dismissal of the patient, evaluates the performance of the allied dental personnel.
 - 4. "General supervision" means that the dentist is not present in the dental office or other practice setting or on the premises at the time tasks or procedures are being performed by the dental therapist, but that the tasks or procedures performed by the dental therapist are being performed with the prior knowledge and consent of the dentist.
 - 5. "Indirect supervision" means that the dentist is present in the dental office or other practice setting, authorizes each procedure, and remains in the office while the procedures are being performed by the allied dental personnel.
 - 6. "Medical Assistance patient" means a patient who is a recipient of services under the Medical Assistance program under subch. IV of ch. 49.
 - 7. "Qualifying dentist" means a dentist who is licensed in this state and who is actively practicing in this state.
 - 8. "Uninsured patient" means a patient who lacks dental health coverage, either through a public health care program or private insurance, and has an annual gross family income equal to or less than 200 percent of the federal poverty guidelines.
 - (b) The scope of practice of a dental therapist shall, subject to the terms of a collaborative management agreement, be limited to providing the following services, treatments, and procedures:
- 1. Oral evaluation and assessment of dental disease and formulation of an individualized treatment plan.

2

3

4

7

8

9

10

11

12

13

14

15

16

18

21

22

23

- 2. Identification of oral and systemic conditions requiring evaluation or treatment by dentists, physicians, or other health care providers and the management of referrals.
 - 3. Comprehensive charting of the oral cavity.
- 4. Oral health instruction and disease prevention education, including
 nutritional counseling and dietary analysis.
 - 5. Exposure and evaluation of radiographic images.
 - 6. Dental prophylaxis, including subgingival scaling and polishing procedures.
 - 7. Dispensing and administration via the oral or topical route of nonnarcotic analgesic, anti-inflammatory, and antibiotic medications as prescribed by a licensed health care provider.
 - 8. Application of topical preventive or prophylactic agents, including fluoride varnish, antimicrobial agents, caries arresting medicaments, and pit and fissure sealants.
 - 9. Pulp vitality testing.
 - 10. Application of desensitizing medications or resins.
- 17 11. Fabrication of athletic mouth guards and soft occlusal guards.
 - 12. Changing of periodontal dressings.
- 19 13. Administration of local anesthetic and nitrous oxide.
- 20 14. Simple extraction of erupted primary teeth.
 - 15. Nonsurgical extraction of periodontally diseased permanent teeth with tooth mobility of +3 to +4 to the extent authorized in the dental therapist's collaborative management agreement, except for the extraction of a tooth that is unerupted, impacted, or fractured or that needs to be sectioned for removal.

25

1	16. Emergency palliative treatment of dental pain limited to the procedures in
2	this paragraph.
3	17. Preparation and placement of direct restoration in primary and permanent
4	teeth.
5	18. Fabrication and placement of single-tooth temporary crowns.
6	19. Preparation and placement of preformed crowns on primary teeth.
7	20. Indirect and direct pulp capping on permanent teeth.
8	21. Indirect pulp capping on primary teeth.
9	22. Intraoral suture placement and removal.
10	23. Minor adjustment and repair of removable prostheses.
11	24. Placement and removal of space maintainers.
12	25. Pulpotomy on primary teeth.
13	26. Tooth reimplantation and stabilization.
14	27. Recementing of a permanent crown.
15	28. Any additional services, treatments, or procedures specified in the rules
16	promulgated under s. 447.02 (1) (g).
17	(bm) 1. Notwithstanding par. (b) 1. to 28., a dental therapist shall, except as
18	provided in subd. 2., limit his or her practice of dental therapy to providing the
19	services, treatments, and procedures covered by his or her dental therapy education
20	program.
21	2. If any service, treatment, or procedure under par. (b) 1. to 28. was not covered
22	by a dental therapist's dental therapy education program, the dental therapist may
23	provide that service, treatment, or procedure if the dental therapist has

subsequently received additional dental therapy educational training to provide

that service, treatment, or procedure.

- (c) 1. Except as provided in subd. 2., a dental therapist licensed under this chapter may provide dental therapy services in this state only under the direct supervision or indirect supervision of a qualifying dentist with whom the dental therapist has entered into a collaborative management agreement.
- 2. a. Once a dental therapist licensed under this chapter has provided dental therapy services for at least 2,000 hours under direct supervision or indirect supervision, the dental therapist may provide dental therapy services in this state under the general supervision of a qualifying dentist with whom the dental therapist has entered into a collaborative management agreement.
- b. For purposes of the 2,000 hours requirement under subd. 2. a., hours may include hours of providing dental therapy services in this state under direct supervision or indirect supervision of a qualifying dentist as described in subd. 1. or hours of providing dental therapy services under direct supervision or indirect supervision while licensed as a dental therapist outside this state, but may not include any hours completed prior to graduating from the dental therapy education program.
- 3. Notwithstanding subds. 1. and 2., the level of supervision for a dental therapist may be further limited under the terms of a collaborative management agreement under par. (d) 1. b.
- 4. A supervising dentist shall accept responsibility for all services performed by a dental therapist pursuant to a collaborative management agreement. If services needed by a patient are beyond the dental therapist's scope of practice or authorization under the collaborative management agreement, the dental therapist shall, to the extent required under the collaborative management agreement,

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

21

22

23

- consult with the supervising dentist as needed to arrange for those services to be provided by a dentist or another qualified health care provider.
 - (d) 1. Prior to providing any dental therapy services, a dental therapist shall enter into a written collaborative management agreement with a qualifying dentist who will serve as a supervising dentist under par. (c). The agreement must be signed by the dental therapist and the qualifying dentist and address all of the following:
 - a. The practice settings where services may be provided and the patient populations that may be served.
 - b. Consistent with and subject to pars. (bm) and (c), any conditions or limitations on the services that may be provided by the dental therapist, the level of supervision required, and any circumstances requiring consultation prior to performing services.
 - c. Age-specific and procedure-specific practice protocols.
 - d. Dental record-keeping procedures.
 - e. Plans for managing dental or medical emergencies.
 - f. A quality assurance plan for monitoring care provided by the dental therapist.
 - g. Protocols for administering and dispensing medications.
- h. Criteria or protocols relating to the provision of care to patients with specific medical conditions, treatments, or medications.
 - i. Policies relating to supervision of dental hygienists and other staff.
 - j. A plan for the referral of patients to other dental or health care providers or clinics when services needed are beyond the scope of practice or authorization of the dental therapist.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

22

- 1 k. Whether and to what extent the dental therapist may perform services 2 described in par. (b) 15.
 - 2. a. A collaborative management agreement shall be limited to covering one qualifying dentist and one dental therapist.
 - b. A dental therapist may enter into multiple collaborative management agreements.
 - c. No dentist may have collaborative management agreements with more than 4 dental therapists at any time.
 - (e) A dental therapist shall at all times comply with at least one of the following:
 - 1. Limit his or her practice to practicing in one or more dental health shortage areas. If a dental therapist begins practicing in a dental health shortage area, and that area loses its designation as a dental health shortage area while the dental therapist continues to practice in that area, the dental therapist is considered to satisfy this subdivision as long as the dental therapist continues to practice in that area.
 - 2. Practice in one or more settings in which at least 50 percent of the total patient base of the dental therapist consists of patients who are any of the following:
 - a. Medical Assistance patients.
 - b. Uninsured patients.
 - c. Patients receiving dental care at free and charitable clinics.
- d. Patients receiving dental care at federally qualified health centers.
 - e. Patients who reside in long-term care facilities.
- f. Veterans.
- 24 g. Patients who are members of a federally recognized Indian tribe or band.
 - h. Patients receiving dental care at clinics or facilities located on tribal lands.

i. Patients with medical disabilities or chronic conditions that create barriers of access to dental care.

Section 883. 447.063 of the statutes is amended to read:

447.063 Preservation and transfer of patient health care records. (1)
A person who manages or controls a business that offers dental, dental therapy, or
dental hygiene services, including management or control of a business through
which the person allows another person to offer dental, dental therapy, or dental
hygiene services, shall preserve patient health care records, as defined in s. 146.81
(4), for an amount of time determined by the examining board by rule.

(2) A person who manages or controls a business that offers dental, dental therapy, or dental hygiene services, including management or control of a business through which the person allows another person to offer dental, dental therapy, or dental hygiene services, shall, upon request of a patient or person authorized by the patient, as defined in s. 146.81 (5), transfer the patient health care records, as defined in s. 146.81 (4), of the patient to another person that the patient or person authorized by the patient specifies to receive the patient health care records.

Section 884. 447.065 of the statutes is amended to read:

447.065 Delegation of remediable procedures and dental practices. (1)
A dentist or dental therapist who is licensed to practice dentistry under this chapter may delegate to an individual who is not licensed under this chapter only the performance of remediable procedures, and only if all of the following conditions are met:

(a) The unlicensed individual performs the remediable procedures in accordance with a treatment plan approved by the dentist <u>or dental therapist</u>.

- (b) The dentist <u>or dental therapist</u> is on the premises when the unlicensed individual performs the remediable procedures.
- (c) The unlicensed individual's performance of the remediable procedures is subject to inspection by the dentist <u>or dental therapist</u>.
- (2) Subject to the requirements under s. 447.06 (2), a dentist or dental therapist who is licensed to practice dentistry under this chapter may delegate to a dental hygienist who is licensed to practice dental hygiene under this chapter the performance of remediable procedures and the administration of oral systemic premedications, local anesthesia, nitrous oxide inhalation analgesia, and subgingival sustained release chemotherapeutic agents, to the extent the dentist or dental therapist has the authority to perform the activity personally.
- (3) A dentist <u>or dental therapist</u> who delegates to another individual the performance of any practice or remediable procedure is responsible for that individual's performance of that delegated practice or procedure.

Section 885. 447.07 (1) of the statutes is amended to read:

447.07 (1) The examining board may, without further notice or process, limit, suspend, or revoke the license or certificate of any dentist, dental therapist, or dental hygienist, or the registration of a mobile dentistry program registrant, who fails, within 60 days after the mailing of written notice to the dentist's, dental therapist's, dental hygienist's, or registrant's last-known address, to renew the license, certificate, or registration.

Section 886. 447.07 (3) (intro.) of the statutes is amended to read:

447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to any alleged action of any dentist, dental therapist, dental hygienist, or expanded

 $\mathbf{2}$

function dental auxiliary, of a mobile dentistry program registrant, or of any other person it has reason to believe is engaged in or has engaged in the practice of dentistry, dental therapy, or dental hygiene, or the operation of a mobile dentistry program, in this state, and may, on its own motion, or upon complaint in writing, reprimand any dentist, dental therapist, dental hygienist, or expanded function dental auxiliary who is licensed or certified under this chapter, or any mobile dentistry program registrant, or deny, limit, suspend, or revoke his or her license or certificate, or the registration of the mobile dentistry program registrant, if it finds that the dentist, dental therapist, dental hygienist, expanded function dental auxiliary, or mobile dentistry program registrant has done any of the following:

SECTION 887. 447.07 (3) (e) to (h) of the statutes are amended to read:

- 447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a crime, the circumstances of which substantially relate to the practice of dentistry, dental therapy, or dental hygiene, the practice of an expanded function dental auxiliary, or the operation of a mobile dentistry program.
- (f) Violated this chapter or any federal or state statute or rule that relates to the practice of dentistry, <u>dental therapy</u>, dental hygiene, or an expanded function dental auxiliary, or the operation of a mobile dentistry program.
- (g) Subject to ss. 111.321, 111.322 and 111.34, practiced dentistry, dental therapy, or dental hygiene or as an expanded function dental auxiliary while his or her ability was impaired by alcohol or other drugs.
- (h) Engaged in conduct that indicates a lack of knowledge of, an inability to apply or the negligent application of, principles or skills of dentistry, dental therapy, or dental hygiene or the practice of an expanded function dental auxiliary.

Section 888. 447.40 (intro.) of the statutes is amended to read:

447.40 Informed consent. (intro.) Any dentist <u>or dental therapist</u> who treats a patient shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments. The reasonable dentist standard is the standard for informing a patient under this section. The reasonable dentist standard requires disclosure only of information that a reasonable dentist would know and disclose under the circumstances. The dentist's <u>or dental therapist's</u> duty to inform the patient under this section does not require disclosure of any of the following:

Section 889. 447.40 (6) of the statutes is amended to read:

447.40 **(6)** Information about alternate modes of treatment for any condition the dentist <u>or dental therapist</u> has not included in his or her diagnosis, <u>assessment</u>, <u>or treatment plan</u> at the time the dentist <u>or dental therapist</u> informs the patient.

SECTION 890. 448.03 (2) (a) of the statutes is amended to read:

448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to practice midwifery under subch. XIII of ch. 440, to practice professional or practical nursing or nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice dentistry, dental therapy, or dental hygiene or as an expanded function dental auxiliary under ch. 447, to practice optometry under ch. 449, to practice as a physician assistant under subch. IX, to practice acupuncture under ch. 451 or under any other statutory provision, to practice naturopathic medicine under ch. 466, or as otherwise provided by statute.

SECTION 233e. 448.03 (2) (a) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to practice midwifery under subch. XIII of ch. 440, to practice professional er, practical, or advanced practice registered nursing or nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice dentistry, dental therapy, or dental hygiene or as an expanded function dental auxiliary under ch. 447, to practice optometry under ch. 449, to practice as a physician assistant under subch. IX, to practice acupuncture under ch. 451 or under any other statutory provision, to practice naturopathic medicine under ch. 466, or as otherwise provided by statute.

Section 891. 448.03 (3m) of the statutes is created to read:

448.03 (3m) Use of terms representing physicians. Except as otherwise provided in this chapter, no person, except a licensed physician, may use or assume the following words, letters, or terms in his or her title, advertising, or description of services: "physician," "surgeon," "osteopathic physician," "osteopathic surgeon," "medical "anesthesiologist," "cardiologist," doctor," "dermatologist," "gynecologist," "endocrinologist." "gastroenterologist," "hematologist." "laryngologist," "nephrologist," "neurologist," "obstetrician," "oncologist," "ophthalmologist," "orthopedic surgeon," "orthopedist," "osteopath," "otologist," "otolaryngologist," "otorhinolaryngologist," "pathologist," "pediatrician," "primary care physician," "proctologist," "psychiatrist," "radiologist," "rheumatologist," "rhinologist," "urologist," or any other words, letters, or abbreviations, alone or in combination with other titles or words, that represent or tend to represent that the person is a physician.

Section 892. 448.035 (1) (a) of the statutes is repealed.

SECTION 893. 448.035 (2) to (4) of the statutes are amended to read:

448.035 (2) Notwithstanding the requirements of s. 448.30, a physician or certified advanced practice nurse prescriber may provide expedited partner therapy if the patient is diagnosed as infected with a chlamydial infection, gonorrhea, or trichomoniasis and the patient has had sexual contact with a sexual partner during which the chlamydial infection, gonorrhea, or trichomoniasis may have been transmitted to or from the sexual partner. The physician or certified advanced practice nurse prescriber shall attempt to obtain the name of the patient's sexual partner. A prescription order for an antimicrobial drug prepared under this subsection shall include the name and address of the patient's sexual partner, if known. If the physician or certified advanced practice nurse prescriber is unable to obtain the name of the patient's sexual partner, the prescription order shall include, in ordinary bold-faced capital letters, the words, "expedited partner therapy" or the letters "EPT."

- (3) The physician or certified advanced practice nurse prescriber shall provide the patient with a copy of the information sheet prepared by the department of health services under s. 46.03 (44) and shall request that the patient give the information sheet to the person with whom the patient had sexual contact.
- (4) (a) Except as provided in par. (b), a physician or certified advanced practice nurse prescriber is immune from civil liability for injury to or the death of a person who takes any antimicrobial drug if the antimicrobial drug is prescribed, dispensed, or furnished under this section and if expedited partner therapy is provided as specified under this section.
- (b) The immunity under par. (a) does not extend to the donation, distribution, furnishing, or dispensing of an antimicrobial drug by a physician or certified

advanced practice nurse prescriber whose act or omission involves reckless, wanton, or intentional misconduct.

SECTION 894. 448.07 (1) (a) of the statutes is amended to read:

448.07 (1) (a) Every person licensed or certified under this subchapter shall register on or before November 1 of each odd-numbered year following issuance of the license or certificate with the board on or before his or her renewal date determined by the department under s. 440.08 (2). Registration shall be completed in such manner as the board shall designate and upon forms the board shall provide, except that registration with respect to a compact license shall be governed by the renewal provisions in s. 448.980 (7). The secretary of the board, on or before October 1 of each odd-numbered year, shall mail or cause to be mailed to every person required to register a registration form. The board shall furnish to each person registered under this section a certificate of registration, and the person shall display the registration certificate conspicuously in the office at all times. No person may exercise the rights or privileges conferred by any license or certificate granted by the board unless currently registered as required under this subsection.

Section 895. 448.13 (title) of the statutes is repealed and recreated to read:

448.13 (title) Continuing education and professional development.

Section 896. 448.13 (1) (a) 1. of the statutes is amended to read:

448.13 (1) (a) 1. Continuing education programs or courses of study approved for at least 30 hours of credit required by the board within the 2 calendar years preceding the calendar year for which the registration is effective by rule under s. 448.40 (2).

Section 897. 448.13 (1) (a) 2. of the statutes is amended to read:

448.13 (1) (a) 2. Professional development and maintenance of certification or performance improvement or continuing medical education programs or courses of study required by the board by rule under s. 448.40 (1) and completed within the 2 calendar years preceding the calendar year for which the registration is effective.

Section 898. 448.13 (1m) of the statutes is amended to read:

448.13 (1m) The board shall, on a random basis, verify the accuracy of proof submitted by physicians under sub. (1) (a) and may, at any time during the 2 calendar years specified in sub. (1) (a), require a physician to submit proof of any continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs or courses of study that he or she has attended and completed at that time during the 2 calendar years since he or she last registered under s. 448.07.

Section 899. 448.40 (1) of the statutes is amended to read:

448.40 (1) The board may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery.

SECTION 900. 448.40 (2) (e) of the statutes is amended to read:

448.40 (2) (e) Establishing continuing education or continuing medical education requirements for renewal of a license to practice medicine and surgery under s. 448.13 (1). The board shall require 30 hours of continuing education to be completed every 2-year period. The examining board shall establish the criteria for the substitution of uncompensated hours of professional assistance volunteered to the department of health services for some or all of the hours of continuing education

 $\mathbf{2}$

credits required under s. 448.13 (1) (a) 1. for physicians specializing in psychiatry. The eligible substitution hours shall involve professional evaluation of community programs for the certification and recertification of community mental health programs, as defined in s. 51.01 (3n), by the department of health services.

Section 901. 448.55 (2) of the statutes is amended to read:

448.55 (2) The renewal dates for licenses granted under this subchapter, other than temporary licenses granted under rules promulgated under s. 448.53 (2), are specified shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and proof of compliance with the requirements established in any rules promulgated under sub. (3).

SECTION 902. 448.56 (1) and (1m) (b) of the statutes are amended to read:

448.56 (1) Written referral. Except as provided in this subsection and s. 448.52, a person may practice physical therapy only upon the written referral of a physician, naturopathic doctor, physician assistant, chiropractor, dentist, podiatrist, or advanced practice registered nurse prescriber certified under s. 441.16 (2). Written referral is not required if a physical therapist provides services in schools to children with disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the department of public instruction; provides services as part of a home health care agency; provides services to a patient in a nursing home pursuant to the patient's plan of care; provides services related to athletic activities, conditioning, or injury prevention; or provides services to an individual for a previously diagnosed medical condition after informing the individual's physician, naturopathic doctor, physician assistant, chiropractor, dentist, podiatrist, or advanced practice registered

nurse prescriber certified under s. 441.16 (2) who made the diagnosis. The examining board may promulgate rules establishing additional services that are excepted from the written referral requirements of this subsection.

(1m) (b) The examining board shall promulgate rules establishing the requirements that a physical therapist must satisfy if a physician, naturopathic doctor, physician assistant, chiropractor, dentist, podiatrist, or advanced practice registered nurse prescriber makes a written referral under sub. (1). The purpose of the rules shall be to ensure continuity of care between the physical therapist and the health care practitioner.

SECTION 903. 448.62 (2m) of the statutes is amended to read:

448.62 **(2m)** An advanced practice <u>registered</u> nurse who is certified to issue prescription orders under s. 441.16 and who is providing nonsurgical patient services as directed, supervised, and inspected by a podiatrist who has the power to direct, decide, and oversee the implementation of the patient services rendered.

Section 904. 448.65 (2) (intro.) of the statutes is amended to read:

448.65 (2) (intro.) The renewal date for a license granted under this subchapter, other than a temporary license granted under rules promulgated under s. 448.63 (3), is specified shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall be accompanied by all of the following:

Section 905. 448.665 of the statutes is amended to read:

448.665 Continuing education. The affiliated credentialing board shall promulgate rules establishing requirements and procedures for licensees to complete continuing education programs or courses of study in order to qualify for renewal of a license granted under this subchapter. The rules shall require a licensee

 $\mathbf{2}$

to complete at least 30 hours of continuing education programs or courses of study within each per 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a). The affiliated credentialing board may waive all or part of these requirements for the completion of continuing education programs or courses of study if the affiliated credentialing board determines that prolonged illness, disability or other exceptional circumstances have prevented a licensee from completing the requirements.

SECTION 906. 448.67 (2) of the statutes is amended to read:

448.67 (2) Separate billing required. Except as provided in sub. (4), a licensee who renders any podiatric service or assistance, or gives any podiatric advice or any similar advice or assistance, to any patient, podiatrist, physician, physician assistant, advanced practice <u>registered</u> nurse <u>prescriber certified under s. 441.16 (2)</u>, partnership, or corporation, or to any other institution or organization, including a hospital, for which a charge is made to a patient, shall, except as authorized by Title 18 or Title 19 of the federal Social Security Act, render an individual statement or account of the charge directly to the patient, distinct and separate from any statement or account by any other podiatrist, physician, physician assistant, advanced practice <u>registered</u> nurse prescriber, or other person.

Section 907. 448.86 (2) of the statutes is amended to read:

448.86 (2) The renewal dates for certificates granted under this subchapter, other than temporary certificates granted under s. 448.80, are specified shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 908. 448.9545 (1) (a) of the statutes is amended to read:

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

448.9545 (1) (a) To be eligible for renewal of a license issued under s. 448.953
(1) or (2), a licensee shall, during the 2-year period immediately preceding the
renewal date specified under s. 440.08 (2) (a), complete not less than 30 credit hours
of continuing education in courses of study approved by the affiliated credentialing
board. The examining board shall promulgate rules to establish the continuing
education requirements under this section. The rules shall require completion of not
less than 30 credit hours of continuing education per 2-year period.
SECTION 909. 448.9545 (1) (b) (intro.) of the statutes is amended to read:

448.9545 (1) (b) (intro.) No more than 10 credit hours of the continuing

education required under par. (a) per 2-year period may be on any of the following

subject areas or combination of subject areas:

Section 910. 448.955 (1) of the statutes is amended to read:

448.955 (1) The renewal dates for licenses granted under this subchapter are specified shall be as determined by the department under s. 440.08 (2) (a).

Section 911. 448.955 (2) (a) of the statutes is amended to read:

448.955 (2) (a) Completed, during the 2-year period immediately preceding the renewal date specified in s. 440.08 (2) (a), the applicable continuing education requirements specified in established under s. 448.9545.

Section 912. 448.955 (3) (a) of the statutes is amended to read:

448.955 (3) (a) A place for the licensee to describe his or her work history, including the average number of hours worked each week, for the 2-year period immediately preceding the renewal date specified in determined by the department <u>under</u> s. 440.08 (2) (a).

Section 913. 448.956 (1) (c) of the statutes is amended to read:

 $\mathbf{2}$

448.956 (1) (c) A protocol established under par. (a) shall be updated no later than 30 days before the licensee's renewal date specified in s. 440.08 (2) (a) 14f.

SECTION 914. 448.956 (1m) of the statutes, as affected by 2021 Wisconsin Act 251, is amended to read:

448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training to an individual without a referral, except that a licensee may not provide athletic training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation setting unless the licensee has obtained a written referral for the individual from a practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter; under ch. 446; or under s. 441.16 (2) 441.09 or from a practitioner who holds a compact privilege under subch. XI or XII of ch. 448.

SECTION 915. 448.967 (2) of the statutes is amended to read:

448.967 (2) The renewal dates for licenses granted under this subchapter are specified shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and a statement attesting compliance with the continuing education requirements established in rules promulgated under s. 448.965 (1) (b).

Section 916. 448.9703 (3) (a) of the statutes is amended to read:

448.9703 (3) (a) Successfully completed at least 30 hours of applicable continuing education in the prior 2-year period requirements established under this paragraph. The rules promulgated under this paragraph shall require at least 30 hours of continuing education per 2-year period. The board may provide for an exemption from or a reduction of the requirement under this paragraph for new licensees, as the board determines is appropriate.

Section 917. 448.9706 (2) of the statutes is amended to read:

448.9706 (2) Except as provided in s. 448.9705, the renewal dates for licenses granted under this subchapter are specified determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department, and shall include the renewal fee specified in s. 440.08 (2) (a) determined by the department under s. 440.03 (9) (a) and proof of compliance with the requirements established by rules promulgated by the board under s. 448.9703 (3).

SECTION 918. 448.974 (2) (a) of the statutes is amended to read:

448.974 (2) (a) The renewal date for a license issued under this subchapter is specified shall be as determined by the department under s. 440.08 (2) (a), and the renewal fees for such licenses are determined by the department under s. 440.03 (9) (a). Renewal of a license is subject to par. (b).

SECTION 919. 448.975 (2) (c) 1. of the statutes is amended to read:

448.975 (2) (c) 1. The practice of dentistry, dental therapy, or dental hygiene within the meaning of ch. 447.

Section 920. 449.06 (1) of the statutes is amended to read:

449.06 (1) Persons practicing optometry shall, on or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a), register with, submit a renewal application to the department, pay the applicable renewal fee determined by the department under s. 440.03 (9) (a), and provide evidence satisfactory to the examining board that he or she has complied with the rules promulgated under sub. (2m).

SECTION 921. 449.06 (2m) of the statutes is amended to read:

449.06 (2m) The examining board shall promulgate rules requiring a person
who is issued a license to practice optometry to complete, during the 2-year period
immediately preceding the renewal date specified in s. 440.08 (2) (a), satisfy
continuing education requirements. The rules shall require the completion of not
less than 30 hours of continuing education per 2-year period. The rules shall include
requirements that apply only to optometrists who are allowed to use topical ocular
diagnostic pharmaceutical agents under s. 449.17 or who are allowed to use
therapeutic pharmaceutical agents or remove foreign bodies from an eye or from an
appendage to the eye under s. 449.18.

SECTION 922. 450.01 (1m) of the statutes is repealed.

SECTION 923. 450.01 (16) (h) 2. of the statutes is amended to read:

450.01 (16) (h) 2. The patient's advanced practice <u>registered</u> nurse <u>prescriber</u>, if the advanced practice <u>registered</u> nurse <u>prescriber has entered into a written</u> agreement to collaborate with a physician <u>may issue prescription orders under s.</u> 441.09 (2).

Section 924. 450.01 (16) (hr) 2. of the statutes is amended to read:

450.01 (16) (hr) 2. An advanced practice <u>registered</u> nurse prescriber who may issue prescription orders under s. 441.09 (2).

Section 267e. 450.03 (1) (e) of the statutes is amended to read:

450.03 (1) (e) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to practice as a pharmacy technician under s. 450.068, to provide home medical oxygen under s. 450.076, to practice professional or practical nursing or nurse-midwifery under ch. 441, to practice dentistry, dental therapy, or dental hygiene or as an expanded function dental auxiliary under ch. 447, to practice medicine and surgery under ch. 448, to

practice optometry under ch. 449, to practice naturopathic medicine under ch. 466, or to practice veterinary medicine under ch. 89, or as otherwise provided by statute.

SECTION 267f. 450.03 (1) (e) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

450.03 (1) (e) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to practice as a pharmacy technician under s. 450.068, to provide home medical oxygen under s. 450.076, to practice professional er, practical, or advanced practice registered nursing er nurse-midwifery under ch. 441, to practice dentistry, dental therapy, or dental hygiene or as an expanded function dental auxiliary under ch. 447, to practice medicine and surgery under ch. 448, to practice optometry under ch. 449, to practice naturopathic medicine under ch. 466, or to practice veterinary medicine under ch. 89, or as otherwise provided by statute.

Section 925. 450.08 (1) of the statutes is amended to read:

450.08 (1) The renewal dates for all licenses and registrations granted by the board are specified determined by the department under s. 440.08 (2) (a). Except as provided under sub. (2) (a), only a holder of an unexpired license or registration may engage in his or her licensed activity.

Section 926. 450.08 (2) (a) of the statutes is amended to read:

450.08 (2) (a) A pharmacist's license may be renewed by complying with continuing education requirements under s. 450.085 and paying the applicable fee determined by the department under s. 440.03 (9) (a) on or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a). Notwithstanding s. 440.08 (3) (a), if a pharmacist fails to obtain renewal by that date, the board may suspend the pharmacist's license, and the board may require the

pharmacist to pass an examination to the satisfaction of the board to restore that license.

SECTION 927. 450.08 (2) (b) of the statutes is amended to read:

450.08 **(2)** (b) A pharmacy, pharmacy technician's, manufacturer's, distributor's, or home medical oxygen provider's license or registration may be renewed by paying the applicable fee determined by the department under s. 440.03 (9) (a) on or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a).

Section 928. 450.085 (1) of the statutes is amended to read:

450.085 (1) An applicant for renewal of a license under s. 450.08 (2) (a) shall submit proof that he or she has completed, within the 2-year period immediately preceding the date of his or her application, satisfied the applicable continuing education requirements established by the board under this subsection. The board shall require the completion of 30 hours of continuing education per 2-year period in courses conducted by a provider that is approved by the Accreditation Council for Pharmacy Education or in courses approved by the board. Courses specified in s. 450.035 (1r) and (2) are courses in continuing education for purposes of this subsection. This subsection does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the board initially granted the license The board shall, for up to a 2-year period, exempt new licensees from the requirements under this subsection.

SECTION 929. 450.10 (3) (a) 4. of the statutes is amended to read:

450.10 (3) (a) 4. A dentist or dental therapist licensed under ch. 447.

SECTION 930. 450.11 (1g) (b) of the statutes is amended to read:

450.11 (1g) (b) A pharmacist may, upon the prescription order of a practitioner providing expedited partner therapy, as specified in s. 441.092, 448.035, or 448.9725, that complies with the requirements of sub. (1), dispense an antimicrobial drug as a course of therapy for treatment of chlamydial infections, gonorrhea, or trichomoniasis to the practitioner's patient or a person with whom the patient has had sexual contact for use by the person with whom the patient has had sexual contact. The pharmacist shall provide a consultation in accordance with rules promulgated by the board for the dispensing of a prescription to the person to whom the antimicrobial drug is dispensed. A pharmacist providing a consultation under this paragraph shall ask whether the person for whom the antimicrobial drug has been prescribed is allergic to the antimicrobial drug and advise that the person for whom the antimicrobial drug has been prescribed must discontinue use of the antimicrobial drug if the person is allergic to or develops signs of an allergic reaction to the antimicrobial drug.

Section 931. 450.11 (1i) (a) 1. of the statutes is amended to read:

450.11 (1i) (a) 1. A pharmacist may, upon and in accordance with the prescription order of an advanced practice registered nurse prescriber under s. 441.18 (2) (a) 1., of a physician under s. 448.037 (2) (a) 1., or of a physician assistant under s. 448.9727 (2) (a) 1. that complies with the requirements of sub. (1), deliver an opioid antagonist to a person specified in the prescription order and may, upon and in accordance with the standing order of an advanced practice registered nurse prescriber under s. 441.18 (2) (a) 2., of a physician under s. 448.037 (2) (a) 2., or of a physician assistant under s. 448.9727 (2) (a) 2. that complies with the requirements of sub. (1), deliver an opioid antagonist to an individual in accordance with the order. The pharmacist shall provide a consultation in accordance with rules promulgated

1	by the board for the delivery of a prescription to the person to whom the opioid
2	antagonist is delivered.
3	Section 932. 450.11 (1i) (b) 2. b. of the statutes is amended to read:
4	450.11 (1i) (b) 2. b. An advanced practice <u>registered</u> nurse prescriber may only
5	deliver or dispense an opioid antagonist in accordance with s. 441.18 (2) or in
6	accordance with his or her other legal authority to dispense prescription drugs.
7	SECTION 933. 450.11 (7) (b) of the statutes is amended to read:
8	450.11 (7) (b) Information communicated to a physician, physician assistant,
9	or advanced practice <u>registered</u> nurse prescriber in an effort to procure unlawfully
10	a prescription drug or the administration of a prescription drug is not a privileged
11	communication.
12	Section 934. 450.11 (8) (e) of the statutes is amended to read:
13	450.11 (8) (e) The board of nursing, insofar as this section applies to advanced
14	practice nurse prescribers registered nurses.
15	SECTION 935. 450.13 (5) (b) of the statutes is amended to read:
16	450.13(5) (b) The patient's advanced practice <u>registered</u> nurse prescriber , if the
17	advanced practice registered nurse prescriber has entered into a written agreement
18	to collaborate with a physician may issue prescription orders under s. 441.09 (2).
19	Section 936. 450.135 (7) (b) of the statutes is amended to read:
20	450.135 (7) (b) The patient's advanced practice registered nurse prescriber, if
21	the advanced practice registered nurse prescriber has entered into a written
22	agreement to collaborate with a physician may issue prescription orders under s.
23	<u>441.09 (2)</u> .
24	Section 937. 451.04 (4) of the statutes is amended to read:

451.04 (4) Expiration and renewal. Renewal applications shall be submitted
to the department on a form provided by the department on or before the applicable
renewal date specified determined by the department under s. 440.08 (2) (a) and
shall include the applicable renewal fee determined by the department under s.
440.03 (9) (a).
SECTION 938. 452.10 (2) of the statutes is repealed.
Section 939. 452.12 (1) of the statutes is amended to read:
452.12 (1) Expiration. A license granted by the board entitles the holder to act
as a broker or salesperson, as the case may be, until the applicable renewal date
specified under s. 440.08 (2) (a).
SECTION 940. 452.12 (5) (a) of the statutes is amended to read:
452.12 (5) (a) Renewal applications for all licenses shall be submitted with the
applicable renewal fee determined by the department under s. 440.03 (9) (a) on or
before the applicable renewal date specified determined by the department under s.
440.08(2) (a). The department shall pay \$10 of each renewal fee received under this
paragraph to the Board of Regents of the University of Wisconsin System for
research and educational, public outreach, and grant activities under s. $36.25\ (34)$.
SECTION 941. 452.132 (2) (c) of the statutes is amended to read:
452.132 (2) (c) Before a licensee becomes associated with the firm and at the
beginning of each biennial licensure period, ensure that the licensee holds a valid
license.
Section 942. 454.06 (8) of the statutes is amended to read:
454.06 (8) Expiration and renewal. The renewal date for licenses issued under
subs. (2) to (6) is specified shall be as determined by the department under s. 440.08

(2) (a), and the renewal fees for such licenses are determined by the department

1	under s. 440.03 (9) (a). The examining board may not renew a license issued to a
2	person under subs. (2) to (6) unless the person certifies to the examining board that
3	the person has reviewed the current digest under s. 454.125.
4	Section 943. 454.08 (9) of the statutes is amended to read:
5	454.08 (9) The renewal date for licenses issued under this section is specified
6	shall be as determined by the department under s. 440.08 (2) (a), and the renewal
7	fee for such licenses is determined by the department under s. $440.03\ (9)\ (a)$.
8	Section 944. 454.23 (5) of the statutes is amended to read:
9	454.23 (5) Expiration and renewal. The renewal date for a license granted
10	under sub. (2) is specified shall be as determined by the department under s. 440.08
11	(2) (a), and the renewal fee for that license is determined by the department under
12	s. 440.03 (9) (a). The department may not renew a license granted to a person under
13	this section unless the person certifies to the department that the person has
14	reviewed the current digest under s. 454.267.
15	Section 945. 454.25 (9) of the statutes is amended to read:
16	454.25 (9) The renewal date for a barbering establishment license is specified
17	shall be as determined by the department under s. 440.08 (2) (a), and the renewal
18	fee for a barbering establishment license is determined by the department under s
19	440.03 (9) (a).
20	Section 946. 455.06 (1) (a) of the statutes is amended to read:
21	455.06 (1) (a) Except as provided in par. (b), the renewal dates for licenses
22	issued under this subchapter or under s. 455.04 (4), 2019 stats., are specified shall
23	be as determined by the department under s. 440.08 (2) (a), and the renewal fee for
24	such licenses is determined by the department under s. 440.03 (9) (a).

SECTION 947. 455.06 (1) (b) of the statutes is amended to read:

455.06 (1) (b) A license issued under s. 455.04 (2) is valid for 2 years or until the individual obtains a license under s. 455.04 (1) and may not be renewed, except that the examining board may promulgate rules specifying circumstances in which the examining board, in cases of hardship, may allow an individual to renew a license issued under s. 455.04 (2). Notwithstanding sub. (2), an individual holding a license issued under s. 455.04 (2) is not required to complete continuing education the examining board shall, for up to a 2-year period, exempt new licensees from the requirements under sub. (2).

Section 948. 455.065 (7) of the statutes is amended to read:

455.065 (7) Grant an exemption from the continuing education requirements under this section to a psychologist who certifies to the examining board that he or she has permanently retired from the practice of psychology. A psychologist who has been granted an exemption under this subsection may not return to active practice without submitting evidence satisfactory to the examining board of having completed the required continuing education credits within the —2—year period specified by the board prior to the return to the practice of psychology.

Section 949. 456.07 (title) of the statutes is repealed and recreated to read:

456.07 (title) **Renewal.**

Section 950. 456.07 (1) and (3) of the statutes are repealed.

Section 951. 456.07 (2) of the statutes is amended to read:

456.07 (2) The application for a new certificate of registration The renewal date for a license issued under this subchapter shall be as determined by the department under s. 440.08 (2). A renewal application shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a), a report of any facts requested by the examining board on forms provided for such purpose, and evidence

 $\mathbf{2}$

satisfactory to the examining board that during the biennial period immediately preceding application for registration the applicant has attended a continuing education program or course of study. During the time between initial licensure and commencement of a full 2-year licensure period, new licensees shall not be required to meet continuing education requirements. All registration fees are payable on or before the applicable renewal date specified under s. 440.08 (2) (a) The examining board shall, for up to a 2-year period, exempt new licensees from the continuing education requirements under this subsection.

Section 952. 456.07 (5) of the statutes is amended to read:

as a nursing home administrator under this chapter and who holds a valid current registration certificate under this section for the current registration period may use the title "Nursing Home Administrator", and the abbreviation "N.H.A." after the person's name. No other person may use or be designated by such title or such abbreviation or any other words, letters, sign, card or device tending to or intended to indicate that the person is a licensed and registered nursing home administrator.

Section 953. 457.20 (2) of the statutes is amended to read:

457.20 (2) The renewal dates for certificates and licenses granted under this chapter, other than training certificates and licenses or temporary certificates or licenses, are specified shall be as determined by the department under s. 440.08 (2) (a).

Section 954. 457.22 (2) of the statutes is amended to read:

457.22 **(2)** The rules promulgated under sub. (1) may not require an individual to complete more than 30 hours of continuing education programs or courses of study in order to qualify for renewal per 2-year period. The appropriate section of the

examining board may waive all or part of the requirements established in rules promulgated under this section if it determines that prolonged illness, disability, or other exceptional circumstances have prevented the individual from completing the requirements.

Section 955. 458.085 (3) of the statutes is amended to read:

458.085 (3) Continuing education requirements for renewal of certificates issued individuals certified under this subchapter.

Section 956. 458.09 (3) of the statutes is amended to read:

458.09 (3) The number of hours of attendance at and completion of continuing education programs or courses of study required under the rules promulgated under s. 458.085 (3) shall be reduced by one hour for each hour of attendance at and completion of, within the -2 years immediately preceding the date on which the renewal application is submitted current reporting period, continuing education programs or courses of study that the applicant has attended and completed in order to continue to qualify for employment as an assessor and that the department determines is substantially equivalent to attendance at and completion of continuing education programs or courses of study for certified general appraisers, certified residential appraisers or licensed appraisers, as appropriate.

Section 957. 458.11 of the statutes is amended to read:

458.11 Expiration and renewal. Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a). Renewal of an appraiser certificate automatically renews the individual's appraiser license without payment of the renewal fee for the appraiser

license or completion of any additional continuing education requirements that would otherwise be required for renewal of the appraiser license. Renewal applications shall be accompanied by proof of completion of the continuing education requirements in s. 458.13. Notwithstanding s. 458.06 (3) (b) 2. and (4) (b) 2., 1989 stats., and s. 458.08 (3) (b) 2. and (c) 2., 1991 stats., the department may not renew a certificate that was granted under s. 458.06 (3) or (4) before May 29, 1993, unless the holder of the certificate submits evidence satisfactory to the department that he or she has successfully completed the applicable educational requirements specified in rules promulgated under s. 458.085 (1) and the department may not renew a certificate that was granted under s. 458.08 (3) before May 29, 1993, unless the holder of the certificate submits evidence satisfactory to the department that he or she has successfully completed the applicable education and experience requirements specified in rules promulgated under s. 458.085 (1) and (2).

Section 958. 458.13 of the statutes is amended to read:

458.13 Continuing education requirements. At the time of renewal of a certificate issued under this subchapter, each applicant shall submit proof that, within the 2 years immediately preceding the date on which the renewal application is submitted, he or she has satisfied the continuing education requirements specified in the rules promulgated under s. 458.085 (3).

Section 959. 458.33 (5) of the statutes is amended to read:

458.33 (5) Renewals. A licensed appraisal management company shall submit a renewal application, along with the applicable renewal fee determined by the department under s. 440.03 (9) (a), but not to exceed \$2,000, to the department on a form prescribed by the department by the applicable renewal date specified

determined by the department under s. 440.08 (2) (a). A renewal under this subsection is subject to sub. (4).

SECTION 960. 459.09 (1) (intro.) of the statutes is amended to read:

459.09 (1) (intro.) Each person issued a license under this subchapter shall, on or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a), do all of the following:

Section 961. 459.09 (1) (b) of the statutes is amended to read:

459.09 (1) (b) Submit with the renewal application proof that he or she completed, within the 2 years immediately preceding the date of his or her application, 20 hours of satisfied applicable continuing education programs or courses of study approved or required under requirements specified in rules promulgated under s. 459.095. This paragraph does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the examining board initially granted the license.

Section 962. 459.095 (1) of the statutes is amended to read:

459.095 (1) Promulgate rules establishing continuing education requirements for individuals licensed under s. 459.09. The rules shall require the completion of 20 hours per 2-year period in programs or courses of study approved under this subsection. The rules shall establish the criteria for approval of continuing education programs or courses of study required for renewal of a license under s. 459.09 and for approval of the sponsors and cosponsors of continuing education programs or courses of study. The examining board shall, for up to a 2-year period, exempt new licensees from the requirements under this section.

SECTION 963. 459.24 (5) (intro.) of the statutes is amended to read:

459.24 (5) Expiration and Renewal. (intro.) The renewal dates for licenses
granted under this subchapter, other than temporary licenses granted under sub.
(6), are specified in shall be as determined by the department under s. 440.08 (2) (a).
Renewal applications shall be submitted to the department on a form provided by the
department and shall include all of the following:

Section 964. 459.24 (5) (b) of the statutes is amended to read:

459.24 (5) (b) Proof that the applicant completed, within the 2 years immediately preceding the date of his or her application, 20 hours of satisfied continuing education programs or courses of study approved or required under requirements specified in rules promulgated under sub. (5m). This paragraph does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the examining board initially granted the license.

Section 965. 459.24 (5m) (a) 1. of the statutes is amended to read:

459.24 (5m) (a) 1. Promulgate rules establishing continuing education requirements for individuals licensed under this subchapter. The rules shall require the completion of 20 hours in programs or courses of study approved under this subsection. The examining board shall, for up to a 2-year period, exempt new licensees from the requirements under this subdivision. The rules shall establish the criteria for approval of continuing education programs or courses of study required for renewal of a license under sub. (5) and the criteria for approval of the sponsors and cosponsors of continuing education programs or courses of study.

Section 966. 460.07 (2) (intro.) of the statutes is amended to read:

460.07 (2) (intro.) Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date

specified determined by the department under s. 440.08 (2) (a) and shall include all of the following:

SECTION 967. 460.10 (1) (a) of the statutes is amended to read:

460.10 (1) (a) Requirements and procedures for a license holder to complete continuing education programs or courses of study to qualify for renewal of his or her license. The rules promulgated under this paragraph may not require a license holder to complete more than 24 hours of continuing education programs or courses of study in order to qualify for renewal of his or her license per 2-year period.

SECTION 968. 462.02 (2) (d) of the statutes is amended to read:

462.02 (2) (d) A dentist licensed under s. 447.04 (1), a dental therapist licensed under s. 447.04 (1m), a dental hygienist licensed under s. 447.04 (2), a person certified as an expanded function dental auxiliary under s. 447.04 (3), or a person under the direct supervision of a dentist.

SECTION 969. 462.04 of the statutes, as affected by 2021 Wisconsin Act 251, is amended to read:

462.04 Prescription or order required. A person who holds a license or limited X-ray machine operator permit under this chapter may not use diagnostic X-ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04 (1) (a), a naturopathic doctor licensed under s. 466.04 (1), a dentist licensed under s. 447.04 (1), a dental therapist licensed under s. 447.04 (1m), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), a physician assistant licensed under s. 448.974, or, subject to s. 448.56 (7) (a), a physical therapist who is licensed under s. 448.53 or who holds a compact privilege under subch. XI of ch. 448.

SECTION 312e. 462.04 of the statutes, as affected by 2021 Wisconsin Act 251 and 2023 Wisconsin Act (this act), is amended to read:

462.04 Prescription or order required. A person who holds a license or limited X-ray machine operator permit under this chapter may not use diagnostic X-ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04 (1) (a), a naturopathic doctor licensed under s. 466.04 (1), a dentist licensed under s. 447.04 (1), a dental therapist licensed under s. 447.04 (1m), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice registered nurse certified licensed under s. 441.16 (2) 441.09, a physician assistant licensed under s. 448.974, or, subject to s. 448.56 (7) (a), a physical therapist who is licensed under s. 448.53 or who holds a compact privilege under subch. XI of ch. 448.

Section 970. 462.05 (1) of the statutes is amended to read:

462.05 (1) The renewal date for licenses and limited X-ray machine operator permits granted under this chapter is specified in shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

Section 971. 463.10 (5) of the statutes is amended to read:

463.10 **(5)** EXCEPTION. Subsections (2) to (4m) do not apply to a dentist who is licensed under s. 447.03 (1) or to a , dental therapist, or physician who tattoos or offers to tattoo a person in the course of the dentist's, dental therapist's, or physician's professional practice.

Section 972. 463.12 (5) of the statutes is amended to read:

463.12 **(5)** EXCEPTION. Subsections (2) to (4m) do not apply to a dentist who is licensed under s. 447.03 (1) or to a , dental therapist, or physician who pierces the body of or offers to pierce the body of a person in the course of the dentist's, dental therapist's, or physician's professional practice.

Section 973. 466.04 (3) (a) (intro.) of the statutes is amended to read:

466.04 (3) (a) (intro.) The renewal date for licenses granted under this chapter is specified shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department. The application shall include all of the following in order for the license to be renewed:

Section 974. 470.045 (3) (b) of the statutes is amended to read:

470.045 (3) (b) The renewal date for certificates of authorization under this section is specified shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for such certificates is determined by the department under s. 440.03 (9) (a).

Section 975. 470.07 of the statutes is amended to read:

470.07 Renewal of licenses. The renewal dates for licenses granted under this chapter are specified shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the appropriate section of the examining board that the applicant has completed any continuing education requirements specified in rules promulgated under s. 470.03 (2).

Section 976. 480.08 (5) of the statutes is amended to read:

 $\mathbf{2}$

480.08 (5) EXPIRATION AND RENEWAL. The renewal date for certificates granted under this chapter, other than temporary certificates granted under sub. (7), is specified shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for certificates granted under this chapter, other than temporary certificates granted under sub. (7), is determined by the department under s. 440.03 (9) (a). Renewal applications shall include evidence satisfactory to the department that the applicant holds a current permit issued under s. 77.52 (9). A renewal application for an auctioneer certificate shall be accompanied by proof of completion of continuing education requirements under sub. (6).

Section 977. 632.87 (4) of the statutes is amended to read:

632.87 (4) No policy, plan or contract may exclude coverage for diagnosis and treatment of a condition or complaint by a licensed dentist <u>or dental therapist</u> within the scope of the dentist's <u>or dental therapist's</u> license, if the policy, plan or contract covers diagnosis and treatment of the condition or complaint by another health care provider, as defined in s. 146.81 (1) (a) to (p).

Section 978. 655.001 (1) of the statutes is renumbered 655.001 (1r).

Section 979. 655.001 (1g) of the statutes is created to read:

655.001 (1g) "Advanced practice registered nurse" means an individual who is licensed under s. 441.09, who has qualified to practice independently in his or her recognized role under s. 441.09 (3m) (b), and who practices advanced practice registered nursing, as defined under s. 441.001 (1c), outside of a collaborative relationship with a physician or dentist, as described under s. 441.09 (3m) (a) 1., or other employment relationship. "Advanced practice registered nurse" does not include an individual who only engages in the practice of a certified nurse-midwife, as defined under s. 441.001 (3c).

Section 980. 655.001 (7t) of the statutes is amended to read:

655.001 (7t) "Health care practitioner" means a health care professional, as defined in s. 180.1901 (1m), who is an employee of a health care provider described in s. 655.002 (1) (d), (e), (em), or (f) and who has the authority to provide health care services that are not in collaboration with a physician under s. 441.15 (2) (b) or under the direction and supervision of a physician or nurse anesthetist advanced practice registered nurse.

Section 981. 655.001 (9) of the statutes is repealed.

SECTION 982. 655.002 (1) (a) of the statutes is amended to read:

655.002 **(1)** (a) A physician or <u>a nurse anesthetist an advanced practice</u> registered nurse for whom this state is a principal place of practice and who practices his or her profession in this state more than 240 hours in a fiscal year.

SECTION 983. 655.002 (1) (b) of the statutes is amended to read:

655.002 (1) (b) A physician or <u>a nurse anesthetist an advanced practice</u> registered nurse for whom Michigan is a principal place of practice, if all of the following apply:

- 1. The physician or nurse anesthetist advanced practice registered nurse is a resident of this state.
- 2. The physician or nurse anesthetist advanced practice registered nurse practices his or her profession in this state or in Michigan or a combination of both more than 240 hours in a fiscal year.
- 3. The physician or nurse anesthetist advanced practice registered nurse performs more procedures in a Michigan hospital than in any other hospital. In this subdivision, "Michigan hospital" means a hospital located in Michigan that is an

1 affiliate of a corporation organized under the laws of this state that maintains its $\mathbf{2}$ principal office and a hospital in this state. 3 **Section 984.** 655.002 (1) (c) of the statutes is amended to read: 4 655.002 (1) (c) A physician or nurse anesthetist an advanced practice 5 registered nurse who is exempt under s. 655.003 (1) or (3), but who practices his or 6 her profession outside the scope of the exemption and who fulfills the requirements 7 under par. (a) in relation to that practice outside the scope of the exemption. For a 8 physician or -a nurse anesthetist an advanced practice registered nurse who is

11 or (3).

9

10

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SECTION 985. 655.002 (1) (d) of the statutes is amended to read:

655.002 (1) (d) A partnership comprised of physicians or nurse anesthetists advanced practice registered nurses and organized and operated in this state for the primary purpose of providing the medical services of physicians or nurse anesthetists advanced practice registered nurses.

subject to this chapter under this paragraph, this chapter applies only to claims

arising out of practice that is outside the scope of the exemption under s. 655.003 (1)

SECTION 986. 655.002 (1) (e) of the statutes is amended to read:

655.002 (1) (e) A corporation organized and operated in this state for the primary purpose of providing the medical services of physicians or nurse anesthetists advanced practice registered nurses.

Section 987. 655.002 (1) (em) of the statutes is amended to read:

655.002 (1) (em) Any organization or enterprise not specified under par. (d) or (e) that is organized and operated in this state for the primary purpose of providing the medical services of physicians or nurse anesthetists advanced practice registered nurses.

Section 988. 655.002 (2) (a) of the statutes is amended to read:

655.002 (2) (a) A physician or nurse anesthetist advanced practice registered nurse for whom this state is a principal place of practice but who practices his or her profession fewer than 241 hours in a fiscal year, for a fiscal year, or a portion of a fiscal year, during which he or she practices his or her profession.

SECTION 989. 655.002 (2) (b) of the statutes is amended to read:

655.002 (2) (b) Except as provided in sub. (1) (b), a physician or nurse anesthetist advanced practice registered nurse for whom this state is not a principal place of practice, for a fiscal year, or a portion of a fiscal year, during which he or she practices his or her profession in this state. For a health care provider who elects to be subject to this chapter under this paragraph, this chapter applies only to claims arising out of practice that is in this state and that is outside the scope of an exemption under s. 655.003 (1) or (3).

Section 990. 655.003 (1) of the statutes is amended to read:

655.003 (1) A physician or a nurse anesthetist an advanced practice registered nurse who is a state, county or municipal employee, or federal employee or contractor covered under the federal tort claims act, as amended, and who is acting within the scope of his or her employment or contractual duties.

Section 991. 655.003 (3) of the statutes is amended to read:

655.003 (3) Except for a physician or nurse anesthetist an advanced practice registered nurse who meets the criteria under s. 146.89 (5) (a), a physician or a nurse anesthetist an advanced practice registered nurse who provides professional services under the conditions described in s. 146.89, with respect to those professional services provided by the physician or nurse anesthetist advanced

practice registered nurse for which he or she is covered by s. 165.25 and considered an agent of the department, as provided in s. 165.25 (6) (b).

SECTION 992. 655.005 (2) (a) of the statutes is amended to read:

655.005 (2) (a) An employee of a health care provider if the employee is a physician or a nurse anesthetist an advanced practice registered nurse or is a health care practitioner who is providing health care services that are not in collaboration with a physician under s. 441.15 (2) (b) or under the direction and supervision of a physician or nurse anesthetist advanced practice registered nurse.

Section 993. 655.005 (2) (b) of the statutes is amended to read:

655.005 (2) (b) A service corporation organized under s. 180.1903 by health care professionals, as defined under s. 180.1901 (1m), if the board of governors determines that it is not the primary purpose of the service corporation to provide the medical services of physicians or nurse anesthetists advanced practice registered nurses. The board of governors may not determine under this paragraph that it is not the primary purpose of a service corporation to provide the medical services of physicians or nurse anesthetists advanced practice registered nurses unless more than 50 percent of the shareholders of the service corporation are neither physicians nor nurse anesthetists advanced practice registered nurses.

Section 994. 655.23 (5m) of the statutes is amended to read:

655.23 **(5m)** The limits set forth in sub. (4) shall apply to any joint liability of a physician or nurse anesthetist an advanced practice registered nurse and his or her corporation, partnership, or other organization or enterprise under s. 655.002 (1) (d), (e), or (em).

Section 995. 655.27 (3) (a) 4. of the statutes is amended to read:

655.27 (3) (a) 4. For a health care provider described in s. 655.002 (1) (d), (e), (em), or (f), risk factors and past and prospective loss and expense experience attributable to employees of that health care provider other than employees licensed as a physician or nurse anesthetist an advanced practice registered nurse.

Section 996. 655.27 (3) (b) 2m. of the statutes is amended to read:

655.27 (3) (b) 2m. In addition to the fees and payment classifications described under subds. 1. and 2., the commissioner, after approval by the board of governors, may establish a separate payment classification for physicians satisfying s. 655.002 (1) (b) and a separate fee for nurse anesthetists advanced practice registered nurses satisfying s. 655.002 (1) (b) which take into account the loss experience of health care providers for whom Michigan is a principal place of practice.

Section 997. 655.275 (2) of the statutes is amended to read:

of the council. Section 15.09, except s. 15.09 (4) and (8), does not apply to the council. The board of governors shall designate the chairperson, who shall be a physician, the vice chairperson, and the secretary of the council and the terms to be served by council members. The council shall consist of 5 or 7 persons, not more than 3 of whom are physicians who are licensed and in good standing to practice medicine in this state and one of whom is a nurse anesthetist an advanced practice registered nurse who is licensed and in good standing to practice nursing in this state. The chairperson or another peer review council member designated by the chairperson shall serve as an ex officio nonvoting member of the medical examining board and may attend meetings of the medical examining board, as appropriate.

Section 998. 655.275 (5) (b) 2. of the statutes is amended to read:

1	655.275 (5) (b) 2. If a claim was paid for damages arising out of the rendering
2	of care by a nurse anesthetist an advanced practice registered nurse, with at least
3	one nurse anesthetist advanced practice registered nurse.
4	Section 999. $710.02~(1)$ of the statutes is renumbered $710.02~(1r)$ and amended
5	to read:
6	710.02 (1r) LIMITATION. The following persons may not acquire, own, or hold
7	any interest, directly or indirectly, except an interest used to secure repayment of a
8	debt incurred in good faith, in more than 640 acres of land in this state in excess of
9	the following amounts:
10	(a) Aliens Except as provided in par. (d), aliens not residents of a state of the
11	United States, not more than 640 acres.
12	(b) Corporations Except as provided in par. (d), corporations not created under
13	the laws of the United States or a state of the United States, not more than 640 acres.
14	(c) 1. Corporations Except as provided in par. (d), corporations, limited liability
15	companies, partnerships, or associations having more than 20 percent of their stock,
16	securities, or other indicia of ownership held or owned by persons under par. (a) or
17	(b), not more than 640 acres.
18	2. Trusts Except as provided in par. (d), trusts having more than 20 percent of
19	the value of their assets held for the benefit of persons under par. (a) or (b), not more
20	than 640 acres.
21	Section 1000. 710.02 (1g) of the statutes is created to read:
22	710.02 (1g) Definition. In this section, "foreign adversary" means a foreign
23	government or nongovernment person determined by the federal secretary of
24	commerce to have engaged in a long-term pattern or serious instances of conduct

1	significantly adverse to the national security of the United States or security and
2	safety of U.S. persons.
3	Section 1001. 710.02 (1r) (d) of the statutes is created to read:
4	710.02 (1r) (d) Foreign adversaries may not acquire, own, or hold any land in
5	this state.
6	Section 1002. 710.02 (2) (intro.) of the statutes is amended to read:
7	710.02 (2) EXCEPTIONS. (intro.) Except as provided in sub. (3), sub. (1) (1r) does
8	not apply to:
9	Section 1003. 710.02 (3) of the statutes is amended to read:
10	710.02 (3) Use of land restricted. Land in excess of 640 acres, acquired by
11	a \underline{A} person listed under sub. (1) $\underline{(1r)}$, other than a person listed under sub. (2) (a), (b),
12	or (c), that acquires land in excess of the amount allowed under sub. (1r) for an
13	activity listed under sub. (2) (d), (e), (f), or (g), may not be used directly or indirectly
14	by that person use the land for any activity not <u>listed</u> under sub. (2) (d), (e), (f), or (g).
15	Pending the conversion and development of the land for a purpose permitted allowed
16	under sub. (2) (d), (e), (f), or (g), it the person may be used use the land for agriculture
17	or forestry purposes under a lease to a person not subject to sub. (1) $(1r)$. Products
18	of the land may be sold by the lessee to the owner of the land.
19	Section 1004. 710.02 (5) (a) (intro.) of the statutes is amended to read:
20	710.02 (5) (a) (intro.) Interests exceeding 640 acres the amounts allowed under
21	sub. (1r) that are acquired by persons under sub. (1) (1r) shall be divested at the
22	discretion of the holder to comply with sub. (1) $(1r)$ within 4 years after:
23	Section 1005. 710.02 (5) (a) 1. of the statutes is amended to read:
24	710.02 (5) (a) 1. Acquiring the interest, if the interest is described under sub.
25	(2) (a) and the person is subject to sub. (1) $(1r)$ (a) or (b).

Section 1006. 710.02 (5) (a) 2. of the statutes is amended to read: 1 $\mathbf{2}$ 710.02 (5) (a) 2. Acquiring the interest or becoming subject to sub. (1) (1r) (c), 3 whichever is later, if the person is subject to sub. (1) (1r) (c). 4 **Section 1007.** 710.02 (6) of the statutes is amended to read: 5 710.02 (6) FORFEITURES. Interests in lands in excess of 640 acres the amounts 6 allowed under sub. (1r) that are acquired or held in violation of this section are 7 forfeited to the state. The holder of the interest shall determine which lands are to 8 be forfeited to comply with sub. (1) (1r). 9 **Section 1008.** 710.02 (9) of the statutes is renumbered 710.02 (9) (a) and 10 amended to read: 11 710.02 (9) (a) This Except as provided in par. (b), this section applies to 12 interests in land acquired after July 1, 1982. No interest acquired before July 1, 13 1982, is subject to divestiture or forfeiture under this section. 14 **Section 1009.** 710.02 (9) (b) of the statutes is created to read: 15 710.02 (9) (b) Subsection (1r) (d) applies to interests in land acquired by a 16 foreign adversary on or after the first day of the first month beginning after the 17 effective date of this paragraph [LRB inserts date], or the date on which the 18 federal secretary of commerce determines the person is a foreign adversary, whichever occurs later. No interest acquired by the foreign adversary before the date 19 20 on which sub. (1r) (d) first applies, as specified in this paragraph, is subject to 21 divestiture or forfeiture under this section. 22 **Section 1010.** 895.48 (1m) (a) (intro.) of the statutes is amended to read: 23 895.48 (1m) (a) (intro.) Except as provided in par. (b), any physician, 24 naturopathic doctor, physician assistant, podiatrist, or athletic trainer licensed

under ch. 448, chiropractor licensed under ch. 446, dentist or dental therapist

licensed under ch. 447, emergency medical services practitioner licensed under s. 256.15, emergency medical responder certified under s. 256.15 (8), registered nurse licensed under ch. 441, or a massage therapist or bodywork therapist licensed under ch. 460 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that care if all of the following conditions exist:

SECTION 1011. 895.48 (1m) (a) 2. of the statutes is amended to read:

895.48 **(1m)** (a) 2. The physician, naturopathic doctor, podiatrist, athletic trainer, chiropractor, dentist, <u>dental therapist</u>, emergency medical services practitioner, as defined in s. 256.01 (5), emergency medical responder, as defined in s. 256.01 (4p), physician assistant, registered nurse, massage therapist or bodywork therapist does not receive compensation for the health care, other than reimbursement for expenses.

Section 1012. 941.315 (5) of the statutes is amended to read:

941.315 (5) (a) Subsection (2) does not apply to a person to whom nitrous oxide is administered for the purpose of providing medical or dental care, if the nitrous oxide is administered by a physician or, dentist, or dental therapist or at the direction or under the supervision of a physician or, dentist, or dental therapist.

(b) Subsection (3) does not apply to the administration of nitrous oxide by a physician or, dentist, or dental therapist, or by another person at the direction or under the supervision of a physician or, dentist, or dental therapist, for the purpose of providing medical or dental care.

 $\mathbf{2}$

(c) Subsection (3) (c) does not apply to the sale to a hospital, health care clinic or other health care organization or to a physician or, dentist, or dental therapist of any object used, designed for use or primarily intended for use in administering nitrous oxide for the purpose of providing medical or dental care.

Section 1013. 961.01 (19) (a) of the statutes is amended to read:

961.01 (19) (a) A physician, advanced practice <u>registered</u> nurse, dentist, veterinarian, podiatrist, optometrist, scientific investigator or, subject to s. 448.975 (1) (b), a physician assistant, or other person licensed, registered, certified or otherwise permitted to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in this state.

Section 1014. 961.395 of the statutes is amended to read:

- 961.395 Limitation on advanced practice <u>registered</u> nurses. (1) An advanced practice <u>registered</u> nurse who is <u>certified</u> may issue prescription orders under s. 441.16 <u>441.09 (2)</u> may prescribe controlled substances only as permitted by the rules promulgated under s. 441.16 (3) 441.09 (6) (a) 4.
- (2) An advanced practice <u>registered</u> nurse <u>certified under s. 441.16 who may</u> issue prescription orders under s. 441.09 (2) shall include with each prescription order the <u>advanced practice nurse prescriber certification license</u> number issued to him or her by the board of nursing.
- (3) An advanced practice <u>registered</u> nurse <u>certified under s. 441.16 who may</u> <u>issue prescription orders under s. 441.09 (2)</u> may dispense a controlled substance only by prescribing or administering the controlled substance or as otherwise permitted by the rules promulgated under s. 441.16 (3) 441.09 (6) (a) 4.

Section 1015. 995.70 of the statutes is created to read:

995.70 Eligibility of certain individuals who are not U.S. citizens to
receive professional licenses. (1) In this section, "professional license" means
a license, registration, certification, or other approval to perform certain work tasks,
whether issued by the state or a local governmental entity.

- (2) Pursuant to 8 USC 1621 (d), an individual who is not a U.S. citizen is not ineligible to receive any professional license issued in this state because of the individual's citizenship status.
- (3) Nothing in this section affects any requirement or qualification for an individual to obtain a professional license that is not related to the citizenship status of the individual.

Section 9138. Nonstatutory provisions; Safety and Professional Services.

- (1) Dental therapist licensure.
- (a) The dentistry examining board shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register when the board determines that 50 or more individuals are currently licensed as dental therapists in this state under s. 447.04 (1m).
- (b) 1. The dentistry examining board shall promulgate emergency rules under s. 227.24 that are necessary to implement this act. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subdivision remain in effect for 2 years, or until the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the board is not required to provide evidence that promulgating a rule under this subdivision as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is

 $\mathbf{2}$

not required to provide a finding of emergency for a rule promulgated under this subdivision.

- 2. The dentistry examining board shall present a statement of scope for permanent and emergency rules required to implement this act to the department of administration under s. 227.135 (2) no later than the 30th day after the effective date of this subdivision. Notwithstanding s. 227.135 (2), if the governor does not disapprove the statement of scope by the 30th day after the statement is presented to the department of administration, the statement is considered to be approved by the governor.
- 3. The dentistry examining board shall submit a proposed emergency rule required to implement this act to the governor for approval under s. 227.24 (1) (e) 1g. no later than the 150th day after the effective date of this subdivision. Notwithstanding s. 227.24 (1) (e) 1g., if the governor does not reject the proposed emergency rule by the 14th day after the rule is submitted to the governor in final draft form, the rule is considered to be approved by the governor.
- 4. The dentistry examining board shall submit a proposed permanent rule required to implement this act to the governor for approval under s. 227.185 no later than the 365th day after the effective date of this subdivision. Notwithstanding s. 227.185, if the governor does not reject that proposed permanent rule by the 30th day after the rule is submitted to the governor in final draft form, the rule is considered to be approved by the governor.
- (2) DSPS CREDENTIAL INVESTIGATIONS; EMERGENCY RULES. Using the procedure under s. 227.24, the department of safety and professional services and any credentialing board, as defined in s. 440.01 (2) (bm), may promulgate rules that are necessary to implement s. 440.03 (13) (br). Notwithstanding s. 227.24 (1) (a) and (3),

the department or credentialing board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until July 1, 2025, or the date on which permanent rules take effect, whichever is sooner, and the effective period may not be further extended under s. 227.24 (2).

- (3) Emergency rule-making; licensure of advanced practice registered nurses.
- (a) Using the procedure under s. 227.24, the board of nursing may promulgate rules under ch. 441 that are necessary to implement the changes to the licensure of advanced practice registered nurses. Notwithstanding s. 227.24 (1) (a) and (3), the board is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph. A rule under this paragraph may take effect no later than the date specified in Section 9438 (3e) of this act. Notwithstanding s. 227.24 (1) (c) and (2), a rule promulgated under this paragraph is effective for 2 years after its promulgation, or until permanent rules take effect, whichever is sooner, and the effective period of a rule promulgated under this paragraph may not be further extended under s. 227.24 (2).
 - (b) 1. In this paragraph, the definitions under s. 441.001 apply.
- 2. Notwithstanding s. 441.09 (3), an individual who, on January 1, 2024, is licensed as a registered nurse in this state and is practicing in a recognized role may

 $\mathbf{2}$

continue to practice advanced practice registered nursing and the corresponding recognized role in which he or she is practicing and may continue to use the titles corresponding to the recognized roles in which he or she is practicing during the period before which the board takes final action on the person's application under s. 441.09. This subdivision does not apply after the first day of the 13th month beginning after the effective date of this subdivision.

Section 9438. Effective dates; Safety and Professional Services.

- (1) Dental therapist licensure. The treatment of s. 15.405 (6) (b) takes effect on the date the notice under s. 447.02 (6) is published in the Wisconsin Administrative Register or on the first day of the 6th year beginning after publication, whichever occurs first.
- (2) Renewal dates. The treatment of ss. 20.165 (1) (jm), 106.30 (2), 227.01 (13) (zxm), 440.01 (1) (dL) and (dm), 440.03 (14) (c) and (15), 440.032 (5), 440.08 (2) (title), (a) (intro.), 1n., 2n., 1. to 37., 37m., 38. to 72., (ar), (b), (c), (d), and (e), (2m) (title) and (b), and (4) (a), 440.09 (3) (a), 440.26 (3) and (5m) (b), 440.313 (1), 440.415 (2) (a), 440.71 (3), 440.88 (4), 440.905 (2), 440.91 (1) (c), (1m) (c), and (4), 440.92 (1) (c), 440.972 (2), 440.974 (2), 440.98 (6), 440.983 (1), 440.992 (6), 440.9935, 441.01 (7) (a) (intro.) and 1. (by Section 149e) and (b), 441.06 (3) (by Section 152e), 441.10 (6), 441.15 (3) (b) (by Section 164e), 442.083 (1) and (2) (a), 443.015 (1e), 443.07 (6), 443.08 (3) (b), 443.10 (2) (e) and (5), 445.06 (1), 445.07 (1) and (2), 445.095 (1) (c), 445.105 (3), 446.02 (1) (b) and (4), 446.025 (3) (b), 446.026 (3) (b), 447.05 (1) (a), 447.055 (1) (a) and (b) 1. and 2. and (3), 447.056 (1) (intro.), (2), and (3), 447.057 (1) (a) and (b) 1. and 2. (by Section 217e) and (3) (by Section 217f), 447.058 (2) (b), 448.07 (1) (a), 448.13 (title), (1) (a) 1. and 2., and (1m), 448.40 (1) and (b) (intro.), 448.955 (2), 448.65 (2) (intro.), 448.665, 448.86 (2), 448.9545 (1) (a) and (b) (intro.), 448.955 (1),

(2) (a), and (3) (a), 448.956 (1) (c), 448.967 (2), 448.9703 (3) (a), 448.9706 (2), 448.974 (2) (a), 449.06 (1) and (2m), 450.08 (1) and (2) (a) and (b), 450.085 (1), 451.04 (4), 452.10 (2), 452.12 (1) and (5) (a), 452.132 (2) (c), 454.06 (8), 454.08 (9), 454.23 (5), 454.25 (9), 455.06 (1) (a) and (b), 455.065 (7), 456.07 (title), (1), (2), (3), and (5), 457.20 (2), 457.22 (2), 458.085 (3), 458.09 (3), 458.11, 458.13, 458.33 (5), 459.09 (1) (intro.) and (b), 459.095 (1), 459.24 (5) (intro.) and (b) and (5m) (a) 1., 460.07 (2) (intro.). 460.10 (1) (a), 462.05 (1), 466.04 (3) (a) (intro.), 470.045 (3) (b), 470.07, and 480.08 (5), the renumbering and amendment of ss. 445.07 (3), 446.025 (3) (a), and 446.026 (3) (a), and the creation of ss. 445.07 (3) (b), 446.025 (3) (a) 2., and 446.026 (3) (a) 2. take effect on the first day of the 7th month beginning after publication.

(3a) LICENSURE OF ADVANCED PRACTICE REGISTERED NURSES. The treatment of ss. 29.193 (1m) (a) 2. (intro.), (2) (b) 2., (c) 3., (cd) 2. b. and c., and (e)., and (3) (a), 46.03 (44), 50.01 (1b), 50.08 (2), 50.09 (1) (a) (intro.), (f) 1., (h), and (k), 50.36 (3s), 50.49 (1) (b) (intro.), 51.41 (1d) (b) 4., 70.47 (8) (intro.), 77.54 (14) (f) 3. and 4., 97.59, 102.13 (1) (a), (b) (intro.), 1., 3., and 4., and (d) 1., 2., 3., and 4. and (2) (a) and (b), 102.17 (1) (d) 1. and 2., 102.29 (3), 102.42 (2) (a), 106.30 (1), 118.15 (3) (a), 118.25 (1) (a), 118.29 (1) (e), 118.2925 (1) (b), (3), (4) (c), and (5), 146.615 (1) (a), 146.82 (3) (a), 146.89 (1) (r) 1. (by Section 49e), 3., and 8. and (6), 154.01 (1g), 155.01 (1g) (b), 251.01 (1c), 252.07 (8) (a) 2. and (9) (c), 252.10 (7), 252.11 (2), (4), (5), (7), and (10), 252.15 (3m) (d) 11. b. and 13., (5g) (e), (5m) (d) 2. and (e) 2. and 3., and (7m) (intro.) and (b), 252.16 (3) (c) (intro.), 252.17 (3) (c) (intro.), 253.07 (4) (d), 253.115 (1) (f), (4), and (7) (a) (intro.), 253.15 (1) (em) and (2), 255.06 (1) (d) and (f) 2. and (2) (d), 255.07 (1) (d), 257.01 (5) (a) (by Section 84e) and (b) (by Section 85e), 341.14 (1a), (1e) (a), (1m), and (1q), 343.16 (5) (a), 343.51 (1), 343.62 (4) (a) 4., 440.03 (13) (b) 3., 39m., and 42., 440.077 (1) (a) and (2) (c), 440.094 (1) (c) 1. and (2) (a) (intro.), 440.981 (1), 440.982

- (1), 440.987 (2), 441.001 (1c), (3c), (3g), (3n), (3r), (3w), and (5), 441.01 (3), (4), and 1 $\mathbf{2}$ (7) (a) (intro.) (by Section 149f) and (c), 441.06 (title), (3) (by Section 152f), (4), and 3 (7), 441.07 (1g) (intro.), (a), (c), and (e), 441.09, 441.092, 441.10 (7), 441.11 (title), (1), 4 (2), and (3), 441.16, 441.18 (2) (a) (intro.) and (b) and (3), 441.19, 448.03 (2) (a) (by 5 Section 233e) and (3m), 448.035 (1) (a) and (2) to (4), 448.56 (1) and (1m) (b), 448.62 6 (2m), 448.67 (2), 448.956 (1m), 450.01 (1m) and (16) (h) 2. and (hr) 2., 450.03 (1) (e) 7 (by Section 267f), 450.11 (1g) (b), (1i) (a) 1. and (b) 2. b., (7) (b), and (8) (e), 450.13 (5) 8 (b), 450.135 (7) (b), 462.04 (by Section 312e), 655.001 (7t), (8b), and (9), 655.002 (1) 9 (a), (b), (c), (d), (e), and (em) and (2) (a) and (b), 655.003 (1) and (3), 655.005 (2) (a) 10 and (b), 655.23 (5m), 655.27 (3) (a) 4. and (b) 2m., 655.275 (2) and (5) (b) 2., 961.01 (19) (a), and 961.395, the renumbering and amendment of s. 253.13 (1), the creation 11 12 of s. 253.13 (1) (a), and the repeal of s. 441.15 take effect on the first day of the 13th 13 month beginning after publication.".
- 14 **164.** Page 374, line 11: after that line insert:
- **"Section 1016.** 230.35 (1) (a) 1. of the statutes is amended to read:
- 230.35 (1) (a) 1. One hundred four hours each year for a full year of service during the first –5–2 years of service;
- **SECTION 1017.** 230.35 (1) (a) 1m. of the statutes is created to read:
- 230.35 (1) (a) 1m. One hundred twenty hours each year for a full year of service during the next 3 years of service;
- 21 **Section 1018.** 230.35 (1) (c) of the statutes is amended to read:
- 22 230.35 (1) (c) When the rate of annual leave changes during the <u>2nd</u>, 5th, 10th, 23 15th, 20th or 25th calendar year, the annual leave for that year shall be prorated.
- **Section 1019.** 230.35 (1m) (bt) 1. of the statutes is amended to read:

1	230.35 (1m) (bt) 1. 120 hours each year for a full year of service during the first
2	-5-2 years of service;
3	Section 1020. 230.35 (1m) (bt) 1m. of the statutes is created to read:
4	230.35 (1m) (bt) 1m. 136 hours each year for a full year of service during the
5	next 3 years of service;
6	SECTION 9301. Initial applicability; Administration.
7	$(1k)$ Annual leave hours; state employees. The treatment of s. $230.35\ (1)\ (a)$
8	1. and 1m. and (c) and (1m) (bt) 1. and 1m. first applies to a state employee's
9	anniversary of service that occurs on the effective date of this subsection.".
10	165. Page 374, line 11: after that line insert:
11	"Section 1021. 49.175 (1) (a) of the statutes is amended to read:
12	49.175 (1) (a) Wisconsin Works benefits. For Wisconsin Works benefits,
13	\$37,000,000 $$31,000,000$ in fiscal year $2021-22$ $2023-24$ and $$34,000,000$
14	\$29,000,000 in fiscal year $2022-23$ $2024-25$.
15	Section 1022. 49.175 (1) (zh) of the statutes is amended to read:
16	49.175 (1) (zh) Earned income tax credit supplement. For the transfer of
17	moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation
18	account under s. 20.835 (2) (kf) for the earned income tax credit, \$63,600,000
19	\$58,725,000 in fiscal year $2021-22$ $2023-24$ and $$66,600,000$ $$65,002,000$ in fiscal
20	year 2022–23 <u>2024–25</u> .".
21	166. Page 374, line 11: after that line insert:
22	"Section 1. 20.005 (3) (schedule) of the statutes: at the appropriate place,
23	insert the following amounts for the purposes indicated:

2023-24 2024-25

1	20.437 Children and families, department of
2	(2) ECONOMIC SUPPORT
3	(fd) Boys and Girls Clubs of Wiscon-
4	sin GPR C \$1,300,000 \$1,300,000
5	Section 2. 20.437 (2) (fd) of the statutes is created to read:
6	20.437 (2) (fd) Boys and Girls Clubs of Wisconsin. As a continuing
7	appropriation, the amount in the schedule to provide grants to the Wisconsin
8	Chapter of the Boys and Girls Clubs of America under s. $49.175\ (1)\ (z)$.
9	Section 1. 49.175 (1) (d) of the statutes is amended to read:
10	49.175 (1) (d) Families and Schools Together. For the families and schools
11	together program in 5 Milwaukee elementary schools to be chosen by the
12	department, \$250,000 in each fiscal year <u>and an additional \$250,000 in each fiscal</u>
13	year for this purpose to be distributed only if the recipient provides matching funds.
14	Section 2. 49.175 (1) (j) of the statutes is amended to read:
15	49.175 (1) (j) Grants for providing civil legal services. For the grants under s.
16	49.1635 (5) to Wisconsin Trust Account Foundation, Inc., for distribution to
17	programs that provide civil legal services to low-income families, \$500,000
18	<u>\$1,000,000</u> in each fiscal year.
19	Section 3. 49.175 (1) (Lm) of the statutes is amended to read:
20	49.175 (1) (Lm) Jobs for America's Graduates. For grants to the Jobs for
21	America's Graduates-Wisconsin to fund programs that improve social, academic,
22	and employment skills of youth who are eligible to receive temporary assistance for

needy families under 42 USC 601 et seq., \$500,000 in each fiscal year, \$1,000,000.

SECTION 4. 49.175 (1) (Lp) of the statutes is created to read:

49.175 (1) (Lp) Skills enhancement program. For skills enhancement grants, \$250,000 in each fiscal year.

Section 5. 49.175 (1) (z) of the statutes is amended to read:

49.175 (1) (z) Grants to the Boys and Girls Clubs of America. For grants to the Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs that improve social, academic, and employment skills of youth who are eligible to receive temporary assistance for needy families under 42 USC 601 et seq., focusing on study habits, intensive tutoring in math and English, and exposure to career options and role models, \$2,807,000 \$4,607,000 in each fiscal year. Grants provided under this paragraph may not be used by the grant recipient to replace funding for programs that are being funded, when the grant proceeds are received, with moneys other than those from the appropriations specified in sub. (1) (intro.). The total amount of the grants includes funds for the BE GREAT: Graduate program in the amount of matching funds that the program provides, up to \$1,532,000 in each fiscal year, to be used only for activities for which federal Temporary Assistance for Needy Families block grant moneys may be used.

Section 6. 49.1635 (5) (a) (intro.) of the statutes is amended to read:

49.1635 **(5)** (a) (intro.) From the allocation under s. 49.175 (1) (j), the department shall make a grant of \$500,000 in each fiscal year to Wisconsin Trust Account Foundation, Inc., for distribution of annual awards of not more than \$75,000 per year per program to programs that provide legal services to persons who are eligible under par. (b) 2. if all of the following apply:".

167. Page 374, line 11: after that line insert:

234.66 (2).

1 "Section 9128. Nonstatutory provisions; Legislature. $\mathbf{2}$ (1) REQUIRED GENERAL FUND STRUCTURAL BALANCE. Section 20.003 (4m) shall not 3 apply to the actions of the legislature in enacting any legislation during the 2023-24 4 legislative session.". 5 **168.** Page 374, line 11: after that line insert: 6 "Section 1023. 20,005 (3) (schedule) of the statutes: at the appropriate place. 7 insert the following amounts for the purposes indicated: 2023-24 2024-25 8 **Wisconsin Housing and Economic** 20.490 9 **Development Authority** 10 (6) REVOLVING LOAN FUNDS 11 (am) Residential housing infrastruc-12 ture revolving loan fund GPR \mathbf{C} 275,000,000 -0-13 Main street housing rehabilita-(b) 14 tion revolving loan fund 100,000,000 GPR \mathbf{C} -0-15 (c) Commercial-to-housing conver-16 GPR \mathbf{C} 100,000,000 sion revolving loan fund -0-17 Housing rehabilitation loan fund GPR 50,000,000 -0-(d) \mathbf{C} 18 **Section 1024.** 20.490 (6) of the statutes is created to read: 19 20.490 (6) REVOLVING LOAN FUNDS. (am) Residential housing infrastructure revolving loan fund. As a continuing appropriation, the amounts in the schedule for 20 deposit into the residential housing infrastructure revolving loan fund under s. 21

- (b) *Main street housing rehabilitation revolving loan fund*. As a continuing appropriation, the amounts in the schedule for deposit into the main street housing rehabilitation revolving loan fund under s. 234.661 (2).
- (c) Commercial-to-housing conversion revolving loan fund. As a continuing appropriation, the amounts in the schedule for deposit into the commercial-to-housing conversion revolving loan fund under s. 234.662 (2).
- (d) Housing rehabilitation loan fund. As a continuing appropriation, the amounts in the schedule for deposit into the housing rehabilitation loan fund under s. 234.53.".
 - **169.** Page 374, line 11: after that line insert:
 - **"Section 1025.** 16.3065 of the statutes is created to read:
- **16.3065 Affordable workforce housing grants. (1)** Definition. In this section, "municipality" means a city, village, or town.
- (2) Grants. From the appropriation under s. 20.505 (7) (fq), the department shall award grants to municipalities for the purpose of increasing the availability of affordable workforce housing within the municipality, including by funding infrastructure for new affordable housing developments, creating or enhancing an affordable housing trust fund, or providing additional incentives for land use and zoning changes. The department may promulgate rules establishing eligibility requirements and other program guidelines for the grant program under this subsection, including guidelines designed to ensure that housing created with grant funds under the program remains affordable.
- **SECTION 1026.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

8

10

11

12

13

14

15

16

2023-24 2024-25

20.505	Administration,	department of
--------	-----------------	---------------

- 2 (7) Housing and community development
- 3 (fq) Affordable workforce housing
- 4 grants GPR B 150,000,000 -0-
- **Section 1027.** 20.505 (7) (fq) of the statutes is created to read:
- 6 20.505 (7) (fq) Affordable workforce housing grants. Biennially, the amounts 7 in the schedule for the grants to municipalities under s. 16.3065.".
 - **170.** Page 374, line 11: after that line insert:
- 9 "Section 1028. 16.3067 of the statutes is created to read:
 - 16.3067 Rental housing safety grants. (1) GRANTS. From the appropriation under s. 20.505 (7) (fs), the department shall award one or more grants to a 1st class city for activities that support the improvement of rental housing safety in the city, including the enhancement or creation of a property inspection program and the development and launch of a searchable online database that discloses the history of rental properties within the city. The department may establish program guidelines for the grant program under this subsection.
- 17 (2) Sunset. No grants may be awarded under sub. (1) after June 30, 2025.
- SECTION 1029. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

2023-24 2024-25

20.505	Administration,	department of
--------	-----------------	---------------

- 2 (7) Housing and community development
- 3 (fs) Rental housing safety grants GPR B 5,000,000 -0-
- **SECTION 1030.** 20.505 (7) (fs) of the statutes is created to read:
- 5 20.505 (7) (fs) Rental housing safety grants. Biennially, the amounts in the schedule for grants to a 1st class city under s. 16.3067.".
- 7 **171.** Page 374, line 11: after that line insert:
- 8 "Section 1031. 20.005 (3) (schedule) of the statutes: at the appropriate place, 9 insert the following amounts for the purposes indicated:

2023-24 2024-25

10 **20.155** Public service commission

- 11 (3) Affiliated grant programs
- 12 (c) Broadband expansion grant pro-
- 13 gram GPR C 750,000,000 -0-
- **SECTION 1032.** 20.155 (3) (c) of the statutes is created to read:
- 15 20.155 (3) (c) Broadband expansion grant program. As a continuing appropriation, the amounts in the schedule for the broadband expansion grant program under s. 196.504 (2).
- **SECTION 1033.** 196.504 (2m) of the statutes is created to read:
- 19 196.504 (2m) (a) Except as provided in pars. (b) and (c), from the appropriation 20 under s. 20.155 (3) (c), each fiscal year the commission shall award no less than 10

- percent of the amount in the schedule for that appropriation in fiscal year 2023–24 as broadband expansion grants under sub. (2).
 - (b) Except as provided in par. (c), if the remaining unobligated balance of the appropriation under s. 20.155 (3) (c) is less than 10 percent of the amount in the schedule for that appropriation in fiscal year 2023–24, the commission shall award the entire remaining balance in broadband expansion grants under sub. (2) in that fiscal year.
 - (c) If in any fiscal year, the commission does not receive sufficient broadband expansion grant applications that meet the eligibility criteria to award the minimum amounts described under par. (a) or (b), the commission shall award the maximum amount of broadband expansion grants under sub. (2) possible that fiscal year.".
 - **172.** Page 374, line 11: after that line insert:
- **"Section 1034.** 16.3085 (2) (a) of the statutes is amended to read:
- 14 16.3085 (2) (a) From the appropriation under s. 20.505 (7) (kg), the department
 15 may award up to 10 grants, of up to \$50,000 \$75,000 each, annually to any shelter
 16 facility.

SECTION 9101. Nonstatutory provisions; Administration.

- (7r) Homeless case management grant program.
- (a) The authorized FTE positions for the department of administration are increased by 1.0 PR position, to be funded from the appropriation under s. 20.505 (7) (kg) to carry out functions related to the homeless case management grant program under. s. 16.3085.
- (b) In the schedule under s. 20.005 (3) for the appropriation to the department of administration under s. 20.505 (7) (kg), the dollar amount for fiscal year 2023–24

is increased by \$565,000 and the dollar amount for fiscal year 2024–25 is increased by \$586,600 for the homeless case management grant program under s. 16.3085.".

173. Page 374, line 11: after that line insert:

"Section 9238. Fiscal changes; Safety and Professional Services.

- (1) Private on-site wastewater treatment system research. In the schedule under s. 20.005 (3) for the appropriation to the department of safety and professional services under s. 20.165 (2) (j), the dollar amount for fiscal year 2023–24 is increased by \$116,000 to support research related to private on-site wastewater treatment system and potential effects on nearby drinking water wells. In the schedule under s. 20.005 (3) for the appropriation to the department of safety and professional services under s. 20.165 (2) (j), the dollar amount for fiscal year 2024–25 is increased by \$100,000 to support research related to private on-site wastewater treatment system and potential effects on nearby drinking water wells.".
 - **174.** Page 374, line 11: after that line insert:
 - "Section 1035. 20.165 (2) (jm) of the statutes is created to read:
- 20.165 (2) (jm) Contractor payments received for regulation. All moneys received by contractors and vendors as payments for services performed for the department relating to the regulation of industry, buildings, and safety under chs. 101 and 145 and ss. 167.10 and 167.27.".
 - **175.** Page 374, line 11: after that line insert:

"Section 9238. Fiscal changes; Safety and Professional Services.

(1) Stretch energy code working group. In the schedule under s. 20.005 (3) for the appropriation to the public service commission under s. 20.165 (2) (j), the dollar amount for fiscal year 2023–24 is increased by \$250,000 to increase the

- authorized FTE positions for the public service commission by 1.0 PR project position, for establishing a working group to evaluate local energy codes that aim to achieve energy savings in all types of buildings.".
- 4 **176.** Page 374, line 11: after that line insert:
- 5 "Section 1036. 101.123 (1) (h) (intro.) of the statutes is amended to read:
- 6 101.123 (1) (h) (intro.) "Smoking" means burning any of the following:
- 7 <u>1m. Burning</u> or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:
- 9 **SECTION 1037.** 101.123 (1) (h) 1. of the statutes is renumbered 101.123 (1) (h)
- 10 1m. a.
- 11 **SECTION 1038.** 101.123 (1) (h) 2. of the statutes is renumbered 101.123 (1) (h)
- 12 1m. b.
- 13 **Section 1039.** 101.123 (1) (h) 2m. of the statutes is created to read:
- 14 101.123 (1) (h) 2m. Inhaling or exhaling vapor from a vapor product.
- **SECTION 1040.** 101.123 (1) (h) 3. of the statutes is renumbered 101.123 (1) (h)
- 16 1m. c.
- **SECTION 1041.** 101.123 (1) (h) 4. of the statutes is renumbered 101.123 (1) (h)
- 18 1m. d.
- **SECTION 1042.** 101.123 (1) (k) of the statutes is created to read:
- 20 101.123 (1) (k) "Vapor product" has the meaning given in s. 139.75 (14).".
- 21 **177.** Page 374, line 11: after that line insert:
- 22 "Section 9238. Fiscal changes; Safety and Professional Services.
- 23 (1) BUILDING PLAN REVIEW; ADVANCE SCHEDULING. In the schedule under s. 20.005
- 24 (3) for the appropriation to the department of safety and professional services under

s. 20.165 (2) (j), the dollar amount for fiscal year 2023–24 is increased by \$470,300 to increase the authorized FTE positions for the public service commission by 7.0 PR positions, for scheduling plan reviews in advance and submitting plans within 48 hours of an appointment. In the schedule under s. 20.005 (3) for the appropriation to the department of safety and professional services under s. 20.165 (2) (j), the dollar amount for fiscal year 2024–25 is increased by \$610,200 to provide funding for the positions authorized under this subsection.

- (2) Building Plan Review; conducting all reviews within 20 days. In the schedule under s. 20.005 (3) for the appropriation to the public service commission under s. 20.165 (2) (j), the dollar amount for fiscal year 2023–24 is increased by \$972,500 to increase the authorized FTE positions for the public service commission by 14.0 PR positions, for conducting all building plan reviews within 20 days of submittal. In the schedule under s. 20.005 (3) for the appropriation to the public service commission under s. 20.165 (2) (j), the dollar amount for fiscal year 2024–25 is increased by \$1,263,000 to provide funding for the positions authorized under this subsection.
- (3) Building Plan Review; Accelerated Review; Small Projects. In the schedule under s. 20.005 (3) for the appropriation to the department of safety and professional services under s. 20.165 (2) (j), the dollar amount for fiscal year 2023–24 is increased by \$270,000 to increase the authorized FTE positions for the public service commission by 4.0 PR positions, for conducting accelerated building plan review of small projects. In the schedule under s. 20.005 (3) for the appropriation to the department of safety and professional services under s. 20.165 (2) (j), the dollar amount for fiscal year 2024–25 is increased by \$350,200 to provide funding for the positions authorized under this subsection.".

178. Page 374, line 11: after that line insert:

"Section 9238. Fiscal changes; Safety and Professional Services.

- (1) Audit program. In the schedule under s. 20.005 (3) for the appropriation to the department of safety and professional services s. 20.165 (2) (j), the dollar amount for fiscal year 2023–24 is increased by \$315,300 to increase the authorized FTE positions for the public service commission by 5.0 PR positions, to implement an audit program for certain building plan review activities and inspections oversight. In the schedule under s. 20.005 (3) for the appropriation to the department of safety and professional services under s. 20.165 (2) (j), the dollar amount for fiscal year 2024–25 is increased by \$408,300 to provide funding for the positions authorized under this subsection.
- (2) Municipal building inspection program. In the schedule under s. 20.005 (3) for the appropriation to the department of safety and professional services s. 20.165 (2) (j), the dollar amount for fiscal year 2023–24 is increased by \$70,800 to increase the authorized FTE positions for the public service commission by 1.0 PR position, to coordinate municipal building inspection programs. In the schedule under s. 20.005 (3) for the appropriation to the department of safety and professional services under s. 20.165 (2) (j), the dollar amount for fiscal year 2024–25 is increased by \$90,400 to provide funding for the position authorized under this subsection.".

179. Page 374, line 11: after that line insert:

"Section 1043. 20.165 (2) (j) of the statutes, as affected by 2017 Wisconsin Act 331, section 2, is amended to read:

20.165 (2) (j) Safety and building operations. The amounts in the schedule for the purposes of chs. 101 and 145 and ss. 167.35, 236.12 (2) (ap), 236.13 (1) (d) and

(2m), and 236.335 and for the purpose of transferring the amounts in the schedule under par. (kf) to the appropriation account under par. (kf). All moneys received under ch. 145 and ss. 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 167.35 (2) (f), and 236.12 (7) shall be credited to this appropriation account.

Section 1044. 20.165 (2) (kf) of the statutes is created to read:

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

SECTION 1045. 145.20 (5) (a) of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

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

25

unit.

1	in governmental units that do not meet the conditions for eligibility under s. 145.246
2	<u>(8).</u>
3	Section 1046. 145.20 (5) (am) of the statutes, as affected by 2017 Wisconsin
4	Act 59, is amended to read:
5	145.20 (5) (am) Each governmental unit responsible for the regulation of
6	private on-site wastewater treatment systems shall adopt and begin the
7	administration of the program established under par. (a) before October 1, 2019. As
8	part of adopting and administering the program, the governmental unit shall
9	conduct and maintain an inventory of all the private on-site wastewater treatment
10	systems located in the governmental unit and shall complete the initial inventory
11	before October 1, 2017. <u>In order to be eligible for grant funding under s. 145.246, a</u>
12	governmental unit must comply with these deadlines.
13	Section 1047. 145.246 of the statutes is created to read:
14	145.246 Private on-site wastewater treatment system replacement or
15	rehabilitation. (1) Definitions. In this section:
16	(a) "Determination of failure" means any of the following:
17	1. A determination that a private on-site wastewater treatment system is
18	failing, according to the criteria under s. 145.01 (4m), based on an inspection of the
19	private on-site wastewater treatment system by an employee of the state or a
20	governmental unit who is certified to inspect private on-site wastewater treatment
21	systems by the department.
22	2. A written enforcement order issued under s. 145.02 (3) (f), 145.20 (2) (f), or
23	281.19 (2).

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

- (b) "Governmental unit" means a governmental unit responsible for the regulation of private on-site wastewater treatment systems. "Governmental unit" also includes a federally recognized American Indian tribe or band.
- (c) "Indian lands" means lands owned by the United States and held for the use or benefit of Indian tribes or bands or individual Indians and lands within the boundaries of a federally recognized reservation that are owned by Indian tribes or bands or individual Indians.
- (d) "Participating governmental unit" means a governmental unit which applies to the department for financial assistance under sub. (7) and which meets the conditions specified under sub. (8).
- (e) "Principal residence" means a residence which is occupied at least 51 percent of the year by the owner.
- (f) "Sewage" means the water-carried wastes created in and to be conducted away from residences, industrial establishments, and public buildings, as defined in s. 101.01 (12), with such surface water or groundwater as may be present.
- (g) "Small commercial establishment" means a commercial establishment or business place with a maximum daily waste water flow rate of less than 5,000 gallons per day.
- (2) Categories of failing private on-site wastewater treatment systems. For the purposes of this section, the department shall establish the category of each failing private on-site wastewater treatment system for which a grant application is submitted, as follows:
- (a) Category 1: failing private on-site wastewater treatment systems described in s. $145.01 \, (4m) \, (a)$ to (c).

- 1 (b) Category 2: failing private on-site wastewater treatment systems described 2 in s. 145.01 (4m) (d).
 - (c) Category 3: failing private on-site wastewater treatment systems described in s. 145.01 (4m) (e).
 - (3) ELIGIBILITY. (a) 1. A person is eligible for grant funds under this section if he or she owns a principal residence which is served by a category 1 or 2 failing private on-site wastewater treatment system, if the private on-site wastewater treatment system was installed at least 33 years before the person submits a grant application, if the family income of the person does not exceed the income limitations under par. (c), if the amount of the grant determined under sub. (6) is at least \$100, if the residence is not located in an area served by a sewer, and if determination of failure is made prior to the rehabilitation or replacement of the failing private on-site wastewater treatment system.
 - 2. A business is eligible for grant funds under this section if it owns a small commercial establishment which is served by a category 1 or 2 failing private on-site wastewater treatment system, if the private on-site wastewater treatment system was installed at least 33 years before the business submits a grant application, if the gross revenue of the business does not exceed the limitation under par. (d), if the small commercial establishment is not located in an area served by a sewer, and if a determination of failure is made prior to the rehabilitation or replacement of the private on-site wastewater treatment system.
 - 3. A person who owns a principal residence or small commercial establishment which is served by a category 1 or 2 failing private on-site wastewater treatment system may submit an application for grant funds during the 3-year period after the determination of failure is made. Grant funds may be awarded after work is

- completed if rehabilitation or replacement of the system meets all requirements of this section and rules promulgated under this section.
- (b) Each principal residence or small commercial establishment may receive only one grant under this section.
- (c) 1. In order to be eligible for grant funds under this section, the annual family income of the person who owns the principal residence may not exceed \$45,000. Beginning July 1, 2024, and annually on July 1 thereafter, the department shall adjust the dollar amount specified in this subdivision by an amount equal to that dollar amount multiplied by the percentage change in the U.S. consumer price index for urban wage earners and clerical workers, U.S. city average, for the prior year, rounded to the nearest dollar. The department shall publish the dollar amounts on its website. Notwithstanding s. 227.10, the adjusted dollar amounts need not be promulgated as rules under ch. 227.
- 2. Except as provided under subd. 4., annual family income shall be based upon the federal adjusted gross income of the owner and the owner's spouse, if any, as computed for the taxable year prior to the year in which the determination of failure is made.
- 3. In order to be eligible for grant funds under this section, a person shall submit a copy of the federal income tax returns upon which the determination of federal adjusted gross income under subd. 2. was made together with any application required by the governmental unit.
- 4. A governmental unit may disregard the federal income tax return that is submitted under subd. 3. and may determine annual family income based upon satisfactory evidence of federal adjusted gross income or projected federal adjusted gross income of the owner and the owner's spouse in the current year. The

- department shall promulgate rules establishing criteria for determining what constitutes satisfactory evidence of federal adjusted gross income or projected federal adjusted gross income in a current year.
- (d) 1. In order to be eligible for grant funds under this section, the annual gross revenue of the business that owns the small commercial establishment may not exceed \$362,500.
- 2. Except as provided in subd. 4., annual gross revenue shall be based upon the gross revenue of the business for the taxable year prior to the year in which the determination of failure is made. The department shall promulgate rules establishing criteria for determining what constitutes satisfactory evidence of gross revenue in a prior taxable year.
- 3. In order to be eligible for grant funds under this section, a business shall submit documentation required by the department under subd. 2. together with any application required by the governmental unit.
- 4. A governmental unit may disregard the documentation of gross revenue for the taxable year prior to the year in which the determination of failure is made and may determine annual gross revenue based upon satisfactory evidence of gross revenue of the business in the current year. The department shall promulgate rules establishing criteria for determining what constitutes satisfactory evidence of gross revenue in a current year.
- (e) The department of revenue shall, upon request by the department, verify the income information submitted by an applicant or grant recipient.
- (4) Denial of application. (a) The department or a governmental unit shall deny a grant application under this section if the applicant or a person who would be directly benefited by the grant intentionally caused the conditions which resulted

in a category 1 or 2 failing private on-site wastewater treatment system. The department or governmental unit shall notify the applicant in writing of a denial, including the reason for the denial.

- (b) The department shall notify a governmental unit if an individual's name appears on the statewide support lien docket under s. 49.854 (2) (b). The department or a governmental unit shall deny an application under this section if the name of the applicant or an individual who would be directly benefited by the grant appears on the statewide support lien docket under s. 49.854 (2) (b), unless the applicant or individual who would be benefited by the grant provides to the department or governmental unit a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).
- (5) USE OF FUNDS. (a) Except for grants under par. (b), funds available under a grant under this section shall be applied to the rehabilitation or replacement of the private on-site wastewater treatment system. An existing private on-site wastewater treatment system may be replaced by an alternative private on-site wastewater treatment system or by a system serving more than one principal residence.
- (b) Funds available under a grant under this section for experimental private on-site wastewater treatment systems shall be applied to the installation and monitoring of the experimental private on-site wastewater treatment systems.
- (6) Allowable costs; state share. (a) Except as provided in par. (e), costs allowable in determining grant funding under this section may not exceed the costs of rehabilitating or replacing a private on-site wastewater treatment system that

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

would be necessary to allow the rehabilitated system or new system to meet the minimum requirements of the state plumbing code promulgated under s. 145.02.

- (b) Except as provided in par. (e), costs allowable in determining grant funding under this section may not exceed the costs of rehabilitating or replacing a private on-site wastewater treatment system by the least costly methods, except that a holding tank may not be used as the measure of the least costly method for rehabilitating or replacing a private on-site wastewater treatment system other than a holding tank.
- (c) Except as provided in pars. (d) and (e), the state grant share under this section is limited to \$7,000 for each principal residence or small commercial establishment to be served by the private on-site wastewater treatment system or to the amount determined by the department based upon private on-site wastewater treatment system grant funding tables, whichever is less. The department shall prepare and publish private on-site wastewater treatment system grant funding tables which specify the maximum state share limitation for various components and costs involved in the rehabilitation or replacement of a private on-site wastewater treatment system based upon minimum size and other requirements specified in the state plumbing code promulgated under s. 145.02. The maximum state share limitations shall be designed to pay approximately 60 percent of the average allowable cost of private on-site wastewater treatment system rehabilitation or replacement based upon estimated or actual costs of that rehabilitation or The department shall revise the grant funding tables when it replacement. determines that 60 percent of current costs of private on-site wastewater treatment system rehabilitation or replacement exceed the amounts in the grant funding tables

by more than 10 percent, except that the department may not revise the grant funding tables more often than once every 2 years.

- (d) Except as provided in par. (e), if the income of a person who owns a principal residence that is served by a category 1 or 2 failing private on-site wastewater treatment system is greater than \$32,000, the amount of the grant under this section is limited to the amount determined under par. (c) less 30 percent of the amount by which the person's income exceeds \$32,000.
- (e) Costs allowable for experimental private on-site wastewater treatment systems shall include the costs of installing and monitoring experimental private on-site wastewater treatment systems installed under s. 145.02 (3) (b) and this section. The department shall promulgate rules that specify how the department will select, monitor, and allocate the state share for experimental private on-site wastewater treatment systems that the department funds under this section.
- (7) APPLICATION. (a) In order to be eligible for a grant under this section, a governmental unit shall make an application for replacement or rehabilitation of private on-site wastewater treatment systems of principal residences or small commercial establishments and shall submit an application for participation to the department. The application shall be in the form and include the information the department prescribes. In order to be eligible for funds available in a fiscal year, an application is required to be received by the department prior to February 1 of the previous fiscal year.
- (b) An American Indian tribe or band may submit an application for participation for any Indian lands under its jurisdiction.
- (8) CONDITIONS; GOVERNMENTAL UNITS. As a condition for obtaining grant funding under this section, a governmental unit shall do all of the following:

1	(a)	Adopt	and	administer	the	maintenance	program	established	under	\mathbf{s}
2	145.20 (5	6).								

- (b) Certify that grants will be used for private on-site wastewater treatment system replacement or rehabilitation for a principal residence or small commercial establishment owned by a person who meets the eligibility requirements under sub. (3), that the funds will be used as provided under sub. (5) and that allowable costs will not exceed the amount permitted under sub. (6).
- (c) Certify that grants will be used for private on-site wastewater treatment systems which will be properly installed and maintained.
- (d) Certify that grants provided to the governmental unit will be disbursed to eligible owners.
- (e) Establish a process for regulation and inspection of private on-site wastewater treatment systems.
- (f) Establish a system of user charges and cost recovery if the governmental unit considers this system to be appropriate. User charges and cost recovery may include the cost of the grant application fee and the cost of supervising installation and maintenance.
- (g) Establish a system which provides for the distribution of grant funds received among eligible applicants based on the amount requested in the application as approved by the department. If the amount received by a county is insufficient to fully fund all grants, the county shall prorate grant funds on the same basis as sub. (12).
- (9) Assistance. The department shall make its staff available to provide technical assistance to each governmental unit. The department shall prepare and

distribute to each participating governmental unit a manual of procedures for the grant program under this section.

- (10) DISTRIBUTION OF LITERATURE. The department shall prepare literature that describes the eligibility for receiving a grant under this section for a principal residence. The department shall supply the literature to counties, and counties shall distribute the literature to recipients of public benefits.
- (11) ALLOCATION OF FUNDS. (a) Determination of eligible applications. At the beginning of each fiscal year the department shall determine the state grant share for applications from eligible owners received by participating governmental units. The department may revise this determination if a governmental unit does not meet the conditions specified under sub. (8) or if it determines that individuals do not meet eligibility requirements under sub. (3).
- (b) *Allocation*. The department shall allocate available funds for grants to each participating governmental unit according to the total amount of the state grant share for all eligible applications received by that governmental unit.
- (c) *Limitation; commercial establishments*. The department may not allocate more than 10 percent of the funds available under this subsection each fiscal year for grants for small commercial establishments.
- (d) Limitation; experimental private on-site wastewater treatment systems. The department may not allocate more than 10 percent of the funds available under this subsection each fiscal year for grants for the installation and monitoring of experimental private on-site wastewater treatment systems.
- (12) PRORATING. (a) Except as provided in par. (d), the department shall prorate available funds under this subsection if funds are not sufficient to fully fund all applications. A prorated payment shall be deemed full payment of the grant.

 $\mathbf{2}$

- (b) Except as provided in par. (d), if funds are sufficient to fully fund all category 1 but not all category 2 failing private on-site wastewater treatment systems, the department shall fully fund all category 1 systems and prorate the funds for category 2 systems on a proportional basis.
- (c) Except as provided in par. (d), if funds are not sufficient to fully fund all category 1 failing private on-site wastewater treatment systems, the department shall fund the category 1 systems on a proportional basis and deny the grant applications for all category 2 systems.
- (d) The department is not required to prorate available funds for grants for the installation and monitoring of experimental private on-site wastewater treatment systems.
- (13) Determination of eligibility; disbursement of grants. (a) The department shall review applications for participation in the state program submitted under sub. (7). The department shall determine if a governmental unit submitting an application meets the conditions specified under sub. (8).
- (b) The department shall promulgate rules which shall define payment mechanisms to be used to disburse grants to a governmental unit.
- (14) Inspection. Agents of the department or the governmental unit may enter premises where private on-site wastewater treatment systems are located pursuant to a special inspection warrant as required under s. 66.0119 to collect samples, records, and information and to ascertain compliance with the rules and orders of the department or the governmental unit.
- (15) Enforcement. (a) If the department has reason to believe that a violation of this section or any rule promulgated under this section has occurred, it may do any of the following:

- 1. Cause written notice to be served upon the alleged violator. The notice shall specify the alleged violation and contain the findings of fact on which the charge of violation is based and may include an order that necessary corrective action be taken within a reasonable time. This order shall become effective unless, no later than 30 days after the date the notice and order are served, the person named in the notice and order requests in writing a hearing before the department. Upon this request and after due notice, the department shall hold a hearing. Instead of an order, the department may require that the alleged violator appear before the department for a hearing at a time and place specified in the notice and answer the charges complained of.
 - 2. Initiate action under sub. (16).
- (b) If after the hearing the department finds that a violation has occurred, it shall affirm or modify its order previously issued or issue an appropriate order for the prevention, abatement, or control of the violation or for other corrective action. If the department finds that no violation has occurred, it shall rescind its order. Any order issued as part of a notice or after hearing may prescribe one or more dates by which necessary action shall be taken in preventing, abating, or controlling the violation.
- (c) Additional grants under this section to a governmental unit previously awarded a grant under this section may be suspended or terminated if the department finds that a private on-site wastewater treatment system previously funded in the governmental unit is not being or has not been properly rehabilitated, constructed, installed, or maintained.
- (16) PENALTIES. Any person who violates this section or a rule or order promulgated under this section shall forfeit not less than \$10 nor more than \$5,000

for each violation. Each day of continued violation is a separate offense. While an order is suspended, stayed, or enjoined, this penalty does not accrue.

SECTION 1048. 281.57 (7) (c) 1. of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

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

Section 9238. Fiscal changes; Safety and Professional Services.

- (1) Private Septic System Plan Review. In the schedule under s. 20.005 (3) for the appropriation to the department of safety and professional services under s. 20.165 (2) (j), the dollar amount for fiscal year 2023–24 is increased by \$123,000 to increase the authorized FTE positions for the public service commission by 2.0 PR positions, for private septic system plan review. In the schedule under s. 20.005 (3) for the appropriation to the department of safety and professional services under s. 20.165 (2) (j), the dollar amount for fiscal year 2024–25 is increased by \$159,000 to provide funding for the positions authorized under this subsection.".
 - **180.** Page 374, line 11: after that line insert:
- "Section 1049. 101.022 of the statutes is amended to read:
 - **101.022 Certain laws applicable to occupational licenses.** Sections 440.03 (1), (3m), (4), (11m), and (13) (a), (am), and (b) 75., 440.05 (1) (a) and (2) (b),

440.07 (2) (b), 440.075, 440.09 (2), 440.11, 440.12, 440.121, 440.13, 440.14, 440.15, 440.19, 440.20 (1), (3), (4) (a), and (5) (a), 440.205, 440.21, and 440.22, and the requirements imposed on the department under those statutes, apply to occupational licenses, as defined in s. 101.02 (1) (a) 2., in the same manner as those statutes apply to credentials, as defined in s. 440.01 (2) (a).

Section 1050. 145.02 (4) (a) of the statutes is amended to read:

145.02 (4) (a) The department shall prescribe rules as to the qualifications, examination and licensing of master and journeyman plumbers and restricted plumber licensees, for the licensing of utility contractors, for the registration of plumbing apprentices and pipe layers and for the registration and training of registered learners. The department may approve, in whole or in part, an examination prepared, administered, and graded by a test service provider. The plumbers council, created under s. 15.407 (16), shall advise the department in formulating the rules.

Section 1051. 145.07 (2) of the statutes is amended to read:

145.07 (2) Application for a master or journeyman plumber's examination, temporary permit or license shall be made to the department with fees. Unless the applicant is entitled to a renewal of license, a license shall be issued only after the applicant passes a satisfactory examination showing fitness. No such license or permit shall be transferable.

Section 9238. Fiscal changes; Safety and Professional Services.

(1) Trade examination providers. In the schedule under s. 20.005 (3) for the appropriation to the department of safety and professional services under s. 20.165 (2) (j), the dollar amount for fiscal year 2023–24 is increased by \$500,000 to procure 3rd-party trade examination services. In the schedule under s. 20.005 (3) for the

husband or wife.

1	appropriation to the department of safety and professional services under s. 20.165
2	(2) (j) , the dollar amount for fiscal year $2024-25$ is increased by \$500,000 to procure
3	3rd-party trade examination services.".
4	181. Page 374, line 11: after that line insert:
5	"Section 9242. Fiscal changes; Technical College System.
6	(1) Youth volunteer firefighter training grant program. In the schedule
7	under s. 20.005 (3) for the appropriation to the technical college system board under
8	s. $20.292(1)(\mathrm{gr})$, the dollar amount for fiscal year 2023 – 24 is increased by \$100,000
9	for the purpose for which the appropriation is made. In the schedule under s. 20.005
10	(3) for the appropriation to the technical college system board under s. $20.292\ (1)\ (gr)$,
11	the dollar amount for fiscal year 2024–25 is increased by \$100,000 for the purpose
12	for which the appropriation is made.".
13	182. Page 374, line 11: after that line insert:
14	"Section 1052. 71.07 (5m) (e) of the statutes is created to read:
15	71.07 (5m) (e) Sunset. No credit may be claimed under this subsection for
16	taxable years beginning after December 31, 2022.
17	Section 1053. 71.07 (5me) of the statutes is created to read:
18	71.07 (5me) Family and individual reinvestment credit. (a) $Definitions$. In
19	this subsection:
20	1. "Claimant" means an individual who is eligible to claim the credit under this
21	subsection.
22	2. "Household" means a claimant and an individual related to the claimant as

- 3. "Net tax liability" means a claimant's income tax liability after he or she completes the computations for nonrefundable credits listed in s. 71.10 (4) (a) to (gy).
- (b) *Filing claims*. For taxable years beginning after December 31, 2022, and subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, one of the following amounts:
- 1. If the claimant is single or files as a head of household and his or her adjusted gross income is less than \$100,000 in the year to which the claim relates, the greater of \$100 or an amount equal to 10 percent of his or her net tax liability.
- 2. If the claimant is single or files as a head of household and his or her adjusted gross income is at least \$100,000 but less than \$120,000 in the year to which the claim relates, an amount that is calculated as follows:
- a. Calculate the value of a fraction, the denominator of which is \$20,000 and the numerator of which is the difference between the claimant's adjusted gross income and \$100,000.
 - b. Subtract from 1.0 the amount that is calculated under subd. 2. a.
 - c. Multiply the amount that is calculated under subd. 2. b. by 10 percent.
- d. Multiply the amount of the claimant's net income tax liability by the amount that is calculated under subd. 2. c.
- 3. If the claimant is married and filing jointly and the sum of the claimant's adjusted gross income and his or her spouse's adjusted gross income is less than \$150,000 in the year to which the claim relates, the greater of \$100 or an amount equal to 10 percent of the married couple's net tax liability.
- 4. If the claimant is married and filing jointly and the sum of the claimant's adjusted gross income and his or her spouse's adjusted gross income is at least

9

10

11

12

13

14

15

16

17

18

19

- \$150,000 but less than \$175,000 in the year to which the claim relates, an amount that is calculated as follows:

 a. Calculate the value of a fraction, the denominator of which is \$25,000 and the numerator of which is the difference between the married couple's adjusted gross income and \$150,000.

 b. Subtract from 1.0 the amount that is calculated under subd. 4. a.

 c. Multiply the amount that is calculated under subd. 4. b. by 10 percent.
 - d. Multiply the amount of the married couple's net income tax liability by the amount that is calculated under subd. 4. c.
 - 5. If the claimant is married and filing separately and his or her adjusted gross income is less than \$75,000 in the year to which the claim relates, the greater of \$50 or an amount equal to 10 percent of his or her net tax liability.
 - 6. If the claimant is married and filing separately and his or her adjusted gross income is at least \$75,000 but less than \$87,500 in the year to which the claim relates, an amount that is calculated as follows:
 - a. Calculate the value of a fraction, the denominator of which is \$12,500 and the numerator of which is the difference between the claimant's adjusted gross income and \$75,000.
 - b. Subtract from 1.0 the amount that is calculated under subd. 6. a.
 - c. Multiply the amount that is calculated under subd. 6. b. by 10 percent.
- d. Multiply the amount of the claimant's net income tax liability by the amount that is calculated under subd. 6. c.
- 23 (c) *Limitations*. 1. No credit may be allowed under this subsection unless it is claimed within the period under s. 71.75 (2).

	2.	Part-year residents	and nonresi	dents of th	is state ai	re not	eligible f	or the
C	redit ı	ander this subsection.						

- 3. Except as provided in subd. 4., only one credit per household is allowed each year.
- 4. If a married couple files separately, each spouse may claim the credit calculated under par. (b) 5. or 6., except a married person living apart from the other spouse and treated as single under section 7703 (b) of the Internal Revenue Code may claim the credit under par. (b) 1. or 2.
- 5. The credit under this subsection may not be claimed by a person who may be claimed as a dependent on the individual income tax return of another taxpayer.
- (d) *Administration*. The department of revenue may enforce the credit under this subsection and may take any action, conduct any proceeding, and proceed as it is authorized in respect to taxes under this chapter. The income tax provisions in this chapter relating to assessments, refunds, appeals, collection, interest, and penalties apply to the credit under this subsection.

SECTION 1054. 71.10 (4) (gye) of the statutes is created to read:

- 71.10 (4) (gye) Family and individual reinvestment credit under s. 71.07 (5me).".
 - **183.** Page 374, line 11: after that line insert:
- "Section 1055. 71.07 (8p) of the statutes is created to read:
- 21 71.07 (**8p**) Family Caregiver tax credit. (a) *Definitions*. In this subsection:
 - 1. "Claimant" means an individual who files a claim under this subsection for amounts paid for qualified expenses to benefit a qualified family member.
 - 2. "Physician" has the meaning given in s. 36.60 (1) (b).

3. "Qualified expenses" means amounts paid by a claimant in the year to which
the claim relates for items that relate directly to the care or support of a qualified
family member, including the following:
a. The improvement or alteration of the claimant's primary residence to enable

- a. The improvement or alteration of the claimant's primary residence to enable or assist the qualified family member to be mobile, safe, or independent.
- b. The purchase or lease of equipment to enable or assist the qualified family member to carry out one or more activities of daily living.
- c. The acquisition of goods or services, or support, to assist the claimant in caring for the qualified family member, including employing a home care aide or personal care attendant, adult day care, specialized transportation, legal or financial services, or assistive care technology.
- 4. "Qualified family member" means an individual to whom all of the following apply:
- a. The individual is at least 18 years of age during the taxable year to which the claim relates.
- b. The individual requires assistance with one or more daily living activities, as certified in writing by a physician.
 - c. The individual is the claimant's family member, as defined in s. 46.2805 (6m).
- (b) *Filing claims*. For taxable years beginning after December 31, 2022, and subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, 50 percent of the claimant's qualified expenses.
- (c) *Limitations*. 1. Subject to subds. 2. and 3., the maximum credit that may be claimed under this subsection each taxable year with regard to a particular qualified family member is \$500 or, if a claimant is married and filing a separate

- return, \$250. If more than one individual may file a claim under this subsection for a particular qualified family member, the maximum credit specified in this subdivision shall be apportioned among all eligible claimants based on the ratio of their qualified expenses to the total amount of all qualified expenses incurred on behalf of that particular qualified family member, as determined by the department.
- 2. If the claimant is married and filing jointly and the couple's federal adjusted gross income in the taxable year exceeds \$170,000, no credit may be claimed under this subsection. If the claimant is married and filing jointly and the couple's federal adjusted gross income in the taxable year exceeds \$150,000, but does not exceed \$170,000, the credit claimed under this subsection may not exceed the amount determined as follows:
- a. Determine the amount allowed under par. (b) without regard to this subdivision but with regard to subd. 1.
 - b. Subtract \$150,000 from the couple's federal adjusted gross income.
 - c. Divide the amount determined under subd. 2. b. by \$20,000.
- d. Multiple the amount determined under subd. 2. a. by the amount determined under subd. 2. c.
- e. Subtract the amount determined under subd. 2. d. from the amount determined under subd. 2. a.
- 3. If the claimant files as a single individual or head of household, or is married and files separately, and the claimant's federal adjusted gross income in the taxable year exceeds \$85,000, no credit may be claimed under this subsection. If the claimant files as a single individual or head of household, or is married and files separately, and the claimant's federal adjusted gross income in the taxable year exceeds \$75,000,

13

14

15

16

17

18

20

21

- but does not exceed \$85,000, the credit claimed under this subsection may not exceed the amount determined as follows:
- a. Determine the amount allowed under par. (b) without regard to this subdivision but with regard to subd. 1.
 - b. Subtract \$75,000 from the claimant's federal adjusted gross income.
- 6 c. Divide the amount determined under subd. 3. b. by \$10,000.
- 7 d. Multiple the amount determined under subd. 3. a. by the amount determined under subd. 3. c.
- 9 e. Subtract the amount determined under subd. 3. d. from the amount determined under subd. 3. a.
- 4. No credit may be allowed under this subsection unless it is claimed within the period specified under s. 71.75 (2).
 - 5. No credit may be claimed under this subsection by nonresidents or part-year residents of this state.
 - 6. Qualified expenses may not include any of the following:
 - a. General food, clothing, or transportation expenses.
 - b. Ordinary household maintenance or repair expenses that are not directly related or necessary for the care of the qualified family member.
- c. Any amount that is paid or reimbursed by insurance or other means.
 - 7. No credit may be allowed under this subsection for a taxable year covering a period of less than 12 months, except for a taxable year closed by reason of the death of the taxpayer.
- 23 (d) *Administration*. Subsection (9e) (d), to the extent that it applies to the credit under that subsection, applies to the credit under this subsection.
- **Section 1056.** 71.10 (4) (hd) of the statutes is created to read:

13

14

15

16

17

18

21

22

23

24

71.34 (1k) (g).

- 1 71.10 (4) (hd) Family caregiver tax credit under s. 71.07 (8p).".
- 2 **184.** Page 374, line 11: after that line insert:
- 3 "**Section 1057.** 71.05 (6) (a) 15. of the statutes is amended to read:
- 71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dm), (2dx), (2dy), (3g), (3h), (3n), (3q), (3s), (3t), (3w), (3wm), (3y), (4k), (4n), (5e), (5i), (5j), (5k), (5r), (5rm), (6n), (8m), and (10) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, company's, or tax-option corporation's income under s. 71.21 (4) or
- 10 **Section 1058.** 71.07 (8m) of the statutes is created to read:
- 11 71.07 (8m) Universal changing station credit. (a) Definitions. In this subsection:
 - 1. "Claimant" means a sole proprietor, a partner of a partnership, a member of a limited liability company, or a shareholder of a tax-option corporation who files a claim under this subsection and meets either of the following conditions during the preceding taxable year:
 - a. Had gross receipts that did not exceed \$1,000,000.
 - b. Employed no more than 30 full-time employees.
- 2. "Full-time employee" means an individual who is employed for at least 30 hours per week for 20 or more calendar weeks during a taxable year.
 - 3. "Universal changing station" means a powered and height-adjustable adult changing table that is either floor mounted or wall mounted with a safety rail and can be used by an individual with a disability of either sex and the individual's care provider for personal hygiene and that satisfies all of the following:

- a. The changing table can lower to a height of 8 inches and raise to a height of 34 inches.
 - b. The changing table is at least 31 inches wide by 72 inches long.
 - c. The changing table supports at least 350 pounds.
 - (b) *Filing claims*. For taxable years beginning after December 31, 2022, subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, an amount equal to 50 percent of the amount the claimant paid during the taxable year to install a universal changing station.
 - (c) *Limitations*. 1. No credit may be claimed under this subsection unless the universal changing station is installed in a single-occupant restroom that measures at least 8 feet by 10 feet, with adequate space for a wheelchair and a care provider to maneuver; that is equipped with a waste receptacle, a toilet, a lavatory, a soap dispenser, and a paper towel dispenser; and that complies with accessibility standards under the federal Americans with Disabilities Act.
 - 2. The credit claimed under this subsection may not exceed \$5,125.
 - 3. Partnerships, limited liability companies, and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on the amounts paid by the entity. A partnership, limited liability company, or tax-option corporation shall compute the amount of credit that each of its partners, members, or shareholders may claim and shall provide that information to each of them. Partners, members, and shareholders may claim the credit in proportion to their ownership interests.
 - (d) *Administration*. Section 71.28 (4) (e) to (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.

- **Section 1059.** 71.10 (4) (ha) of the statutes is created to read:
- 2 71.10 (4) (ha) Universal changing station credit under s. 71.07 (8m).
- 3 **Section 1060.** 71.21 (4) (a) of the statutes is amended to read:
- 4 71.21 (4) (a) The amount of the credits computed by a partnership under s.
- 5 71.07 (2dm), (2dx), (2dy), (3g), (3h), (3n), (3q), (3s), (3t), (3w), (3wm), (3y), (4k), (4n),
- 6 (5e), (5g), (5i), (5j), (5k), (5r), (5rm), (6n), (8m), and (10) and passed through to
- 7 partners shall be added to the partnership's income.
- 8 **Section 1061.** 71.26 (2) (a) 4. of the statutes is amended to read:
- 9 71.26 (2) (a) 4. Plus the amount of the credit computed under s. 71.28 (1dm),
- 10 (1dx), (1dy), (3g), (3h), (3n), (3q), (3t), (3w), (3wn), (3y), (5e), (5g), (5i), (5j), (5k), (5r),
- 11 (5rm), (6n), (8m), and (10) and not passed through by a partnership, limited liability
- company, or tax-option corporation that has added that amount to the partnership's,
- limited liability company's, or tax-option corporation's income under s. 71.21 (4) or
- 14 71.34 (1k) (g).
- **SECTION 1062.** 71.28 (8m) of the statutes is created to read:
- 16 71.28 (8m) Universal changing station credit. (a) Definitions. In this
- 17 subsection:
- 18 1. "Claimant" means a person who files a claim under this subsection and meets
- either of the following conditions during the preceding taxable year:
- a. Had gross receipts that did not exceed \$1,000,000.
- b. Employed no more than 30 full-time employees.
- 22 2. "Full-time employee" means an individual who is employed for at least 30
- hours per week for 20 or more calendar weeks during a taxable year.
- 3. "Universal changing station" has the meaning given in s. 71.07 (8m) (a) 3.

- (b) *Filing claims*. For taxable years beginning after December 31, 2022, subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.23, up to the amount of those taxes, an amount equal to 50 percent of the amount the claimant paid during the taxable year to install a universal changing station.
- (c) *Limitations*. 1. No credit may be claimed under this subsection unless the universal changing station is installed in a single-occupant restroom that measures at least 8 feet by 10 feet, with adequate space for a wheelchair and a care provider to maneuver; that is equipped with a waste receptacle, a toilet, a lavatory, a soap dispenser, and a paper towel dispenser; and that complies with accessibility standards under the federal Americans with Disabilities Act.
 - 2. The credit claimed under this subsection may not exceed \$5,125.
- 3. Partnerships, limited liability companies, and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on the amounts paid by the entity. A partnership, limited liability company, or tax-option corporation shall compute the amount of credit that each of its partners, members, or shareholders may claim and shall provide that information to each of them. Partners, members, and shareholders may claim the credit in proportion to their ownership interests.
- (d) *Administration*. Sub. (4) (e) to (h), as it applies to the credit under sub. (4), applies to the credit under this subsection.
- **Section 1063.** 71.30 (3) (cu) of the statutes is created to read:
- 23 71.30 (3) (cu) Universal changing station credit under s. 71.28 (8m).
- **SECTION 1064.** 71.34 (1k) (g) of the statutes is amended to read:

71.34 **(1k)** (g) An addition shall be made for credits computed by a tax-option corporation under s. 71.28 (1dm), (1dx), (1dy), (3), (3g), (3h), (3n), (3q), (3t), (3w), (3wm), (3y), (4), (5), (5e), (5g), (5i), (5j), (5k), (5r), (5rm), (6n), (8m), and (10) and passed through to shareholders.

SECTION 1065. 71.45 (2) (a) 10. of the statutes is amended to read:

71.45 (2) (a) 10. By adding to federal taxable income the amount of credit computed under s. 71.47 (1dm) to (1dy), (3g), (3h), (3n), (3q), (3w), (3y), (5e), (5g), (5i), (5j), (5k), (5r), (5rm), (6n), (8m), and (10) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, limited liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g) and the amount of credit computed under s. 71.47 (3), (3t), (4), (4m), and (5).

Section 1066. 71.47 (8m) of the statutes is created to read:

- 71.47 **(8m)** Universal changing station credit. (a) *Definitions*. In this subsection:
- 1. "Claimant" means a person who files a claim under this subsection and meets either of the following conditions during the preceding taxable year:
 - a. Had gross receipts that did not exceed \$1,000,000.
 - b. Employed no more than 30 full-time employees.
- 2. "Full-time employee" means an individual who is employed for at least 30 hours per week for 20 or more calendar weeks during a taxable year.
 - 3. "Universal changing station" has the meaning given in s. 71.07 (8m) (a) 3.
 - (b) *Filing claims*. For taxable years beginning after December 31, 2022, subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.43, up to the amount of those taxes, an amount

- equal to 50 percent of the amount the claimant paid during the taxable year to install a universal changing station.
 - (c) *Limitations*. 1. No credit may be claimed under this subsection unless the universal changing station is installed in a single-occupant restroom that measures at least 8 feet by 10 feet, with adequate space for a wheelchair and a care provider to maneuver; that is equipped with a waste receptacle, a toilet, a lavatory, a soap dispenser, and a paper towel dispenser; and that complies with accessibility standards under the federal Americans with Disabilities Act.
 - 2. The credit claimed under this subsection may not exceed \$5,125.
 - 3. Partnerships, limited liability companies, and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on the amounts paid by the entity. A partnership, limited liability company, or tax-option corporation shall compute the amount of credit that each of its partners, members, or shareholders may claim and shall provide that information to each of them. Partners, members, and shareholders may claim the credit in proportion to their ownership interests.
 - (d) *Administration*. Section 71.28 (4) (e) to (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.
- **Section 1067.** 71.49 (1) (cu) of the statutes is created to read:
- 20 71.49 (1) (cu) Universal changing station credit under s. 71.47 (8m).".
- **185.** Page 374, line 11: after that line insert:
- **"Section 1068.** 71.26 (3) (j) of the statutes is amended to read:
- 71.26 (3) (j) Sections 243, 244, 245, 245A, 246 and 246A are excluded and replaced by the rule that corporations may deduct from income dividends received

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

from a corporation with respect to its common stock if the corporation receiving the dividends owns, directly or indirectly, during the entire taxable year at least 70 percent of the total combined voting stock of the payor corporation. In this paragraph, "dividends received" means gross dividends minus taxes on those dividends paid to a foreign nation and claimed as a deduction under this chapter. The same dividends may not be deducted more than once and may not be used in the determination of a net business loss under ss. 71.26 (4) and 71.45 (4).

Section 1069. 71.26 (4) (a) of the statutes is amended to read:

71.26 (4) (a) Except as provided in par. (b) and s. 71.80 (25), a corporation, except a tax-option corporation or an insurer to which s. 71.45 (4) applies, may offset against its Wisconsin net business income any Wisconsin net business loss incurred in any of the 20 immediately preceding taxable years, if the corporation was subject to taxation under this chapter in the taxable year in which the loss was incurred, to the extent not offset by other items of Wisconsin income in the loss year and by Wisconsin net business income of any year between the loss year and the taxable year for which an offset is claimed. For purposes of this subsection, Wisconsin net business income or loss shall consist of all the income attributable to the operation of a trade or business in this state, less the business expenses allowed as deductions in computing net income, except that the dividends received deduction under sub. (3) (j) may not be used in the determination of a net business loss. The Wisconsin net business income or loss of corporations engaged in business within and without the state shall be determined under s. 71.25 (6) and (10) to (12). Nonapportionable losses having a Wisconsin situs under s. 71.25 (5) (b) shall be included in Wisconsin net business loss; and nonapportionable income having a Wisconsin situs under s. 71.25

(5) (b), whether taxable or exempt, shall be included in other items of Wisconsin income and Wisconsin net business income for purposes of this subsection.

SECTION 1070. 71.45 (4) (a) of the statutes is amended to read:

71.45 (4) (a) Except as provided in par. (b) and s. 71.80 (25), insurers computing tax under this subchapter may subtract from Wisconsin net income any Wisconsin net business loss incurred in any of the 20 immediately preceding taxable years, if the insurer was subject to taxation under this chapter in the taxable year in which the loss was incurred, to the extent not offset by Wisconsin net business income of any year between the loss year and the taxable year for which an offset is claimed and computed without regard to sub. (2) (a) 8. and 9. and this subsection and limited to the amount of net income, but no loss incurred for a taxable year before taxable year 1987 by a nonprofit service plan of sickness care under ch. 148, or dental care under s. 447.13 may be treated as a net business loss of the successor service insurer under ch. 613 operating by virtue of s. 148.03 or 447.13. For purposes of this paragraph, the dividends received deduction under s. 71.26 (3) (j) may not be used in the determination of a net business loss."

SECTION 9337. Initial applicability; Revenue.

- (1) DIVIDENDS RECEIVED DEDUCTION. The treatment of ss. 71.26 (3) (j) and (4) (a) and 71.45 (4) (a) first applies to taxable years beginning after December 31, 2022.".
 - **186.** Page 374, line 11: after that line insert:
- **"Section 1071.** 71.05 (8) (a) of the statutes is amended to read:
 - 71.05 (8) (a) The carry back of losses to reduce income of prior years may be permitted for 2 taxable years. There shall be added any amount deducted as a federal net operating loss carry-back or carry-over and there shall be subtracted for the first

taxable year for which the subtraction may be made any Wisconsin net operating loss carry-back or carry-forward allowable under par. (b) in an amount not in excess of the Wisconsin taxable income computed before the deduction of the Wisconsin net operating loss carry-back or carry-forward.

SECTION 1072. 71.05 (8) (b) 1. of the statutes is renumbered 71.05 (8) (b) and amended to read:

71.05 (8) (b) Except as provided in s. 71.80 (25), a Wisconsin net operating loss may be carried back against Wisconsin taxable income of the previous 2 years and then carried forward against Wisconsin taxable incomes of the next 20 taxable years, if the taxpayer was subject to taxation under this chapter in the taxable year in which the loss was incurred, to the extent not offset against other income of the year of loss and to the extent not offset against Wisconsin modified taxable income of the 2 years preceding the loss and of any year between the loss year and the taxable year for which the loss carry-forward is claimed. In this paragraph, "Wisconsin modified taxable income" means Wisconsin taxable income with the following exceptions: a net operating loss deduction or offset for the loss year or any taxable year before or thereafter is not allowed, the deduction for long-term capital gains under subs. (6) (b) 9. and 9m., (25), and (25m) is not allowed, the amount deductible for losses from sales or exchanges of capital assets may not exceed the amount includable in income for gains from sales or exchanges of capital assets and "Wisconsin modified taxable income" may not be less than zero.

Section 1073. 71.05 (8) (b) 2. of the statutes is repealed.

Section 1074. 71.05 (8) (c) of the statutes is repealed.

Section 1075. 71.80 (25) (a) of the statutes is renumbered 71.80 (25) and amended to read:

71.80 **(25)** Net operating and business loss carry-forward and carry-back. No offset of Wisconsin income may be made under s. 71.05 (8) (b) 1., 71.26 (4) (a), or 71.45 (4) (a) unless the incurred loss was computed on a return that was filed within 4 years of the unextended due date for filing the original return for the taxable year in which the loss was incurred.

SECTION 1076. 71.80 (25) (b) of the statutes is repealed.

Section 9337. Initial applicability; Revenue.

- (1) Net operating losses. The treatment of ss. 71.05 (8) (a), (b) 1. and 2., and (c) and 71.80 (25) (a) and (b) first applies to taxable years beginning after December 31, 2022.".
 - **187.** Page 374, line 11: after that line insert:

12 "Section 1077. 71.05 (6) (b) 4. (intro.) of the statutes is amended to read:

71.05 (6) (b) 4. (intro.) Disability For taxable years beginning before January 1, 2023, disability payments other than disability payments that are paid from a retirement plan, the payments from which are exempt under subd. subds. 54. and 54m. and sub. (1) (am) and (an), if the individual either is single or is married and files a joint return and is under 65 years of age before the close of the taxable year to which the subtraction relates, retired on disability, and, when the individual retired, was permanently and totally disabled. In this subdivision, "permanently and totally disabled" means an individual who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered permanently and totally disabled for purposes of this

subdivision unless proof is furnished in such form and manner, and at such times, as prescribed by the department. The exclusion under this subdivision shall be determined as follows:

Section 1078. 71.05 (6) (b) 4m. of the statutes is created to read:

71.05 (6) (b) 4m. For taxable years beginning after December 31, 2022, disability payments other than disability payments that are paid from a retirement plan, the payments from which are exempt under subds. 54. and 54m. and sub. (1) (am) and (an), if the individual is under 65 years of age before the close of the taxable year to which the subtraction relates, retired on disability, and, when the individual retired, was permanently and totally disabled. In this subdivision, "permanently and totally disabled" means an individual who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered permanently and totally disabled for purposes of this subdivision unless proof is furnished in such form and manner, and at such times, as prescribed by the department. The exclusion under this subdivision shall be determined as follows:

- a. If the individual is single or files as a head of household and the individual's federal adjusted gross income in the year to which the subtraction relates is less than \$30,000, the maximum subtraction is \$5,500 or the amount of disability pay reported as income, whichever is less.
- b. If the individual is married and is a joint filer and the couple's federal adjusted gross income in the year to which the subtraction relates is less than

23

subsection.

1	\$60,000, the maximum subtraction is \$5,500 per spouse that is disabled or the
2	amount of disability pay reported as income, whichever is less.
3	c. If the individual is married and files a separate return and the sum of both
4	spouses' federal adjusted gross income in the year to which the subtraction relates
5	is less than \$60,000, the maximum subtraction is \$5,500 or the amount of disability
6	pay reported as income, whichever is less.".
7	188. Page 374, line 11: after that line insert:
8	Section 1079. 77.54 (62) of the statutes is repealed.
9	Section 9437. Effective dates; Revenue.
10	(1) Sales and use tax exemption for farm-raised deer. The treatment of s.
11	$77.54\ (62)$ takes effect on the first day of the 3rd month beginning after publication.".
12	189. Page 374, line 11: after that line insert:
13	"Section 1080. 238.399 (3) (a) of the statutes is amended to read:
14	238.399 (3) (a) The corporation may designate any number of not more than
15	30 enterprise zones in this state.
16	Section 1081. 238.399 (3) (am) of the statutes is repealed.
L7	Section 1082. 238.399 (3) (em) of the statutes is created to read:
18	238.399 (3) (em) If the corporation revokes all certifications for tax benefits
19	within a designated enterprise zone or all certifications for tax benefits within a
20	designated enterprise zone expire, the corporation may cancel the designation of that
21	enterprise zone. After canceling the designation of an enterprise zone, the

corporation may designate a new enterprise zone subject to the limits under this

1	SECTION 9149. Nonstatutory provisions; Wisconsin Economic
2	Development Corporation.
3	(1) Enterprise zone designation limit. The treatment of s. 238.399 (3) (a) may
4	not be construed to require that the Wisconsin Economic Development Corporation
5	revoke a certification for tax benefits under s. 238.399 that is in effect on the effective
6	date of this subsection.".
7	190. Page 374, line 11: after that line insert:
8	"Section 1. 139.44 (4) of the statutes is amended to read:
9	139.44 (4) Any person who refuses to permit the examination or inspection
10	authorized in s. 139.39 (2) or 139.83 $\underline{(1)}$ may be fined not more than \$500 or
11	imprisoned not more than 90 days or both. Such refusal shall be cause for immediate
12	suspension or revocation of permit by the secretary.
13	Section 2. 139.75 (1m) of the statutes is created to read:
14	139.75 (1m) "Cigar" means a roll, of any size or shape, of tobacco for smoking
15	that is made wholly or in part of tobacco, regardless of whether the tobacco is pure,
16	flavored, adulterated, or mixed with an ingredient, if the roll has a wrapper made
17	wholly or in part of tobacco.
18	Section 3. 139.75 (4t) of the statutes is created to read:
19	139.75(4t) "Little cigar" means a cigar that has an integrated cellulose acetate
20	filter and is wrapped in a substance containing tobacco.
21	Section 4. 139.75 (12) of the statutes is amended to read:
22	139.75 (12) "Tobacco products" means cigars; <u>little cigars</u> ; cheroots; stogies;
23	periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco;
24	snuff, including moist snuff; snuff flour; cavendish; plug and twist tobacco; fine cut

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco products" does not include cigarettes, as defined under s. 139.30 (1m).

Section 5. 139.76 (1) of the statutes is amended to read:

139.76 (1) An excise tax is imposed upon the sale, offering or exposing for sale, possession with intent to sell or removal for consumption or sale or other disposition for any purpose of tobacco products by any person engaged as a distributor of them at the rate, for tobacco products, not including moist snuff and vapor products, of 71 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products and, for moist snuff, at the rate of 100 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products. The tax imposed under this subsection on cigars shall not exceed an amount equal to 50 cents for each cigar. On products imported from another country, not including moist snuff and vapor products, the rate of tax is 71 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties and transportation costs to the United States. On moist snuff imported from another country, the rate of the tax is 100 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties, and transportation costs to the United States. The tax attaches at the time the tobacco products are received by the distributor in this state. The tax shall be passed on to the ultimate consumer of the tobacco products. All tobacco products received in this state for sale or distribution within this state, except tobacco products actually sold as provided in sub. (2), shall be subject to such tax.

SECTION 6u. 139.76 (1) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

139.76 (1) An excise tax is imposed upon the sale, offering or exposing for sale, possession with intent to sell or removal for consumption or sale or other disposition for any purpose of tobacco products by any person engaged as a distributor of them at the rate, for tobacco products, not including moist snuff and vapor products little cigars, of 71 percent of the manufacturer's list price and, for moist snuff, at the rate of 100 percent of the manufacturer's list price. The tax imposed under this subsection on cigars, except little cigars, shall not exceed an amount equal to 50 cents for each cigar. The tax attaches at the time the tobacco products are received by the distributor in this state. The tax shall be passed on to the ultimate consumer of the tobacco products. All tobacco products received in this state for sale or distribution within this state, except tobacco products actually sold as provided in sub. (2), shall be subject to such tax.

Section 7. 139.76 (1b) of the statutes is created to read:

139.76 (**1b**) The tax under sub. (1) is imposed on little cigars at the rate of 126 mills on each little cigar, regardless of weight. To evidence payment of the tax imposed under this section on little cigars, the department shall provide stamps. A person who has paid the tax shall affix stamps of the proper denomination to each package in which little cigars are packed, prior to the first sale within this state. Section 139.32 as it applies to the tax under s. 139.31 applies to the tax imposed under this section on little cigars.

Section 8. 139.78 (1) of the statutes is amended to read:

139.78 (1) A tax is imposed upon the use or storage by consumers of tobacco products in this state at the rate, for tobacco products, not including moist snuff and

 $\mathbf{2}$

vapor products, of 71 percent of the cost of the tobacco products manufacturer's list price and, for moist snuff, at the rate of 100 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products. The tax imposed under this subsection on cigars shall not exceed an amount equal to 50 cents for each cigar. The tax does not apply if the tax imposed by s. 139.76 (1) on the tobacco products has been paid or if the tobacco products are exempt from the tobacco products tax under s. 139.76 (2).

SECTION 9u. 139.78 (1) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

139.78 (1) A tax is imposed upon the use or storage by consumers of tobacco products in this state at the rate, for tobacco products, not including moist snuff and vapor products little cigars, of 71 percent of the manufacturer's list price and, for moist snuff, at the rate of 100 percent of the manufacturer's list price. The tax imposed under this subsection on cigars, except little cigars, shall not exceed an amount equal to 50 cents for each cigar. The tax does not apply if the tax imposed by s. 139.76 (1) on the tobacco products has been paid or if the tobacco products are exempt from the tobacco products tax under s. 139.76 (2).

Section 10. 139.78 (1b) of the statutes is created to read:

139.78 (**1b**) A tax is imposed and levied upon the use or storage of little cigars in this state by any person for any purpose. The tax is levied and shall be collected at the same rate as provided for in s. 139.76 (1b). The tax under this subsection does not apply if the tax imposed by s. 139.76 (1) has been paid or if the little cigars are exempt from tax under s. 139.76 (2).

Section 11. 139.83 of the statutes is renumbered 139.83 (1).

Section 12. 139.83 (2) of the statutes is created to read:

139.83 (2) Sections 139.315, 139.32, 139.321, 139.322, 139.34, 139.35, 139.36,
139.362, 139.363, 139.38, 139.395, 139.41, 139.42, 139.43, and 139.44 (8), as they
apply to the taxes under subch. II, apply to the administration and enforcement of
this subchapter for little cigars.
Section 9437. Effective dates; Revenue.
$(1) \ \ Little \ cigars. \ The \ treatment \ of \ ss. \ 139.44 \ (4), \ 139.75 \ (1m), \ (4t), \ and \ (12), \ (4t), \ (4t),$
139.76 (1) (by Section 6u) and (1b), and 139.78 (1) (by Section 9u) and (1b), the
renumbering of s. 139.83, and the creation of s. 139.83 (2) take effect on the first day
of the 3rd month beginning after publication.".
191. Page 374, line 11: after that line insert:
"Section 1083. 71.07 (3w) (a) 2m. of the statutes is created to read:
71.07 (3w) (a) 2m. "Contract" means the contract between the claimant and the
Wisconsin Economic Development Corporation under s. 238.399.
Section 1084. 71.07 (3w) (a) 6. of the statutes is renumbered 71.07 (3w) (a) 6.
a. and amended to read:
71.07 (3w) (a) 6. a. "Zone payroll" means the amount of state payroll that is
attributable to wages paid to full-time employees for services that are performed in
an enterprise zone. "Zone Except as provided in subd. 6. b., "zone payroll" does not
include the amount of wages paid to any full-time employees that exceeds \$100,000.
Section 1085. 71.07 (3w) (a) 6. b. of the statutes is created to read:
71.07 (3w) (a) 6. b. For a claimant whose contract is executed after December
31, 2023, "zone payroll" does not include the amount of wages paid to any full-time
employees that exceeds \$141,300.

Section 1086. 71.07 (3w) (b) (intro.) of the statutes is amended to read:

 $\mathbf{2}$

71.07 (**3w**) (b) *Filing claims <u>under pre-2024 contracts</u>; payroll.* (intro.) Subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant <u>whose contract is executed prior to January 1, 2024</u>, may claim as a credit against the tax imposed under s. 71.02 or 71.08 an amount calculated as follows:

Section 1087. 71.07 (3w) (bd) of the statutes is created to read:

71.07 (**3w**) (bd) Filing claims under post-2023 contracts; payroll. Subject to the limitations provided in this subsection and s. 238.399, a claimant whose contract is executed after December 31, 2023, may claim as a credit against the tax imposed under s. 71.02 an amount calculated as follows:

- 1. Determine the amount that is the lesser of:
- a. The number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year, minus the number of full-time employees whose annual wages were greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the area that comprises the enterprise zone in the base year.
- b. The number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the state in the taxable year, minus the number of full-time employees whose annual wages were greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the state in the base year.
- 2. Determine the claimant's average zone payroll by dividing total wages for full-time employees whose annual wages are greater than \$32,000 in a tier I county

- or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year by the number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year.
- 3. For employees in a tier I county or municipality, subtract \$32,000 from the amount determined under subd. 2. and for employees in a tier II county or municipality, subtract \$42,390 from the amount determined under subd. 2.
- 4. Multiply the amount determined under subd. 3. by the amount determined under subd. 1.
- 5. Multiply the amount determined under subd. 4. by the percentage determined by under s. 238.399, not to exceed 7 percent.

Section 1088. 71.07 (3w) (bm) 1. of the statutes is amended to read:

71.07 (3w) (bm) 1. In addition to the credits under par. pars. (b) and (bd) and subds. 2., 3., and 4. to 5., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 an amount equal to a percentage, as determined under s. 238.399 or s. 560.799, 2009 stats., not to exceed 100 percent, of the amount the claimant paid in the taxable year to upgrade or improve the job-related skills of any of the claimant's full-time employees, to train any of the claimant's full-time employees on the use of job-related new technologies, or to provide job-related training to any full-time employee whose employment with the claimant represents the employee's first full-time job. This subdivision does not apply to employees who do not work in an enterprise zone.

 $\mathbf{2}$

SECTION 1089. 71.07 (3w) (bm) 2. of the statutes is renumbered 71.07 (3w) (bm) 2. (intro.) and amended to read:

71.07 (**3w**) (bm) 2. (intro.) In addition to the credits under par. pars. (b) and (bd) and subds. 1., 3., and 4., and 5., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 one of the following amounts:

a. For a claimant whose contract is executed prior to January 1, 2024, an amount equal to the percentage, as determined under s. 238.399 or s. 560.799, 2009 stats., not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than the amount determined by multiplying 2,080 by 150 percent of the federal minimum wage in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than \$30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.

SECTION 1090. 71.07 (3w) (bm) 2. b. of the statutes is created to read:

71.07 (3w) (bm) 2. b. For a claimant whose contract is executed after December 31, 2023, an amount equal to the percentage, as determined under s. 238.399, not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (bd) 1., or greater than \$42,390 in a tier II county or

such employees in the base year.

municipality, not including the wages paid to the employees determined under par.

(bd) 1., and who the claimant employed in the enterprise zone in the taxable year, if

the total number of such employees is equal to or greater than the total number of

Section 1091. 71.07 (3w) (bm) 3. of the statutes is amended to read:

71.07 (**3w**) (bm) 3. In addition to the credits under par. pars. (b) and (bd) and subds. 1., 2., and 4., and 5., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 up to 10 percent of the claimant's significant capital expenditures, as determined under s. 238.399 (5m) or s. 560.799 (5m), 2009 stats.

SECTION 1092. 71.07 (3w) (bm) 4. of the statutes is amended to read:

71.07 (3w) (bm) 4. In addition to the credits under par. pars. (b) and (bd) and subds. 1., 2., and 3., and 5., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., for taxable years beginning after December 31, 2009, a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08, up to 1 percent of the amount that the claimant paid in the taxable year to purchase tangible personal property, items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services from Wisconsin vendors, as determined under s. 238.399 (5) (e) or s. 560.799 (5) (e), 2009 stats., except that the claimant may not claim the credit under this subdivision and subd. 3. for the same expenditures.

SECTION 1093. 71.07 (3w) (bm) 5. of the statutes is renumbered 71.07 (3w) (bm) 5. (intro.) and amended to read:

71.07 (3w) (bm) 5. (intro.) In addition to the credits under par. pars. (b) and (bd) and subds. 1. to 4., and subject to the limitations provided in this subsection and s.

 $\mathbf{2}$

238.399 or s. 560.799, 2009 stats., a claimant that has retained the minimum number of full-time employees determined under s. 238.399 (5) (f) and maintained average zone payroll for the taxable year equal to or greater than the base year may claim as a credit against the tax imposed under s. 71.02 or 71.08 one of the following amounts:

a. For a claimant whose contract is executed prior to January 1, 2024, an amount equal to the percentage, as determined by the Wisconsin Economic Development Corporation, of the claimant's zone payroll paid in the 12 months prior to the certification date to the claimant's full-time employees in the enterprise zone whose annual wages are greater than the amount determined by multiplying 2,080 by 150 percent of the federal minimum wage in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality. The amount that the claimant may claim as credit under this subdivision for a taxable year shall not exceed \$2,000,000. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.

Section 1094. 71.07 (3w) (bm) 5. b. of the statutes is created to read:

71.07 (**3w**) (bm) 5. b. For a claimant whose contract is executed after December 31, 2023, an amount equal to the percentage, as determined by the Wisconsin Economic Development Corporation, of the claimant's zone payroll paid in the 12 months prior to the certification date to the claimant's full-time employees in the enterprise zone whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality.

SECTION 1095. 71.07 (3w) (c) 5. of the statutes is created to read:

71.07 (3w) (c) 5. A claimant may claim a credit under par. (bm) 2. for no more than 5 consecutive taxable years.

Section 1096. 71.07 (3w) (c) 6. of the statutes is created to read:

71.07 **(3w)** (c) 6. The amount that a claimant may claim as credit under par. (bm) 5. for a taxable year may not exceed \$2,000,000. A claimant may claim a credit under par. (bm) 5. for no more than 5 consecutive taxable years.

Section 1097. 71.07 (3w) (cm) of the statutes is created to read:

71.07 (3w) (cm) Inflation adjustments. For taxable years beginning after December 31, 2024, the dollar amounts in pars. (a) 6. b., (bd) 1. a. and b., 2., and 3., and (bm) 2. b. and 5. b. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the year before the previous year, as determined by the federal department of labor. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10.

SECTION 1098. 71.28 (3w) (a) 2m. of the statutes is created to read:

71.28 (**3w**) (a) 2m. "Contract" means a contract between the claimant and the Wisconsin Economic Development Corporation under s. 238.399.

SECTION 1099. 71.28 (3w) (a) 6. of the statutes is renumbered 71.28 (3w) (a) 6. a. and amended to read:

71.28 (**3w**) (a) 6. a. "Zone payroll" means the amount of state payroll that is attributable to wages paid to full-time employees for services that are performed in an enterprise zone. "Zone Except as provided in subd. 6. b., "zone payroll" does not include the amount of wages paid to any full-time employees that exceeds \$100,000.

 $\mathbf{2}$

Section 1100. 71.28 (3w) (a) 6. b. of the statutes is created to read:

71.28 (**3w**) (a) 6. b. For a claimant whose contract is executed after December 31, 2023, "zone payroll" does not include the amount of wages paid to any full-time employees that exceeds \$141,300.

Section 1101. 71.28 (3w) (b) (intro.) of the statutes is amended to read:

71.28 (**3w**) (b) *Filing claims <u>under pre-2024 contracts</u>; payroll*. (intro.) Subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant <u>whose contract is executed prior to January 1, 2024</u>, may claim as a credit against the tax imposed under s. 71.23 an amount calculated as follows:

Section 1102. 71.28 (3w) (bd) of the statutes is created to read:

71.28 (**3w**) (bd) *Filing claims under post-2023 contracts; payroll*. Subject to the limitations provided in this subsection and s. 238.399, a claimant whose contract is executed after December 31, 2023, may claim as a credit against the tax imposed under s. 71.23 an amount calculated as follows:

- 1. Determine the amount that is the lesser of:
- a. The number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year, minus the number of full-time employees whose annual wages were greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the area that comprises the enterprise zone in the base year.
- b. The number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the state in the taxable year,

- minus the number of full-time employees whose annual wages were greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the state in the base year.
- 2. Determine the claimant's average zone payroll by dividing total wages for full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year by the number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year.
- 3. For employees in a tier I county or municipality, subtract \$32,000 from the amount determined under subd. 2. and for employees in a tier II county or municipality, subtract \$42,390 from the amount determined under subd. 2.
- 4. Multiply the amount determined under subd. 3. by the amount determined under subd. 1.
- 5. Multiply the amount determined under subd. 4. by the percentage determined under s. 238.399, not to exceed 7 percent.

Section 1103. 71.28 (3w) (bm) 1. of the statutes is amended to read:

71.28 (**3w**) (bm) 1. In addition to the credits under par. pars. (b) and (bd) and subds. 2., 3., and 4. to 5., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant may claim as a credit against the tax imposed under s. 71.23 an amount equal to a percentage, as determined under s. 238.399 or s. 560.799, 2009 stats., not to exceed 100 percent, of the amount the claimant paid in the taxable year to upgrade or improve the job-related skills of any of the claimant's full-time employees, to train any of the claimant's full-time

 $\mathbf{2}$

employees on the use of job-related new technologies, or to provide job-related training to any full-time employee whose employment with the claimant represents the employee's first full-time job. This subdivision does not apply to employees who do not work in an enterprise zone.

SECTION 1104. 71.28 (3w) (bm) 2. of the statutes is renumbered 71.28 (3w) (bm) 2. (intro.) and amended to read:

71.28 (**3w**) (bm) 2. (intro.) In addition to the credits under par. pars. (b) and (bd) and subds. 1., 3., and 4., and 5., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant may claim as a credit against the tax imposed under s. 71.23 one of the following amounts:

a. For a claimant whose contract is executed prior to January 1, 2024, an amount equal to the percentage, as determined under s. 238.399 or s. 560.799, 2009 stats., not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than the amount determined by multiplying 2,080 by 150 percent of the federal minimum wage in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than \$30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.

Section 1105. 71.28 (3w) (bm) 2. b. of the statutes is created to read:

71.28 (**3w**) (bm) 2. b. For a claimant whose contract is executed after December 31, 2023, an amount equal to the percentage, as determined under s. 238.399, not to

exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (bd) 1., or greater than \$42,390 in a tier II county or municipality, not including the wages paid to the employees determined under par. (bd) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year.

Section 1106. 71.28 (3w) (bm) 3. of the statutes is amended to read:

71.28 **(3w)** (bm) 3. In addition to the credits under par. pars. (b) and (bd) and subds. 1., 2., and 4., and 5., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the tax imposed under s. 71.23 up to 10 percent of the claimant's significant capital expenditures, as determined under s. 238.399 (5m) or s. 560.799 (5m), 2009 stats.

Section 1107. 71.28 (3w) (bm) 4. of the statutes is amended to read:

71.28 (**3w**) (bm) 4. In addition to the credits under part pars. (b) and (bd) and subds. 1., 2., and 3., and 5., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., for taxable years beginning after December 31, 2009, a claimant may claim as a credit against the tax imposed under s. 71.23, up to 1 percent of the amount that the claimant paid in the taxable year to purchase tangible personal property, items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services from Wisconsin vendors, as determined under s. 238.399 (5) (e) or s. 560.799 (5) (e), 2009 stats., except that the claimant may not claim the credit under this subdivision and subd. 3. for the same expenditures.

 $\mathbf{2}$

SECTION 1108. 71.28 (3w) (bm) 5. of the statutes is renumbered 71.28 (3w) (bm) 5. (intro.) and amended to read:

71.28 (**3w**) (bm) 5. (intro.) In addition to the credits under par. pars. (b) and (bd) and subds. 1. to 4., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant that has retained the minimum number of full-time employees determined under s. 238.399 (5) (f) and maintained average zone payroll for the taxable year equal to or greater than the base year may claim as a credit against the tax imposed under s. 71.23 one of the following amounts:

a. For a claimant whose contract is executed prior to January 1, 2024, an amount equal to the percentage, as determined by the Wisconsin Economic Development Corporation, of the claimant's zone payroll paid in the 12 months prior to the certification date to the claimant's full-time employees in the enterprise zone whose annual wages are greater than the amount determined by multiplying 2,080 by 150 percent of the federal minimum wage in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality. The amount that the claimant may claim as credit under this subdivision for a taxable year shall not exceed \$2,000,000. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.

Section 1109. 71.28 (3w) (bm) 5. b. of the statutes is created to read:

71.28 (3w) (bm) 5. b. For a claimant whose contract is executed after December 31, 2023, an amount equal to the percentage, as determined by the Wisconsin Economic Development Corporation, of the claimant's zone payroll paid in the 12 months prior to the certification date to the claimant's full-time employees in the enterprise zone whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality.

Section 1110. 71.28 (3w) (c) 5. of the statutes is created to read:

2 71.28 (**3w**) (c) 5. A claimant may claim a credit under par. (bm) 2. for no more than 5 consecutive taxable years.

SECTION 1111. 71.28 (3w) (c) 6. of the statutes is created to read:

71.28 **(3w)** (c) 6. The amount that a claimant may claim as credit under par. (bm) 5. for a taxable year may not exceed \$2,000,000. A claimant may claim a credit under par. (bm) 5. for no more than 5 consecutive taxable years.

Section 1112. 71.28 (3w) (cm) of the statutes is created to read:

71.28 (3w) (cm) Inflation adjustments. For taxable years beginning after December 31, 2024, the dollar amounts in pars. (a) 6. b., (bd) 1. a. and b., 2., and 3., and (bm) 2. b. and 5. b. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the year before the previous year, as determined by the federal department of labor. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10.

Section 1113. 71.47 (3w) (a) 2m. of the statutes is created to read:

71.47 (**3w**) (a) 2m. "Contract" means a contract between the claimant and the Wisconsin Economic Development Corporation under s. 238.399.

SECTION 1114. 71.47 (3w) (a) 6. of the statutes is renumbered 71.47 (3w) (a) 6. a. and amended to read:

71.47 (3w) (a) 6. a. "Zone payroll" means the amount of state payroll that is attributable to wages paid to full-time employees for services that are performed in an enterprise zone. "Zone Except as provided in subd. 6. b., "zone payroll" does not include the amount of wages paid to any full-time employees that exceeds \$100,000.

Section 1115. 71.47 (3w) (a) 6. b. of the statutes is created to read:

71.47 (3w) (a) 6. b. For a claimant whose contract is executed after December 31, 2023, "zone payroll" does not include the amount of wages paid to any full-time employees that exceeds \$141,300.

SECTION 1116. 71.47 (3w) (b) (intro.) of the statutes is amended to read:

71.47 (**3w**) (b) *Filing claims <u>under pre-2024 contracts</u>; payroll*. (intro.) Subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant <u>whose contract is executed prior to January 1, 2024</u>, may claim as a credit against the tax imposed under s. 71.43 an amount calculated as follows:

Section 1117. 71.47 (3w) (bd) of the statutes is created to read:

71.47 (**3w**) (bd) *Filing claims under post-2023 contracts; payroll*. Subject to the limitations provided in this subsection and s. 238.399, a claimant whose contract is executed after December 31, 2023, may claim as a credit against the tax imposed under s. 71.43 an amount calculated as follows:

- 1. Determine the amount that is the lesser of:
- a. The number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year, minus the number of full-time employees whose annual wages were greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II

county or municipality and who the claimant employed in the area that comprises the enterprise zone in the base year.

- b. The number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the state in the taxable year, minus the number of full-time employees whose annual wages were greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the state in the base year.
- 2. Determine the claimant's average zone payroll by dividing total wages for full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year by the number of full-time employees whose annual wages are greater than \$32,000 or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year.
- 3. For employees in a tier I county or municipality, subtract \$32,000 from the amount determined under subd. 2. and for employees in a tier II county or municipality, subtract \$42,390 from the amount determined under subd. 2.
- 4. Multiply the amount determined under subd. 3. by the amount determined under subd. 1.
- 5. Multiply the amount determined under subd. 4. by the percentage determined under s. 238.399, not to exceed 7 percent.

SECTION 1118. 71.47 (3w) (bm) 1. of the statutes is amended to read:

71.47 (**3w**) (bm) 1. In addition to the credits under par. pars. (b) and (bd) and subds. 2., 3., and 4., and subject to the limitations provided in this subsection and s.

 $\mathbf{2}$

238.399 or s. 560.799, 2009 stats., a claimant may claim as a credit against the tax imposed under s. 71.43 an amount equal to a percentage, as determined under s. 238.399 or s. 560.799, 2009 stats., not to exceed 100 percent, of the amount the claimant paid in the taxable year to upgrade or improve the job-related skills of any of the claimant's full-time employees, to train any of the claimant's full-time employees on the use of job-related new technologies, or to provide job-related training to any full-time employee whose employment with the claimant represents the employee's first full-time job. This subdivision does not apply to employees who do not work in an enterprise zone.

SECTION 1119. 71.47 (3w) (bm) 2. of the statutes is renumbered 71.47 (3w) (bm) 2. (intro.) and amended to read:

71.47 (**3w**) (bm) 2. (intro.) In addition to the credits under par. pars. (b) and (bd) and subds. 1., 3., and 4., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant may claim as a credit against the tax imposed under s. 71.43 one of the following amounts:

a. For a claimant whose contract is executed prior to January 1, 2024, an amount equal to the percentage, as determined under s. 238.399 or s. 560.799, 2009 stats., not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than the amount determined by multiplying 2,080 by 150 percent of the federal minimum wage in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than \$30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of

such employees in the base year. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.

SECTION 1120. 71.47 (3w) (bm) 2. b. of the statutes is created to read:

71.47 (3w) (bm) 2. b. For a claimant whose contract is executed after December 31, 2023, an amount equal to the percentage, as determined under s. 238.399, not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (bd) 1., or greater than \$42,390 in a tier II county or municipality, not including the wages paid to the employees determined under par. (bd) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year.

Section 1121. 71.47 (3w) (bm) 3. of the statutes is amended to read:

71.47 (**3w**) (bm) 3. In addition to the credits under par. pars. (b) and (bd) and subds. 1., 2., and 4., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the tax imposed under s. 71.43 up to 10 percent of the claimant's significant capital expenditures, as determined under s. 238.399 (5m) or s. 560.799 (5m), 2009 stats.

Section 1122. 71.47 (3w) (bm) 4. of the statutes is amended to read:

71.47 (**3w**) (bm) 4. In addition to the credits under par. pars. (b) and (bd) and subds. 1., 2., and 3., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., for taxable years beginning after December 31, 2009, a claimant may claim as a credit against the tax imposed under s. 71.43, up to

 $\mathbf{2}$

1 percent of the amount that the claimant paid in the taxable year to purchase tangible personal property, items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services from Wisconsin vendors, as determined under s. 238.399 (5) (e) or s. 560.799 (5) (e), 2009 stats., except that the claimant may not claim the credit under this subdivision and subd. 3. for the same expenditures.

SECTION 1123. 71.47 (3w) (c) 5. of the statutes is created to read:

71.47 (**3w**) (c) 5. A claimant may claim a credit under par. (bm) 2. for no more than 5 consecutive taxable years.

SECTION 1124. 71.47 (3w) (cm) of the statutes is created to read:

71.47 (3w) (cm) Inflation adjustments. For taxable years beginning after December 31, 2024, the dollar amounts in pars. (a) 6. b., (bd) 1. a. and b., 2., and 3., and (bm) 2. b. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the year before the previous year, as determined by the federal department of labor. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10.

Section 1125. 238.30 (2m) (a) of the statutes is amended to read:

238.30 **(2m)** (a) Except as provided in par. (b) <u>and s. 238.308 (1) (b)</u>, "full-time job" means a regular, nonseasonal full-time position in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays, and for which the individual receives pay that is equal to at least 150 percent of the federal minimum wage and benefits that are not required

by federal or state law. "Full-time job" does not include initial training before an employment position begins.

SECTION 1126. 238.308 (1) of the statutes is renumbered 238.308 (1) (intro.) and amended to read:

238.308 (1) Definition Definitions. (intro.) In this section;

(a) "eligible Eligible employee" means a person employed in a full-time job by a person certified under sub. (2).

Section 1127. 238.308 (1) (b) of the statutes is created to read:

238.308 (1) (b) 1. Except as provided in subd. 2., "full-time job" has the meaning given in s. 238.30 (2m).

2. For contracts executed by the corporation under this section after December 31, 2023, "full-time job" means a regular, nonseasonal full-time position for which an individual receives pay that is equal to at least \$32,000 and benefits that are not required by federal or state law. "Full-time job" does not include initial training before an employment position begins.

Section 1128. 238.308 (4) (a) 1. of the statutes is amended to read:

238.308 (4) (a) 1. An amount equal to up to 10 percent of the amount of wages that the person paid to an eligible employee in the taxable year. For contracts executed by the corporation after December 31, 2023, the amount of wages taken into account under this subdivision may not exceed \$141,300 per eligible employee per year. Beginning on January 1, 2025, the dollar amount under this subdivision shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the year before the previous

 $\mathbf{2}$

year, as determined by the federal department of labor. Each amount that is revised under this subdivision shall be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10.

SECTION 1129. 238.399 (1) (am) 2. of the statutes is repealed and recreated to read:

238.399 (1) (am) 2. For contracts executed by the corporation under this section after December 31, 2023, the individual is employed in a regular, nonseasonal full-time position for which the individual receives annual pay that is more than \$32,000 in a tier I county or municipality or more than 42,390 in a tier II county or municipality and benefits that are not required by federal or state law.

Section 1130. 238.399 (6) (h) of the statutes is created to read:

238.399 (6) (h) Beginning on January 1, 2025, the dollar amount in sub. (1) (am) 2. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the year before the previous year, as determined by the federal department of labor. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10.".

192. Page 374, line 11: after that line insert:

"Section 1131. 76.07 (3) of the statutes is amended to read:

76.07 (3) ASSESSMENT. For the purpose of determining the full market value of the property of each company appearing on the assessment roll, the department may view and inspect the property of such the company and shall consider the reports filed in compliance with s. 76.04 and the reports and returns of the company filed in the office of any officer of this state, and other evidence or information bearing upon the full market value of the property of the company assessed. In case of For companies which that own or use property lying partly within and partly without the state, the department shall value and assess only the property within this state, using the methods under subs. (4g) and (4r). When the full market value of the property of a company within this state has been determined, the amount shall be entered upon the assessment roll opposite the name of the company and shall be the assessment of the entire property of such the company within this state for the levy of taxes thereon, subject to review and correction. The department shall thereupon give notice by certified mail to each company assessed of the amount of its assessment as entered upon such the roll.

Section 1132. 76.08 (1) of the statutes is amended to read:

76.08 (1) Notice of the assessments determined under s. 76.07 and of adjustments under s. 76.075 shall be given by certified mail to each company the property of which has been assessed, and the notice of assessment shall be mailed provided on or before the assessment date specified in s. 76.07 (1). Any company aggrieved by the assessment or adjustment of its property thus made may have its assessment or adjustment redetermined by the Dane County circuit court if, within 30 days after notice of assessment or adjustment is mailed provided to the company under s. 76.07 (3), an action for the redetermination is commenced by filing a summons and complaint with that court, and service of authenticated copies of the

 $\mathbf{2}$

summons and complaint is made upon the department of revenue. No answer need be filed by the department and the allegations of the complaint in opposition to the assessment or adjustment shall be deemed denied. Upon the filing of the summons and complaint, the court shall set the matter for hearing without a jury. If the plaintiff fails to file the summons and complaint within 5 days of service upon the department, the department may file a copy thereof with the court in lieu of the original. The department may be named as the defendant in any such action and shall appear and be represented by its counsel in all proceedings connected with the action but, on the request of the secretary of revenue, the attorney general may participate with or serve in lieu of departmental counsel. In an action for redetermination of an adjustment, only the issues raised in the department's adjustment under s. 76.075 may be raised.

Section 1133. 76.10 (1) of the statutes is amended to read:

76.10 (1) Every company defined in s. 76.02 shall, on or before October 1 in each year, be entitled, on its own motion, to present evidence before the department relating to the state assessment made in the preceding year pursuant to s. 70.575. On written request, in writing, for such hearing or presentation, the department shall fix a time therefor within 60 days after such the application is filed, the same to be conducted in such manner as the department directs. Notice of such the hearing shall be mailed provided to any company requesting a hearing and shall be published in the official state paper. Within 30 days after the conclusion of such the hearing, the department shall enter an order either affirming the state assessment or ordering correction thereof as provided in sub. (2). A copy of such the order shall be sent by certified mail provided to the company or companies requesting such the hearing and to any interested party who has made an appearance in such the

proceeding. The department may, on its own motion, correct such the state assessment. Any company having filed application for review of the state assessment pursuant to this section, or any other interested party participating in such the hearing, if aggrieved by the order entered by the department, may bring an action in the circuit court for Dane County within 30 days after the entry of such the order to have said order set aside and a redetermination made of the state assessment. In any such action or in any hearing before the department pursuant to this section, any interested party may appear and be heard. An interested party includes any division of government whose revenues would be affected by any adjustment of the state assessment.

Section 1134. 76.13 (2) of the statutes is amended to read:

76.13 (2) Every tax roll upon completion shall be delivered to the secretary of administration. The department shall notify, by certified mail, all companies listed on the tax roll of the amount of tax due, which shall be paid to the department. The payment dates provided for in sub. (2a) shall apply. The payment of one-fourth of the tax of any company may, if the company has brought an action in the Dane County circuit court under s. 76.08, be made without delinquent interest as provided in s. 76.14 any time prior to the date upon which the appeal becomes final, but any part of the tax ultimately required to be paid shall bear interest from the original due date to the date the appeal became final at the rate of 12 percent per year and at 1.5 percent per month thereafter until paid. The taxes extended against any company after the same become due, with interest, shall be a lien upon all the property of the company prior to all other liens, claims, and demands whatsoever, except as provided in ss. 292.31 (8) (i) and 292.81, which and the lien may be enforced in an action in

 $\mathbf{2}$

the name of the state in any court of competent jurisdiction against the property of the company within the state as an entirety.

SECTION 1135. 76.15 (2) of the statutes is amended to read:

and the general property of the state, and to redetermine the average rate of taxation, may be exercised under sub. (1) as often as may be necessary until the amount of taxes legally due from any such company for any year under ss. 76.01 to 76.26 has been finally and definitely determined. Whenever any sum or part thereof, levied upon any property subject to taxation under ss. 76.01 to 76.26 so set aside has been paid and not refunded, the payment so—made shall be applied upon the reassessment upon the property, and the reassessment of taxes to that extent shall be deemed to be satisfied. When the tax roll on the reassessment is completed and delivered to the secretary of administration, the department shall immediately notify by certified mail each of the several companies taxed to pay the amount of the taxes extended on the tax roll within 30 days."

193. Page 374, line 11: after that line insert:

"Section 1136. 71.07 (9e) (aj) (intro.) of the statutes is amended to read:

71.07 **(9e)** (aj) (intro.) For taxable years beginning after December 31, 2010, and before January 1, 2023, an individual may credit against the tax imposed under s. 71.02 an amount equal to one of the following percentages of the federal basic earned income credit for which the person is eligible for the taxable year under section 32 of the Internal Revenue Code:

SECTION 1137. 71.07 (9e) (ak) of the statutes is created to read:

71.07 (9e) (ak) For taxable years beginning after December 31, 2022, an
individual may credit against the tax imposed under s. 71.02 an amount equal to one
of the following percentages of the federal basic earned income credit for which the
individual is eligible for the taxable year under section 32 of the Internal Revenue
Code:

- 1. If the individual has one qualifying child who has the same principal place of abode as the individual, 16 percent.
- 2. If the individual has 2 qualifying children who have the same principal place of abode as the individual, 25 percent.
- 3. If the individual has 3 or more qualifying children who have the same principal place of abode as the individual, 34 percent.

Section 1138. 73.03 (73) (f) 1. of the statutes is amended to read:

73.03 (73) (f) 1. Subject to subd. 2., for taxable years beginning after December 31, 2020, the department shall make the pilot program described under par. (b) permanent and applicable to all eligible claimants of the earned income tax credit under s. 71.07 (9e) (aj), based on the specifications described under pars. (b) and (c) 2.".

194. Page 374, line 11: after that line insert:

"Section 1139. 71.54 (1) (g) (intro.) of the statutes is amended to read:

71.54 (1) (g) 2012 and thereafter to 2023. (intro.) The amount of any claim filed in 2012 and thereafter to 2023 and based on property taxes accrued or rent constituting property taxes accrued during the previous year is limited as follows:

SECTION 1140. 71.54 (1) (g) 4. of the statutes is amended to read:

71.54 (1) (g) 4. Except as provided in subds. 5. and 7., for For claims filed in 2018
and thereafter and based on property taxes accrued or rent constituting property
taxes accrued during the previous year, no credit may be allowed under this
paragraph if the claimant has no earned income in the taxable year to which the
claim relates unless the claimant is disabled and provides the proof required under
subd. 6. or the claimant or the claimant's spouse is over the age of 61 at the close of
the year to which the claim relates.

- **SECTION 1141.** 71.54 (1) (g) 5. of the statutes is repealed.
- **SECTION 1142.** 71.54 (1) (g) 6. (intro.) of the statutes is amended to read:
 - 71.54 (1) (g) 6. (intro.) With regard to a claimant who is disabled, the \underline{A} claimant who is disabled shall provide with his or her return proof that his or her disability is in effect for the taxable year to which the claim relates. Proof of disability may be demonstrated by any of the following:
- **SECTION 1143.** 71.54 (1) (g) 7. of the statutes is repealed.
- **SECTION 1144.** 71.54 (1) (h) of the statutes is created to read:
 - 71.54 (1) (h) 2024 and thereafter. Subject to sub. (2m), the amount of any claim filed in 2024 and thereafter and based on property taxes accrued or rent constituting property taxes accrued during the previous year is limited as follows:
 - 1. If the household income was \$8,060 or less in the year to which the claim relates, the claim is limited to 80 percent of the property taxes accrued or rent constituting property taxes accrued or both in that year on the claimant's homestead.
 - 2. If the household income was more than \$8,060 in the year to which the claim relates, the claim is limited to 80 percent of the amount by which the property taxes accrued or rent constituting property taxes accrued or both in that year on the

- claimant's homestead exceeds 5.614 percent of the household income exceeding \$8,060.
 - 3. No credit may be allowed if the household income exceeds \$35,000.
- 4. Notwithstanding the time limitations described in par. (g) (intro.), the provisions of par. (g) 4. apply to claims filed under this paragraph.
 - **SECTION 1145.** 71.54 (2) (b) 4. of the statutes is amended to read:
- 7 71.54 **(2)** (b) 4. In calendar years 2011 or any subsequent calendar year to 2022, 8 \$1,460.
 - **Section 1146.** 71.54 (2) (b) 5. of the statutes is created to read:
- 10 71.54 (2) (b) 5. Subject to sub. (2m), in calendar year 2023 or any subsequent calendar year, \$1,460.
 - **Section 1147.** 71.54 (2m) of the statutes is amended to read:

71.54 (2m) INDEXING FOR INFLATION; 2010 2024 AND THEREAFTER. (a) For calendar years beginning after December 31, 2009, and before January 1, 2011 2023, the dollar amounts of the threshold income under sub. (1) (f) (h) 1. and 2., the maximum household income under sub. (1) (f) (h) 3., and the maximum property taxes under sub. (2) (b) 3. 5. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the 12-month average of the U.S. consumer price index for the month of August of the year before the previous year through the month of July of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the 12-month average of the U.S. consumer price index for August 2007 2021 through July 2008 2022, as determined by the federal department of labor, except that the adjustment may occur only if the percentage is a positive number. Each amount that is revised under this paragraph shall be rounded to the nearest

 $\mathbf{2}$

multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount
is a multiple of \$5, such an amount shall be increased to the next higher multiple of
\$10. The department of revenue shall annually adjust the changes in dollar amounts
required under this paragraph and incorporate the changes into the income tax
forms and instructions.

(b) The department of revenue shall <u>annually</u> adjust the slope under sub. (1) (f) (h) 2. such so that, as a claimant's income increases from the threshold income as ealculated <u>adjusted</u> under par. (a), to an amount that exceeds the maximum household income as <u>calculated adjusted</u> under par. (a), the credit that may be claimed is reduced to \$0, and the department of revenue shall incorporate the changes into the income tax forms and instructions.

SECTION 9337. Initial applicability; Revenue.

- (1e) Homestead tax credit. The treatment of s. 71.54 (1) (h) first applies to claims filed for taxable years beginning after December 31, 2022.".
 - **195.** Page 374, line 11: after that line insert:

"Section 9101. Nonstatutory provisions; Administration.

- (1) Enterprise zone tax credit funding reestimate. The secretary of administration shall reestimate the sum sufficient appropriation under s. 20.835 (2) (co) by increasing funding for the enterprise zone program by \$525,000 in the 2024–25 fiscal year.".
 - **196.** Page 374, line 11: after that line insert:
- 22 "**Section 1148.** 71.07 (3y) (b) 5. of the statutes is amended to read:
- 23 71.07 (**3y**) (b) 5. An <u>For taxable years beginning before January 1, 2023, an</u>
 24 amount, as determined by the Wisconsin Economic Development Corporation under

s. 238.308 (4) (a) 5., equal to a percentage of the amount of wages that the claimant paid to an eligible employee in the taxable year if the position in which the eligible employee was employed was created or retained in connection with the claimant's location or retention of the claimant's corporate headquarters in Wisconsin and the job duties associated with the eligible employee's position involve the performance of corporate headquarters functions.

SECTION 1149. 71.07 (3y) (b) 5m. of the statutes is created to read:

71.07 (3y) (b) 5m. For taxable years beginning after December 31, 2022, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 5., equal to a percentage of the amount of wages that the claimant paid to an eligible employee in the taxable year if the position in which the eligible employee was employed was created or retained in connection with the claimant's location or retention of the claimant's corporate headquarters in Wisconsin.

Section 1150. 71.28 (3y) (b) 5. of the statutes is amended to read:

71.28 (**3y**) (b) 5. An For taxable years beginning before January 1, 2023, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 5., equal to a percentage of the amount of wages that the claimant paid to an eligible employee in the taxable year if the position in which the eligible employee was employed was created or retained in connection with the claimant's location or retention of the claimant's corporate headquarters in Wisconsin and the job duties associated with the eligible employee's position involve the performance of corporate headquarters functions.

Section 1151. 71.28 (3y) (b) 5m. of the statutes is created to read:

71.28 **(3y)** (b) 5m. For taxable years beginning after December 31, 2022, an amount, as determined by the Wisconsin Economic Development Corporation under

 $\mathbf{2}$

s. 238.308 (4) (a) 5., equal to a percentage of the amount of wages that the claimant paid to an eligible employee in the taxable year if the position in which the eligible employee was employed was created or retained in connection with the claimant's location or retention of the claimant's corporate headquarters in Wisconsin.

Section 1152. 71.47 (3y) (b) 5. of the statutes is amended to read:

71.47 (3y) (b) 5. An For taxable years beginning before January 1, 2023, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 5., equal to a percentage of the amount of wages that the claimant paid to an eligible employee in the taxable year if the position in which the eligible employee was employed was created or retained in connection with the claimant's location or retention of the claimant's corporate headquarters in Wisconsin and the job duties associated with the eligible employee's position involve the performance of corporate headquarters functions.

Section 1153. 71.47 (3y) (b) 5m. of the statutes is created to read:

71.47 (**3y**) (b) 5m. For taxable years beginning after December 31, 2022, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 5., equal to a percentage of the amount of wages that the claimant paid to an eligible employee in the taxable year if the position in which the eligible employee was employed was created or retained in connection with the claimant's location or retention of the claimant's corporate headquarters in Wisconsin.

Section 1154. 238.308 (4) (a) 3. of the statutes is amended to read:

238.308 (4) (a) 3. An amount equal to up to 50 percent of the person's training costs incurred to undertake activities to enhance an eligible employee's general knowledge, employability, and flexibility in the workplace; to develop skills unique to the person's workplace or equipment; or to develop skills that will increase the

employee, train an eligible employee on the use of job-related new technologies, or provide job-related training to an eligible employee whose employment with the person represents the employee's first full-time job.

Section 1155. 238.308 (4) (a) 5. of the statutes is amended to read:

238.308 (4) (a) 5. An amount, as determined by the corporation, equal to a percentage of the amount of wages that the person paid to an eligible employee in the taxable year, if the position in which the eligible employee was employed was created or retained in connection with the person's location or retention of the person's corporate headquarters in Wisconsin and the job duties associated with the eligible employee's position involve the performance of corporate headquarters functions.".

197. Page 374, line 11: after that line insert:

"Section 1156. 71.07 (3y) (b) 6. of the statutes is created to read:

71.07 (3y) (b) 6. For taxable years beginning after December 31, 2023, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 6., equal to a percentage, not to exceed 25 percent, of the claimant's energy efficiency or renewable energy project expenditures on real or personal property located in this state.

Section 1157. 71.28 (3y) (b) 6. of the statutes is created to read:

71.28 **(3y)** (b) 6. For taxable years beginning after December 31, 2023, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 6., equal to a percentage, not to exceed 25 percent, of the claimant's energy efficiency or renewable energy project expenditures on real or personal property located in this state.

SECTION 1158. 71.47 (3y) (b) 6. of the statutes is created to read:

71.47 (**3y**) (b) 6. For taxable years beginning after December 31, 2023, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 6., equal to a percentage, not to exceed 25 percent, of the claimant's energy efficiency or renewable energy project expenditures on real or personal property located in this state.

SECTION 1159. 238.308 (4) (a) 6. of the statutes is created to read:

238.308 (4) (a) 6. An amount equal to up to 25 percent of the person's energy efficiency or renewable energy project expenditures on real or personal property located in this state. When making an award under this subdivision, the corporation shall ensure that the percentage of expenditures taken into account positively correlates to the scale of the project.

Section 9349. Initial applicability; Wisconsin Economic Development Corporation.

- (1) Energy efficiency and renewable energy project expenditures for business development tax credit. The treatment of s. 238.308 (4) (a) 6. first applies to credits awarded under s. 238.308 on January 1, 2024.".
 - **198.** Page 374, line 11: after that line insert:
- 19 "**Section 1160.** 71.07 (5n) (d) 2. of the statutes is amended to read:

71.07 **(5n)** (d) 2. For Except as provided in subd. 2m., for purposes of determining a claimant's eligible qualified production activities income under this subsection, the claimant shall multiply the claimant's qualified production activities income from property manufactured by the claimant by the manufacturing property factor and qualified production activities income from property produced, grown, or

extracted by the claimant by the agriculture property factor. This subdivision does not apply if the claimant's entire qualified production activities income results from the sale of tangible personal property that was manufactured, produced, grown, or extracted wholly in this state by the claimant.

Section 1161. 71.07 (5n) (d) 2m. of the statutes is created to read:

71.07 (**5n**) (d) 2m. For taxable years beginning after December 31, 2022, for purposes of determining a claimant's eligible qualified production activities income from manufacturing under this subsection, the claimant shall multiply the claimant's qualified production activities income, not exceeding \$300,000, from property manufactured by the claimant by the manufacturing property factor. This subdivision does not apply if the claimant's entire qualified production activities income results from the sale of tangible personal property that was manufactured, produced, grown, or extracted wholly in this state by the claimant.

Section 1162. 71.28 (5n) (d) 2. of the statutes is amended to read:

71.28 (5n) (d) 2. Except as provided in subd. subds. 2m. and 3., for purposes of determining a claimant's eligible qualified production activities income under this subsection, the claimant shall multiply the claimant's qualified production activities income from property manufactured by the claimant by the manufacturing property factor and qualified production activities income from property produced, grown, or extracted by the claimant by the agriculture property factor. This subdivision does not apply if the claimant's entire qualified production activities income results from the sale of tangible personal property that was manufactured, produced, grown, or extracted wholly in this state by the claimant.

Section 1163. 71.28 (5n) (d) 2m. of the statutes is created to read:

 $\mathbf{2}$

71.28 (5n) (d) 2m. Except as provided in subd. 3., for taxable years beginning after December 31, 2022, for purposes of determining a claimant's eligible qualified production activities income from manufacturing under this subsection, the claimant shall multiply the claimant's qualified production activities income, not exceeding \$300,000, from property manufactured by the claimant by the manufacturing property factor. This subdivision does not apply if the claimant's entire qualified production activities income results from the sale of tangible personal property that was manufactured, produced, grown, or extracted wholly in this state by the claimant.

Section 1164. 71.28 (5n) (d) 3. a. of the statutes is amended to read:

71.28 **(5n)** (d) 3. a. The eligible qualified production activities income determined under subd. 2. or 2m.".

199. Page 374, line 11: after that line insert:

"Section 1165. 71.07 (4k) (e) 2. a. of the statutes is amended to read:

71.07 (4k) (e) 2. a. For taxable years beginning before January 1, 2021, the amount of the claim not used to offset the tax due, not to exceed 10 percent of the allowable amount of the claim under par. (b) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d). For subsequent taxable years beginning after December 31, 2020 and before January 1, 2024, the amount of the claim not used to offset the tax due, up to 15 percent of the allowable amount of the claim under par. (b) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for

payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d).

SECTION 1166. 71.07 (4k) (e) 2. ad. of the statutes is created to read:

71.07 (4k) (e) 2. ad. For taxable years beginning after December 31, 2023, the amount of the claim not used to offset the tax due, not to exceed 50 percent of the allowable amount of the claim under par. (b) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d).

Section 1167. 71.07 (4k) (e) 2. b. of the statutes is amended to read:

71.07 (**4k**) (e) 2. b. The amount of the claim not used to offset the tax due and not certified for payment under subd. 2. a. or 2. ad. may be carried forward and credited against Wisconsin income taxes otherwise due for the following 15 taxable years to the extent not offset by these taxes otherwise due in all intervening years between the year in which the expense was incurred and the year in which the carry-forward credit is claimed.

SECTION 1168. 71.28 (4) (k) 1. b. of the statutes is amended to read:

71.28 (4) (k) 1. b. For taxable years beginning after December 31, 2020 and before January 1, 2024, the amount of the claim not used to offset the tax due, up to 15 percent of the allowable amount of the claim under par. (ad) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d).

Section 1169. 71.28 (4) (k) 1. c. of the statutes is created to read:

 $\mathbf{2}$

71.28 (4) (k) 1. c. For taxable years beginning after December 31, 2023, the amount of the claim not used to offset the tax due, not to exceed 50 percent of the allowable amount of the claim under par. (ad) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d).

SECTION 1170. 71.47 (4) (k) 1. b. of the statutes is amended to read:

71.47 (4) (k) 1. b. For taxable years beginning after December 31, 2020 and before January 1, 2024, the amount of the claim not used to offset the tax due, up to 15 percent of the allowable amount of the claim under par. (ad) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d).

SECTION 1171. 71.47 (4) (k) 1. c. of the statutes is created to read:

71.47 (4) (k) 1. c. For taxable years beginning after December 31, 2023, the amount of the claim not used to offset the tax due, not to exceed 50 percent of the allowable amount of the claim under par. (ad) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d).".

200. Page 374, line 11: after that line insert:

"Section 1172. 20.115 (7) (gc) of the statutes is amended to read:

1	20.115 (7) (gc) Industrial hemp <u>and marijuana</u> . All moneys received under s.
2	94.55 for regulation of activities relating to industrial hemp under s. 94.55 and to
3	marijuana under s. 94.56.
4	SECTION 1173. 20.115 (7) (ge) of the statutes is created to read:
5	20.115 (7) (ge) Marijuana producers and processors; official logotype. All
6	moneys received under s. 94.56 for regulation of activities relating to marijuana
7	under s. 94.56, for conducting public awareness campaigns under s. 94.56, and for
8	the creation of a logotype under s. 100.145.
9	Section 1174. 20.435 (5) (q) of the statutes is created to read:
10	20.435 (5) (q) Payments to counties. From the community reinvestment fund,
11	all moneys received under subch. IV of ch. 139 for grants to counties under s. 250.22.
12	Section 1175. 20.566 (1) (bn) of the statutes is created to read:
13	20.566 (1) (bn) Administration and enforcement of marijuana tax and
14	regulation. The amounts in the schedule for the purposes of administering the
15	marijuana tax imposed under subch. IV of ch. 139 and for the costs incurred in
16	enforcing the taxing and regulation of marijuana producers, marijuana processors,
17	and marijuana retailers under subch. IV of ch. 139.
18	Section 1176. 20.835 (2) (eq) of the statutes is created to read:
19	20.835 (2) (eq) Marijuana tax refunds. A sum sufficient to pay refunds under
20	subch. IV of ch. 139.
21	Section 1177. 25.316 of the statutes is created to read:
22	25.316 Community reinvestment fund. There is established a separate
23	nonlapsible trust fund, designated the community reinvestment fund consisting of
24	all moneys received under subch. IV of ch. 139, including interest and penalties.
25	SECTION 1178. 49.148 (4) (a) of the statutes is amended to read:

 $\mathbf{2}$

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

SECTION 1179. 49.79 (1) (b) of the statutes is amended to read:

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

SECTION 1180. 59.54 (25) (title) of the statutes is amended to read:

59.54 (25) (title) Possession Regulation of Marijuana.

SECTION 1181. 59.54 (25) (a) (intro.) of the statutes is amended to read:

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

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

SECTION 1182. 66.0107 (1) (bm) of the statutes is amended to read:

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

Section 1183. 66.04185 of the statutes is created to read:

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

Section 1184. 73.17 of the statutes is created to read:

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

- (a) "Debilitating medical condition or treatment" means any of the following:
- 1. Cancer; glaucoma; acquired immunodeficiency syndrome; a positive test for the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV; inflammatory bowel disease, including ulcerative colitis or Crohn's disease; a hepatitis C virus infection; Alzheimer's disease; amyotrophic lateral sclerosis; nail patella syndrome; Ehlers-Danlos Syndrome; post-traumatic stress disorder; or the treatment of these conditions.
- 2. A chronic or debilitating disease or medical condition or the treatment of such a disease or condition that causes cachexia, severe pain, severe nausea, seizures, including those characteristic of epilepsy, or severe and persistent muscle spasms, including those characteristic of multiple sclerosis.
 - (b) "Department" means the department of revenue.
 - (c) "Physician" means a person licensed under s. 448.04 (1) (a).
- (d) "Qualifying patient" means a person who has been diagnosed by a physician as having or undergoing a debilitating medical condition or treatment but does not include a person under the age of 18 years.
- (e) "Tax exemption certificate" means a certificate to claim the exemption under s. 77.54 (71).
 - (f) "Usable marijuana" has the meaning given in s. 139.97 (13).
- (g) "Written certification" means means a statement made by a person's physician if all of the following apply:
 - 1. The statement indicates that, in the physician's professional opinion, the person has or is undergoing a debilitating medical condition or treatment and the

- potential benefits of the person's use of usable marijuana would likely outweigh the health risks for the person.
- 2. The statement indicates that the opinion described in subd. 1. was formed after a full assessment of the person's medical history and current medical condition that was conducted no more than 6 months prior to making the statement and that was made in the course of a bona fide physician-patient relationship.
- 3. The statement is signed by the physician or is contained in the person's medical records.
- 4. The statement contains an expiration date that is no more than 48 months after issuance and the statement has not expired.
- (2) APPLICATION. An adult who is claiming to be a qualifying patient may apply for a registry identification card by submitting to the department a signed application form containing or accompanied by all of the following:
 - (a) His or her name, address, and date of birth.
 - (b) A written certification.
- (c) The name, address, and telephone number of the person's current physician, as listed in the written certification.
- (3) PROCESSING THE APPLICATION. The department shall verify the information contained in or accompanying an application submitted under sub. (2) and shall approve or deny the application within 30 days after receiving it. The department may deny an application submitted under sub. (2) only if the required information has not been provided or if false information has been provided.
- (4) Issuing a registry identification card and tax exemption certificate to the applicant a registry identification card and tax exemption certificate within 5 days after approving an application under sub. (3).

 $\mathbf{2}$

- Unless voided under sub. (5) (b) or revoked under rules issued by the department under sub. (7), a registry identification card and tax exemption certificate shall expire 4 years from the date of issuance. A tax exemption certificate shall contain the information determined by the department. A registry identification card shall contain all of the following:
 - (a) The name, address, and date of birth of the registrant.
 - (b) The date of issuance and expiration date of the registry identification card.
 - (c) A photograph of the registrant.
 - (d) Other information the department may require by rule.
- (5) Additional information to be provided by registrant. (a) A registrant shall notify the department of any change in the registrant's name and address. A registrant who is a qualifying patient shall notify the department of any change in his or her physician or of any significant improvement in his or her health as it relates to his or her debilitating medical condition or treatment.
- (b) If a registrant fails to notify the department within 10 days after any change for which notification is required under par. (a), his or her registry identification card and tax exemption certificate is void.
 - (6) RECORDS. (a) The department shall maintain a list of all registrants.
- (b) Notwithstanding s. 19.35 and except as provided in par. (c), the department may not disclose information from an application submitted or a registry identification card issued under this section.
- (c) The department may disclose to state or local law enforcement agencies information from an application submitted by, or from a registry identification card issued to, a specific person under this section for the purpose of verifying that the person possesses a valid registry identification card.

1	(7) Rules. The department shall promulgate rules to implement this section.
2	Section 1185. 77.54 (71) of the statutes is created to read:
3	77.54 (71) The sales price from the sale of and the storage, use, or other
4	consumption of usable marijuana, as defined in s. 139.97 (13), purchased by an
5	individual who holds a valid certificate issued under s. 73.17 (4).
6	Section 1186. 94.55 (2t) of the statutes is repealed.
7	Section 1187. 94.56 of the statutes is created to read:
8	94.56 Marijuana producers and processors. (1) Definitions. In this
9	section:
10	(a) "Labor peace agreement" means an agreement between a person applying
11	for a permit under this section and a labor organization, as defined in s. 5.02 (8m),
12	that does all of the following:
13	1. Prohibits labor organizations and its members from engaging in picketing,
14	work stoppages, boycotts, and any other economic interference with persons doing
15	business in this state.
16	2. Prohibits the applicant from disrupting the efforts of the labor organization
17	to communicate with and to organize and represent the applicant's employees.
18	3. Provides the labor organization access at reasonable times to areas in which
19	the applicant's employees work for the purpose of meeting with employees to discuss
20	their right to representation, employment rights under state law, and terms and
21	conditions of employment.
22	(b) "Marijuana" has the meaning given in s. 961.70 (2).
23	(c) "Marijuana processor" has the meaning given in s. 139.97 (6).
24	(d) "Marijuana producer" has the meaning given in s. 139.97 (7).
25	(e) "Usable marijuana" has the meaning given in s. 139.97 (13).

 $\mathbf{2}$

- (f) "Permittee" means a marijuana producer or marijuana processor who is issued a permit under this section.
- (2) Permit required. (a) No person may operate in this state as a marijuana producer or marijuana processor without a permit from the department. A person who acts as a marijuana producer and a marijuana processor shall obtain a separate permit for each activity. A permit issued under this section is not transferable from one person to another or from one premises to another. A separate permit is required for each place in this state where the operations of a marijuana producer or marijuana processor occur. A person is not required to obtain a permit under this section if the person produces or processes only industrial hemp and holds a valid license under s. 94.55.
- (b) This subsection applies to all officers, directors, agents, and stockholders holding 5 percent or more of the stock of any corporation applying for a permit under this section.
- (c) Subject to ss. 111.321, 111.322, and 111.335, a permit under this section may not be granted to any person to whom any of the following applies:
- 1. The person has been convicted of a violent misdemeanor, as defined in s. 941.29 (1g) (b), at least 3 times.
- 2. The person has been convicted of a violent felony, as defined in s. 941.29 (1g)(a), unless pardoned.
- 3. During the preceding 3 years, the person has been committed under s. 51.20 for being drug dependent.
- 4. The person chronically and habitually uses alcohol beverages or other substances to the extent that his or her normal faculties are impaired. A person is presumed to chronically and habitually use alcohol beverages or other substances to

- the extent that his or her normal faculties are impaired if, within the preceding 3 years, any of the following applies:
- 3 a. The person has been committed for involuntary treatment under s. 51.45 4 (13).
 - b. The person has been convicted of a violation of s. 941.20 (1) (b).
 - c. In 2 or more cases arising out of separate incidents, a court has found the person to have committed a violation of s. 346.63 or a local ordinance in conformity with that section; a violation of a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63; or a violation of the law of another jurisdiction, as defined in s. 340.01 (41m), that prohibits use of a motor vehicle while intoxicated, while under the influence of a controlled substance, a controlled substance analog, or a combination thereof, with an excess or specified range of alcohol concentration, or while under the influence of any drug to a degree that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws.
 - 5. The person has income that comes principally from gambling or has been convicted of 2 or more gambling offenses.
 - 6. The person has been convicted of crimes relating to prostitution.
 - 7. The person has been convicted of crimes relating to loaning money or anything of value to persons holding licenses or permits pursuant to ch. 125.
 - 8. The person is under the age of 21.
 - 9. The person has not been a resident of this state continuously for at least 90 days prior to the application date.
 - (cm) An applicant with 20 or more employees may not receive a permit under this section unless the applicant certifies to the department that the applicant has

 $\mathbf{2}$

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

- (cn) The department shall use a competitive scoring system to determine which applicants are eligible to receive a permit under this section. The department shall issue permits to the highest scoring applicants that it determines will best protect the environment; provide stable, family-supporting jobs to local residents; ensure worker and consumer safety; operate secure facilities; and uphold the laws of the jurisdictions in which they operate. The department may deny a permit to an applicant with a low score as determined under this paragraph. The department may request that the applicant provide any information or documentation that the department deems necessary for purposes of making a determination under this paragraph.
- (d) 1. Before the department issues a new or renewed permit under this section, the department shall give notice of the permit application to the governing body of the municipality where the permit applicant intends to operate the premises of a marijuana producer or marijuana processor. No later than 30 days after the department submits the notice, the governing body of the municipality may file with the department a written objection to granting or renewing the permit. At the municipality's request, the department may extend the period for filing objections.
- 2. A written objection filed under subd. 1. shall provide all the facts on which the objection is based. In determining whether to grant or deny a permit for which an objection has been filed under this paragraph, the department shall give substantial weight to objections from a municipality based on chronic illegal activity

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

- (e) After denying a permit, the department shall immediately notify the applicant in writing of the denial and the reasons for the denial. After making a decision to grant or deny a permit for which a municipality has filed an objection under par. (d), the department shall immediately notify the governing body of the municipality in writing of its decision and the reasons for the decision.
- (f) 1. The department's denial of a permit under this section is subject to judicial review under ch. 227.
- 2. The department's decision to grant a permit under this section regardless of an objection filed under par. (d) is subject to judicial review under ch. 227.
- (g) The department shall not issue a permit under this section to any person who does not hold a valid certificate under s. 73.03 (50).
- (3) FEES; TERM. (a) Each person who applies for a permit under this section shall submit with the application a \$250 fee. A permit issued under this section is valid for one year and may be renewed, except that the department may revoke or suspend a permit prior to its expiration. A person is not entitled to a refund of the

 $\mathbf{2}$

- fees paid under this subsection if the person's permit is denied, revoked, or suspended.
 - (b) A permittee shall annually pay to the department a fee for as long as the person holds a valid permit under this section. The annual fee for a marijuana processor permittee is \$2,000. The annual fee for a marijuana producer permittee is one of the following, unless the department, by rule, establishes a higher amount:
 - 1. If the permittee plants, grows, cultivates, or harvests not more than 1,800 marijuana plants, \$1,800.
 - 2. If the permittee plants, grows, cultivates, or harvests more than 1,800 but not more than 3,600 marijuana plants, \$2,900.
 - 3. If the permittee plants, grows, cultivates, or harvests more than 3,600 but not more than 6,000 marijuana plants, \$3,600.
 - 4. If the permittee plants, grows, cultivates, or harvests more than 6,000 but not more than 10,200 marijuana plants, \$5,100.
 - 5. If the permittee plants, grows, cultivates, or harvests more than 10,200 marijuana plants, \$7,100 plus \$800 for every 3,600 marijuana plants over 10,200.
 - (4) Schools. The department may not issue a permit under this section to operate any premises that are within 500 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation facility, child care facility, public park, public transit facility, or library.
 - (5) EDUCATION AND AWARENESS CAMPAIGN. The department shall develop and make available training programs for marijuana producers on how to safely and efficiently plant, grow, cultivate, harvest, and otherwise handle marijuana, and for marijuana processors on how to safely and efficiently produce and handle marijuana products and test marijuana for contaminants. The department shall conduct an

awareness campaign to inform potential marijuana producers and marijuana processors of the availability and viability of marijuana as a crop or product in this state.

- (6) Rules. The department shall promulgate rules necessary to administer and enforce this section, including rules relating to the inspection of the plants, facilities, and products of permittees; training requirements for employees of permittees; and the competitive scoring system for determining which applicants are eligible to receive a permit under this section.
- (7) PENALTIES. (a) Unless another penalty is prescribed for the violation, any person who violates sub. (2), fails to pay the required fee under sub. (3), or violates any of the requirements established by the rules promulgated under sub. (6) shall be fined not less than \$100 nor more than \$500 or imprisoned not more than 6 months or both.
- (b) In addition to the penalties imposed under par. (a), the department shall revoke the permit of any person convicted of any violation described under par. (a) and not issue another permit to that person for a period of 2 years following the revocation. The department may suspend or revoke the permit of any permittee who violates s. 100.30, any provision of this section, or any rules promulgated under sub. (6). The department shall revoke the permit of any permittee who violates s. 100.30 3 or more times within a 5-year period.

SECTION 1188. 94.57 of the statutes is created to read:

94.57 Testing laboratories. The department shall register entities as tetrahydrocannabinols testing laboratories. The laboratories may possess or manufacture tetrahydrocannabinols or drug paraphernalia and shall perform the following services:

1	(1) Test marijuana produced for the medical use of tetrahydrocannabinols for
2	potency and for mold, fungus, pesticides, and other contaminants.
3	(2) Collect information on research findings and conduct research related to
4	the medical use of tetrahydrocannabinols, including research that identifies
5	potentially unsafe levels of contaminants.
6	(3) Provide training on the following:
7	(a) The safe and efficient cultivation, harvesting, packaging, labeling, and
8	distribution of marijuana for the medical use of tetrahydrocannabinols.
9	(b) Security and inventory accountability procedures.
10	(c) The most recent research on the use of tetrahydrocannabinols.
11	SECTION 1189. 100.145 of the statutes is created to read:
12	100.145 Recreational marijuana logotype. The department shall design
13	an official logotype appropriate for including on a label affixed to recreational
14	marijuana under s. 139.973 (10) (a).
15	Section 1190. 108.02 (18r) of the statutes is created to read:
16	108.02 (18r) Marijuana. "Marijuana" has the meaning given in s. 111.32 (11m).
17	SECTION 1191. 108.04 (5m) of the statutes is created to read:
18	108.04 (5m) DISCHARGE FOR USE OF MARIJUANA. (a) Notwithstanding sub. (5),
19	"misconduct," for purposes of sub. (5), does not include the employee's use of
20	marijuana off the employer's premises during nonworking hours or a violation of the
21	employer's policy concerning such use, unless termination of the employee because
22	of that use is permitted under s. 111.35.
23	(b) Notwithstanding sub. (5g), "substantial fault," for purposes of sub. (5g), does
24	not include the employee's use of marijuana off the employer's premises during

1	nonworking hours or a violation of the employer's policy concerning such use, unless
2	termination of the employee because of that use is permitted under s. 111.35.
3	Section 1192. 111.32 (9m) of the statutes is created to read:
4	111.32 (9m) "Lawful product" includes marijuana.
5	Section 1193. 111.32 (11m) of the statutes is created to read:
6	111.32 (11m) "Marijuana" means all parts of the plants of the genus Cannabis,
7	whether growing or not; the seeds thereof; the resin extracted from any part of the
8	plant; and every compound, manufacture, salt, derivative, mixture, or preparation
9	of the plant, its seeds or resin, including tetrahydrocannabinols.
10	Section 1194. 111.35 (2) (e) of the statutes is amended to read:
11	111.35 (2) (e) Conflicts with any federal or state statute, rule or regulation.
12	This paragraph does not apply with respect to violations concerning marijuana or
13	tetrahydrocannabinols under 21 USC 841 to 865.
14	Section 1195. 114.09 (2) (bm) 1. (intro.) of the statutes is amended to read:
15	114.09 (2) (bm) 1. (intro.) Except as provided in subd. 1. a. or b., the court shall
16	order the person violating sub. (1) (b) 1. or 1m. to submit to and comply with an
17	assessment by an approved public treatment facility as defined in s. $51.45\ (2)\ (c)$ for
18	examination of the person's use of alcohol, tetrahydrocannabinols, controlled
19	substances, or controlled substance analogs and development of an airman safety
20	plan for the person. The court shall notify the person, the department, and the proper
21	federal agency of the assessment order. The assessment order shall:
22	Section 1196. 114.09 (2) (bm) 4. of the statutes is amended to read:
23	114.09 (2) (bm) 4. The assessment report shall order compliance with an
24	airman safety plan. The report shall inform the person of the fee provisions under

s. $46.03\ (18)\ (f)$. The safety plan may include a component that makes the person

aware of the effect of his or her offense on a victim and a victim's family. The safety plan may include treatment for the person's misuse, abuse, or dependence on alcohol, tetrahydrocannabinols, controlled substances, or controlled substance analogs. If the plan requires inpatient treatment, the treatment shall not exceed 30 days. An airman safety plan under this paragraph shall include a termination date consistent with the plan that shall not extend beyond one year. The county department under s. 51.42 shall assure notification of the department of transportation and the person of the person's compliance or noncompliance with assessment and treatment.

SECTION 1197. 115.35 (1) of the statutes is renumbered 115.35 (1) (a) (intro.) and amended to read:

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

- 1. Controlled substances, as defined in s. 961.01 (4); controlled substance analogs, as defined in s. 961.01 (4m); alcohol; and tobacco; mental.
 - 2. Mental health; sexually.
- 3. Sexually transmitted diseases, including acquired immunodeficiency syndrome; human.

1	4. Human growth and development; and.
2	5. Other related health and safety topics as determined by the department.
3	(b) Participation in the human growth and development topic of the curricula
4	described in par. (a) shall be entirely voluntary. The department may not require a
5	school board to use a specific human growth and development curriculum.
6	Section 1198. Subchapter IV of chapter 139 [precedes 139.97] of the statutes
7	is created to read:
8	CHAPTER 139
9	SUBCHAPTER IV
10	MARIJUANA TAX AND REGULATION
11	139.97 Definitions. In this subchapter:
12	(1) "Department" means the department of revenue.
13	(2) "Lot" means a definite quantity of marijuana or usable marijuana identified
14	by a lot number, every portion or package of which is consistent with the factors that
15	appear in the labeling.
16	(3) "Lot number" means a number that specifies the person who holds a valid
17	permit under this subchapter and the harvesting or processing date for each lot.
18	(4) "Marijuana" has the meaning given in s. $961.70(2)$.
19	(5) "Marijuana distributor" means a person in this state who purchases or
20	receives usable marijuana from a marijuana processor and who sells or otherwise
21	transfers the usable marijuana to a marijuana retailer for the purpose of resale to
22	consumers.
23	(6) "Marijuana processor" means a person in this state who processes
24	marijuana into usable marijuana, packages and labels usable marijuana for sale in

25

microbusiness.

1	retail outlets, and sells at wholesale or otherwise transfers usable marijuana to
2	marijuana distributors.
3	(7) "Marijuana producer" means a person in this state who produces marijuana
4	and sells it at wholesale or otherwise transfers it to marijuana processors.
5	(8) "Marijuana retailer" means a person in this state that sells usable
6	marijuana at a retail outlet.
7	(9) "Microbusiness" means a marijuana producer that produces marijuana in
8	one area that is less than 10,000 square feet and who also operates as any 2 of the
9	following:
10	(a) A marijuana processor.
11	(b) A marijuana distributor.
12	(c) A marijuana retailer.
13	(10) "Permittee" means a marijuana producer, marijuana processor, marijuana
14	distributor, marijuana retailer, or microbusiness that is issued a permit under s.
15	139.972.
16	(11) "Retail outlet" means a location for the retail sale of usable marijuana.
17	(12) "Sales price" has the meaning given in s. 77.51 (15b).
18	(13) "Usable marijuana" means marijuana that has been processed for human
19	consumption and includes dried marijuana flowers, marijuana-infused products,
20	and marijuana edibles.
21	139.971 Marijuana tax. (1) (a) An excise tax is imposed on a marijuana
22	producer at the rate of 15 percent of the sales price on each wholesale sale or transfer
23	in this state of marijuana to a marijuana processor. This paragraph applies to a

microbusiness that transfers marijuana to a processing operation within the

- (b) An excise tax is imposed on a marijuana retailer at the rate of 10 percent of the sales price on each retail sale in this state of usable marijuana, except that the tax does not apply to sales of usable marijuana to an individual who holds a valid tax exemption certificate issued under s. 73.17 (4).
- (2) Each person liable for the taxes imposed under sub. (1) shall pay the taxes to the department no later than the 15th day of the month following the month in which the person's tax liability is incurred and shall include with the payment a return on a form prescribed by the department.
- (3) For purposes of this section, a marijuana producer may not sell marijuana directly to a marijuana distributor or marijuana retailer, and a marijuana retailer may purchase usable marijuana for resale only from a marijuana distributor. This subsection does not apply to a microbusiness that transfers marijuana or usable marijuana to another operation with the microbusiness.
- 139.972 Permits required. (1) (a) No person may operate in this state as a marijuana producer, marijuana processor, marijuana distributor, marijuana retailer, or microbusiness without first filing an application for and obtaining the proper permit from the department to perform such operations. In addition, no person may operate in this state as a marijuana producer or marijuana processor without first filing an application for and obtaining the proper permit under s. 94.56.
- (b) This section applies to all officers, directors, agents, and stockholders holding 5 percent or more of the stock of any corporation applying for a permit under this section.
- (c) Subject to ss. 111.321, 111.322, and 111.335, a permit under this section may not be granted to any person to whom any of the following applies:

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

- 5. The person has income that comes principally from gambling or has been convicted of 2 or more gambling offenses.
 - 6. The person has been convicted of crimes relating to prostitution.
- 7. The person has been convicted of of crimes relating to loaning money or anything of value to persons holding licenses or permits pursuant to ch. 125.
 - 8. The person is under the age of 21.
- 9. The person has not been a resident of this state continuously for at least 90 days prior to the application date.
- (cm) An applicant with 20 or more employees may not receive a permit under this section to operate as a marijuana distributor or marijuana retailer unless the applicant certifies to the department that the applicant has entered into a labor peace agreement, as defined in s. 94.56 (1) (a), and will abide by the terms of the agreement as a condition of maintaining a valid permit under this section. The applicant shall submit to the department a copy of the page of the labor peace agreement that contains the signatures of the labor organization representative and the applicant.
- (cn) The department shall use a competitive scoring system to determine which applicants are eligible to receive a permit under this section. The department shall issue permits to the highest scoring applicants that it determines will best protect the environment; provide stable, family-supporting jobs to local residents; ensure worker and consumer safety; operate secure facilities; and uphold the laws of the jurisdictions in which they operate. The department shall, using criteria established by rule, score an applicant for a permit to operate as a marijuana retailer on the applicant's ability to articulate a social equity plan related to the operation of a marijuana retail establishment. The department may deny a permit to an applicant

with a low score as determined under this paragraph. The department may request that the applicant provide any information or documentation that the department deems necessary for purposes of making a determination under this paragraph.

- (d) 1. Before the department issues a new or renewed permit under this section, the department shall give notice of the permit application to the governing body of the municipality where the permit applicant intends to operate the premises of a marijuana producer, marijuana processor, marijuana distributor, marijuana retailer, or microbusiness. No later than 30 days after the department submits the notice, the governing body of the municipality may file with the department a written objection to granting or renewing the permit. At the municipality's request, the department may extend the period for filing objections.
- 2. A written objection filed under subd. 1. shall provide all the facts on which the objection is based. In determining whether to grant or deny a permit for which an objection has been filed under this paragraph, the department shall give substantial weight to objections from a municipality based on chronic illegal activity associated with the premises for which the applicant seeks a permit or the premises of any other operation in this state for which the applicant holds or has held a valid permit or license, the conduct of the applicant's patrons inside or outside the premises of any other operation in this state for which the applicant holds or has held a valid permit or license, and local zoning ordinances. In this subdivision, "chronic illegal activity" means a pervasive pattern of activity that threatens the public health, safety, and welfare of the municipality, including any crime or ordinance violation, and that is documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar law enforcement agency records.

- (e) After denying a permit, the department shall immediately notify the applicant in writing of the denial and the reasons for the denial. After making a decision to grant or deny a permit for which a municipality has filed an objection under par. (d), the department shall immediately notify the governing body of the municipality in writing of its decision and the reasons for the decision.
- (f) 1. The department's denial of a permit under this section is subject to judicial review under ch. 227.
- 2. The department's decision to grant a permit under this section regardless of an objection filed under par. (d) is subject to judicial review under ch. 227.
- (g) The department shall not issue a permit under this section to any person who does not hold a valid certificate under s. 73.03 (50).
- (2) Each person who applies for a permit under this section shall submit with the application a \$250 fee. Each person who is granted a permit under this section shall annually pay to the department a \$2,000 fee for as long as the person holds a valid permit under this section. A permit issued under this section is valid for one year and may be renewed, except that the department may revoke or suspend a permit prior to its expiration. A person is not entitled to a refund of the fees paid under this subsection if the person's permit is denied, revoked, or suspended.
- (3) The department may not issue a permit under this section to operate any premises which are within 500 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation facility, child care facility, public park, public transit facility, or library.
- (4) Under this section, a separate permit is required for and issued to each class of permittee, and the permit holder may perform only the operations authorized by the permit. A permit issued under this section is not transferable from one person

 $\mathbf{2}$

to another or from one premises to another. A separate permit is required for each place in this state where the operations of a marijuana producer, marijuana processor, marijuana distributor, marijuana retailer, or microbusiness occur, including each retail outlet. No person who has been issued a permit to operate as a marijuana retailer, or who has any direct or indirect financial interest in the operation of a marijuana retailer, shall be issued a permit to operate as a marijuana producer, marijuana processor, or marijuana distributor. A person who has been issued a permit to operate as a microbusiness is not required to hold separate permits to operate as a marijuana processor, marijuana distributor, or marijuana retailer, but shall specify on the person's application for a microbusiness permit the activities that the person will be engaged in as a microbusiness.

- (5) Each person issued a permit under this section shall post the permit in a conspicuous place on the premises to which the permit relates.
- **139.973 Regulation.** (1) (a) No permittee may employ an individual who is under the age of 21 to work in the business to which the permit relates.
- (b) Subject to ss. 111.321, 111.322, and 111.335, no permittee may employ an individual if any of the conditions under s. 139.972 (1) (c) 1. to 7. applies to the individual.
- (2) A retail outlet shall sell no products or services other than usable marijuana or paraphernalia intended for the storage or use of usable marijuana.
- (3) No marijuana retailer may allow a person who is under the age of 21 to enter or be on the premises of a retail outlet in violation of s. 961.71 (2m), unless that person is a qualifying patient, as defined in s. 73.17 (1) (d).

- (4) The maximum amount of usable marijuana that a retail outlet may sell to an individual consumer in a single transaction may not exceed a permissible amount, as defined in s. 961.70 (3).
- (4m) A marijuana retailer may not collect, retain, or distribute personal information regarding the retailer's customers except that which is necessary to complete a sale of usable marijuana.
- (5) No marijuana retailer may display any signage in a window, on a door, or on the outside of the premises of a retail outlet that is visible to the general public from a public right-of-way, other than a single sign that is no larger than 1,600 square inches identifying the retail outlet by the permittee's business or trade name.
- (6) No marijuana retailer may display usable marijuana in a manner that is visible to the general public from a public right-of-way.
- (7) No marijuana retailer or employee of a retail outlet may consume, or allow to be consumed, any usable marijuana on the premises of the retail outlet.
- (7m) A marijuana retailer may operate a retail outlet only between the hours of 8 a.m. and 8 p.m.
- (8) Except as provided under sub. (5), no marijuana producer, marijuana processor, marijuana distributor, marijuana retailer, or microbusiness may place or maintain, or cause to be placed or maintained, an advertisement of usable marijuana in any form or through any medium.
- (9) (a) On a schedule determined by the department, every marijuana producer, marijuana processor, or microbusiness shall submit representative samples of the marijuana and usable marijuana produced or processed by the marijuana producer, marijuana processor, or microbusiness to a testing laboratory registered under s. 94.57 for testing marijuana and usable marijuana in order to

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

- certify that the marijuana and usable marijuana comply with standards prescribed by the department by rule, including testing for potency and for mold, fungus, pesticides, and other contaminants. The laboratory testing the sample shall destroy any part of the sample that remains after the testing.
- (b) Marijuana producers, marijuana processors, and microbusinesses shall submit the results of the testing provided under par. (a) to the department in the manner prescribed by the department by rule.
- (c) If a representative sample tested under par. (a) does not meet the standards prescribed by the department, the department shall take the necessary action to ensure that the entire lot from which the sample was taken is destroyed. The department shall promulgate rules to determine lots and lot numbers for purposes of this subsection and for the reporting of lots and lot numbers to the department.
- (10) (a) A marijuana processor or a microbusiness that operates as a marijuana processor shall affix a label to all usable marijuana that the marijuana processor or microbusiness sells to marijuana distributors. The label may not be designed to appeal to persons under the age of 18. The label shall include all of the following:
- 1. The ingredients and the tetrahydrocannabinols concentration in the usable marijuana.
 - 2. The producer's business or trade name.
- 3. The producer's permit number.
- 4. The harvest batch number of the marijuana.
- 5. The harvest date.
- 23 6. The strain name and product identity.
- 7. The net weight.
- 25 8. The activation time.

- 9. The name of laboratory performing any test, the test batch number, and the test analysis dates.
- 10. The logotype for recreational marijuana developed by the department of agriculture, trade and consumer protection under s. 100.145.
- 11. Warnings about the risks of marijuana use and pregnancy and risks of marijuana use by persons under the age of 18.
- (b) No marijuana processor or microbusiness that operates as a marijuana processor may make usable marijuana using marijuana grown outside this state. The label on each package of usable marijuana may indicate that the usable marijuana is made in this state.
- (11) (a) No permittee may sell marijuana or usable marijuana that contains more than 3 parts tetrahydrocannabinols to one part cannabidiol.
- (b) No permittee may sell marijuana or usable marijuana that tests positive under sub. (9) (a) for mold, fungus, pesticides, or other contaminants if the contaminants, or level of contaminants, are identified by a testing laboratory to be potentially unsafe to the consumer.
- (12) Immediately after beginning employment with a permittee, every employee of a permittee shall receive training, approved by the department, on the safe handling of marijuana and usable marijuana and on security and inventory accountability procedures.
- (13) The department shall deposit all moneys received under this subchapter into the community reinvestment fund.
- 139.974 Records and reports. (1) Every permittee shall keep accurate and complete records of the production and sales of marijuana and usable marijuana in this state. The records shall be kept on the premises described in the permit and in

such manner as to ensure permanency and accessibility for inspection at reasonable hours by the department's authorized personnel. The department shall prescribe reasonable and uniform methods of keeping records and making reports and shall provide the necessary forms to permittees.

- (2) If the department determines that any permittee's records are not kept in the prescribed form or are in such condition that the department requires an unusual amount of time to determine from the records the amount of the tax due, the department shall give notice to the permittee that the permittee is required to revise the permittee's records and keep them in the prescribed form. If the permittee fails to comply within 30 days, the permittee shall pay the expenses reasonably attributable to a proper examination and tax determination at the rate of \$30 a day for each auditor used to make the examination and determination. The department shall send a bill for such expenses, and the permittee shall pay the amount of such bill within 10 days.
- (3) If any permittee fails to file a report when due, the permittee shall be required to pay a late filing fee of \$10. A report that is mailed is filed on time if it is mailed in a properly addressed envelope with postage prepaid, the envelope is officially postmarked, or marked or recorded electronically as provided under section 7502 (f) (2) (c) of the Internal Revenue Code, on the date due, and the report is actually received by the department or at the destination that the department prescribes within 5 days of the due date. A report that is not mailed is timely if it is received on or before the due date by the department or at the destination that the department prescribes. For purposes of this subsection, "mailed" includes delivery by a delivery service designated under section 7502 (f) of the Internal Revenue Code.

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

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

- (2) The duly authorized employees of the department have all necessary police powers to prevent violations of this subchapter.
- (3) Authorized personnel of the department of justice and the department of revenue, and any law enforcement officer, within their respective jurisdictions, may at all reasonable hours enter the premises of any permittee and examine the books and records to determine whether the tax imposed by this subchapter has been fully paid and may enter and inspect any premises where marijuana or usable marijuana is produced, processed, made, sold, or stored to determine whether the permittee is complying with this subchapter.
- (4) The department may suspend or revoke the permit of any permittee who violates s. 100.30, any provision of this subchapter, or any rules promulgated under sub. (1). The department shall revoke the permit of any permittee who violates s. 100.30 3 or more times within a 5-year period.
- (5) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied in s. 139.971. The aggrieved taxpayer shall pay the tax when due and, if paid under protest, may at any time within 90 days from the date of payment sue the state to recover the tax paid. If it is finally determined that any

- part of the tax was wrongfully collected, the secretary of administration shall pay the amount wrongfully collected. A separate suit need not be filed for each separate payment made by any taxpayer, but a recovery may be had in one suit for as many payments as may have been made.
- (6) (a) Any person may be compelled to testify in regard to any violation of this subchapter of which the person may have knowledge, even though such testimony may tend to incriminate the person, upon being granted immunity from prosecution in connection with the testimony, and upon the giving of such testimony, the person shall not be prosecuted because of the violation relative to which the person has testified.
- (b) The immunity provided under par. (a) is subject to the restrictions under s. 972.085.
- (7) The provisions on timely filing under s. 71.80 (18) apply to the tax imposed under this subchapter.
- (8) Sections 71.74 (1), (2), (10), (11), and (14), 71.77, 71.91 (1) (a) and (c) and (2) to (7), 71.92, and 73.0301 as they apply to the taxes under ch. 71 apply to the taxes under this subchapter. Section 71.74 (13) as it applies to the collection of the taxes under ch. 71 applies to the collection of the taxes under this subchapter, except that the period during which notice of an additional assessment shall be given begins on the due date of the report under this subchapter.
- (9) Any building or place of any kind where marijuana or usable marijuana is sold, possessed, stored, or manufactured without a lawful permit or in violation of s. 139.972 or 139.973 is declared a public nuisance and may be closed and abated as such.

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

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

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

- (2) If marijuana or usable marijuana on which the tax has not been paid is seized as provided under sub. (1), it may be given to law enforcement officers to use in criminal investigations or sold to qualified buyers by the department, without notice. If the department finds that the marijuana or usable marijuana may deteriorate or become unfit for use in criminal investigations or for sale, or that those uses would otherwise be impractical, the department may order it destroyed.
- (3) If marijuana or usable marijuana on which the tax has been paid is seized as provided under sub. (1), it shall be returned to the true owner if ownership can be ascertained and the owner or the owner's agent is not involved in the violation

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

resulting in the seizure. If the ownership cannot be ascertained or if the owner or the owner's agent was guilty of the violation that resulted in the seizure of the marijuana or usable marijuana, it may be sold or otherwise disposed of as provided in sub. (2).

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

139.978 Interest and penalties. (1) Any person who makes or signs any false or fraudulent report under this subchapter or who attempts to evade the tax

- imposed by s. 139.971, or who aids in or abets the evasion or attempted evasion of that tax, may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.
- (2) Any permittee who fails to keep the records required by s. 139.974 (1) and (2) shall be fined not less than \$100 nor more than \$500 or imprisoned not more than 6 months or both.
- (3) Any person who refuses to permit the examination or inspection authorized under s. 139.975 (3) may be fined not more than \$500 or imprisoned not more than 6 months or both. The department shall immediately suspend or revoke the permit of any person who refuses to permit the examination or inspection authorized under s. 139.975 (3).
- (4) Any person who violates any of the provisions of this subchapter for which no other penalty is prescribed shall be fined not less than \$100 nor more than \$1,000 or imprisoned not less than 10 days nor more than 90 days or both.
- (5) Any person who violates any of the rules promulgated in accordance with this subchapter shall be fined not less than \$100 nor more than \$500 or imprisoned not more than 6 months or both.
- (6) In addition to the penalties imposed for violating the provisions of this subchapter or any of the department's rules, the department shall revoke the permit of any person convicted of such a violation and not issue another permit to that person for a period of 2 years following the revocation.
- (7) Unpaid taxes bear interest at the rate of 12 percent per year from the due date of the return until paid or deposited with the department, and all refunded taxes bear interest at the rate of 3 percent per year from the due date of the return to the date on which the refund is certified on the refund rolls.

 $\mathbf{2}$

- (8) All nondelinquent payments of additional amounts owed shall be applied in the following order: penalties, interest, tax principal.
- (9) Delinquent marijuana taxes bear interest at the rate of 1.5 percent per month until paid. The taxes imposed by this subchapter shall become delinquent if not paid:
- (a) In the case of a timely filed return, no return filed or a late return, on or before the due date of the return.
- (b) In the case of a deficiency determination of taxes, within 2 months after the date of demand.
- (10) If due to neglect an incorrect return is filed, the entire tax finally determined is subject to a penalty of 25 percent of the tax exclusive of interest or other penalty. A person filing an incorrect return has the burden of proving that the error or errors were due to good cause and not due to neglect.
- 139.979 Personal use. An individual who possesses no more than 6 marijuana plants that have reached the flowering stage at any one time is not subject to the tax imposed under s. 139.971. An individual who possesses more than 6 marijuana plants that have reached the flowering stage at any one time shall apply for the appropriate permit under s. 139.972 and pay the appropriate tax imposed under s. 139.971.
- 139.980 Agreement with tribes. The department may enter into an agreement with a federally recognized American Indian tribe in this state for the administration and enforcement of this subchapter and to provide refunds of the tax imposed under s. 139.971 on marijuana sold on tribal land by or to enrolled members of the tribe residing on the tribal land.

SECTION 1199. 157.06 (11) (hm) of the statutes is created to read:

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

Section 1200. 157.06 (11) (i) of the statutes is amended to read:

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

Section 1201. 250.22 of the statutes is created to read:

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

Section 1202. 289.33 (3) (d) of the statutes is amended to read:

289.33 (3) (d) "Local approval" includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16),

- 1 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70
- 2 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (7), (8),
- 3 and (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34,
- 4 61.35, 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415,
- 5 87.30, 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III
- 6 of ch. 91.

11

12

13

14

15

16

17

18

19

20

21

22

- **SECTION 1203.** 349.02 (2) (b) 4. of the statutes is amended to read:
- 8 349.02 **(2)** (b) 4. Local ordinances enacted under s. 59.54 (25) <u>(a)</u> or (25m) or 9 66.0107 (1) (bm).
 - **SECTION 1204.** 961.01 (14) of the statutes is renumbered 961.70 (2) and amended to read:
 - 961.70 (2) "Marijuana" means all parts of the plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including if the tetrahydrocannabinols concentration of the plant part, seeds, resin, compound, manufacture, salt, derivative, mixture, or preparation is greater than 0.3 percent on a dry weight basis. "Marijuana" does include the mature stalks if mixed with other parts of the plant, but does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. "Marijuana" does not include hemp, as defined in s. 94.55 (1).
- **Section 1205.** 961.11 (4g) of the statutes is repealed.
- **SECTION 1206.** 961.14 (4) (t) of the statutes is repealed.

Section 1207. 961.32 (2m) of the statutes is repealed.

Section 1208. 961.34 of the statutes is renumbered 961.75, and 961.75 (title),

as renumbered, is amended to read:

961.75 (title) Controlled substances Marijuana therapeutic research.

SECTION 1209. 961.38 (1n) of the statutes is repealed.

Section 1210. 961.41 (1) (h) of the statutes is repealed.

SECTION 1211. 961.41 (1m) (h) of the statutes is repealed.

Section 1212. 961.41 (1q) of the statutes is repealed.

Section 1213. 961.41 (1r) of the statutes is amended to read:

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

Section 1214. 961.41 (1x) of the statutes is amended to read:

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

SECTION 1215. 961.41 (3g) (c) of the statutes is amended to read:

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

SECTION 1216. 961.41 (3g) (d) of the statutes is amended to read:

961.41 (3g) (d) Certain hallucinogenic and stimulant drugs. If a person possesses or attempts to possess lysergic acid diethylamide, phencyclidine, amphetamine, 3,4-methylenedioxymethamphetamine, methcathinone, cathinone, N-benzylpiperazine, a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm), (u) to (xb), or (7) (L), psilocin, or psilocybin, or a controlled substance analog of lysergic acid diethylamide, phencyclidine, amphetamine, 3,4-methylenedioxymethamphetamine, methcathinone, cathinone, N-benzylpiperazine, a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm), (u) to (xb), or (7) (L), psilocin, or psilocybin, the person may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of

the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

Section 1217. 961.41 (3g) (e) of the statutes is repealed.

Section 1218. 961.41 (3g) (em) of the statutes is amended to read:

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

Section 1219. 961.47 (1) of the statutes is amended to read:

961.47 (1) Whenever any person who has not previously been convicted of any offense under this chapter, or of any offense under any statute of the United States or of any state or of any county ordinance relating to controlled substances or controlled substance analogs, narcotic drugs, marijuana or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession or attempted possession of a controlled substance or controlled substance analog under s. 961.41 (3g) (b), the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him or her on probation upon terms

 $\mathbf{2}$

and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him or her. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for 2nd or subsequent convictions under s. 961.48. There may be only one discharge and dismissal under this section with respect to any person.

Section 1220. 961.48 (3) of the statutes is amended to read:

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

Section 1221. 961.48 (5) of the statutes is amended to read:

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

SECTION 1222. 961.49 (1m) (intro.) of the statutes is amended to read:

961.49 (1m) (intro.) If any person violates s. 961.41 (1) (cm), (d), (dm), (e), (f), or (g) or (h) by delivering or distributing, or violates s. 961.41 (1m) (cm), (d), (dm), (e), (f), or (g) or (h) by possessing with intent to deliver or distribute, cocaine, cocaine base, fentanyl, a fentanyl analog, heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine, or methcathinone or any form of tetrahydrocannabinols or a controlled substance analog of any of these

substances and the delivery, distribution or possession takes place under any of the
following circumstances, the maximum term of imprisonment prescribed by law for
that crime may be increased by 5 years:
Section 1223. 961.571 (1) (a) 7. of the statutes is repealed.
Section 1224. 961.571 (1) (a) 11. (intro.) of the statutes is amended to read:
961.571 (1) (a) 11. (intro.) Objects used, designed for use or primarily intended
for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish
or hashish oil into the human body, such as:
Section 1225. 961.571 (1) (a) 11. e. of the statutes is repealed.
Section 1226. 961.571 (1) (a) 11. k. and L. of the statutes are repealed.
Section 1227. Subchapter VIII of chapter 961 [precedes 961.70] of the statutes
is created to read:
CHAPTER 961
SUBCHAPTER VIII
REGULATION OF MARIJUANA
961.70 Definitions. In this subchapter:
(1) "Extreme measure to avoid detection" means any of the following:
(a) A system that aims to alert a person if law enforcement approaches an area
that contains marijuana plants if the system exceeds a security system that would
be used by a reasonable person in the person's region.
(b) A method of intimidating individuals who approach an area that contains
marijuana plants if the method exceeds a method that would be used by a reasonable
person in the person's region.
(c) A system that is designed so that an individual approaching the area that
contains marijuana plants may be injured or killed by the system.

20

21

22

23

24

1	(1m) "Legal age" means 21 years of age, except that in the case of a qualifying
2	patient, as defined in s. 73.17 (1) (d), "legal age" means 18 years of age.
3	(3) "Permissible amount" means one of the following:
4	(a) For a person who is a resident of Wisconsin, an amount that does not exceed
5	2 ounces of usable marijuana.
6	(b) For a person who is not a resident of Wisconsin, an amount that does not
7	exceed one-quarter ounce of usable marijuana.
8	(4) "Permittee" has the meaning given under s. 139.97 (10).
9	(5) "Retail outlet" has the meaning given in s. 139.97 (11).
10	(6) "Tetrahydrocannabinols concentration" means the percent of
11	tetrahydrocannabinol content per dry weight of any part of the plant Cannabis, or
12	per volume or weight of marijuana product, or the combined percent of
13	tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant
14	Cannabis regardless of moisture content.
15	(7) "Underage person" means a person who has not attained the legal age.

- 16 (8) "Usable marijuana" has the meaning given in s. 139.97 (13).
- 961.71 Underage persons prohibitions; penalties. (1) (a) 1. No permittee may sell, distribute, or deliver marijuana to any underage person.
 - 2. No permittee may directly or indirectly permit an underage person to violate sub. (2m).
 - (b) A permittee that violates par. (a) 1. or 2. may be subject to a forfeiture of not more than \$500 and to a suspension of the permittee's permit for an amount of time not to exceed 30 days.
 - (c) In determining whether a permittee has violated par. (a) 2., all relevant circumstances surrounding the presence of the underage person may be considered.

- In determining whether a permittee has violated par. (a) 1., all relevant circumstances surrounding the selling, distributing, or delivering of marijuana may be considered. In addition, proof of all of the following facts by the permittee is a defense to any prosecution for a violation under par. (a):
- 1. That the underage person falsely represented that he or she had attained the legal age.
- 2. That the appearance of the underage person was such that an ordinary and prudent person would believe that the underage person had attained the legal age.
- 3. That the action was made in good faith and in reliance on the representation and appearance of the underage person in the belief that the underage person had attained the legal age.
- 4. That the underage person supported the representation under subd. 1. with documentation that he or she had attained the legal age.
- (2) Any underage person who does any of the following is subject to a forfeiture of not less than \$250 nor more than \$500:
 - (a) Procures or attempts to procure marijuana from a permittee.
- (b) Falsely represents his or her age for the purpose of receiving marijuana from a permittee.
 - (c) Knowingly possesses or consumes marijuana.
 - (d) Violates sub. (2m).
- (2m) An underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal age may not enter, knowingly attempt to enter, or be on the premises of a retail outlet.
- (3) An individual who has attained the legal age and who knowingly does any of the following may be subject to a forfeiture that does not exceed \$1,000:

- (a) Permits or fails to take action to prevent a violation of sub. (2) (c) on premises owned by the individual or under the individual's control.
 - (b) Encourages or contributes to a violation of sub. (2) (a).
- **961.72 Restrictions; penalties.** (1) No person except a permittee may sell, or possess with the intent to sell, marijuana. No person may distribute or deliver, or possess with the intent to distribute or deliver, marijuana except a permittee. Any person who violates a prohibition under this subsection is guilty of the following:
 - (a) Except as provided in par. (b), a Class I felony.
- (b) If the individual to whom the marijuana is, or is intended to be, sold, distributed, or delivered has not attained the legal age and the actual or intended seller, distributor, or deliverer is at least 3 years older than the individual to whom the marijuana is, or is intended to be, sold, distributed, or delivered, a Class H felony.
- (2) (a) A person that is not a permittee who possesses an amount of marijuana that exceeds the permissible amount by not more than one ounce is subject to a civil forfeiture not to exceed \$1,000.
- (b) A person who is not a permittee who possesses an amount of marijuana that exceeds the permissible amount by more than one ounce is one of the following:
- 1. Except as provided in subd. 2., subject to a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both.
- 2. Guilty of a Class I felony if the person has taken action to hide how much marijuana the person possesses and has in place an extreme measure to avoid detection.
- (c) A person who is not a permittee that possesses more than 6 marijuana plants that have reached the flowering stage at one time must apply for a permit under s. 139.972 and is one of the following:

- 1. Except as provided in subds. 2. and 3., subject to a civil forfeiture that is not more than twice the permitting fee under s. 139.972.
 - 2. Except as provided in subd. 3., subject to a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both, if the number of marijuana plants that have reached the flowering stage is more than 12.
 - 3. Guilty of a Class I felony if the number of marijuana plants that have reached the flowering stage is more than 12, if the individual has taken action to hide the number of marijuana plants that have reached the flowering stage and if the person has in place an extreme measure to avoid detection.
 - (d) Whoever uses or displays marijuana in a public space is subject to a civil forfeiture of not more than \$100.
 - (3) Any person who sells or attempts to sell marijuana via mail, telephone, or Internet is subject to a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.
 - **SECTION 1228.** 967.055 (1m) (b) 5. of the statutes is repealed.
- **SECTION 1229.** 971.365 (1) (a) of the statutes is amended to read:
 - 971.365 (1) (a) In any case under s. 961.41 (1) (em), 1999 stats., or s. 961.41 (1) (cm), (d), (dm), (e), (f), or (g) or (h) involving more than one violation, all violations may be prosecuted as a single crime if the violations were pursuant to a single intent and design.
 - **Section 1230.** 971.365 (1) (b) of the statutes is amended to read:
 - 971.365 (1) (b) In any case under s. 961.41 (1m) (em), 1999 stats., or s. 961.41 (1m) (cm), (d), (dm), (e), (f), or (g) or (h) involving more than one violation, all violations may be prosecuted as a single crime if the violations were pursuant to a single intent and design.

Section 1231. 971.365 (1) (c) of the statutes is amended to read: 1 2 971.365 (1) (c) In any case under s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 3 (3g) (dm), 1999 stats., or s. 961.41 (3g) (am), (c), (d), (e), or (g) involving more than 4 one violation, all violations may be prosecuted as a single crime if the violations were 5 pursuant to a single intent and design. 6 **Section 1232.** 971.365 (2) of the statutes is amended to read: 7 971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent 8 prosecution for any acts in violation of s. 961.41 (1) (em), 1999 stats., s. 961.41 (1m) 9 (em), 1999 stats., s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 (3g) (dm), 1999 stats., 10 or s. 961.41 (1) (cm), (d), (dm), (e), (f), or (g), or (h), (1m) (cm), (d), (dm), (e), (f), or (g), 11 or (h) or (3g) (am), (c), (d), (e), or (g) on which no evidence was received at the trial 12 on the original charge. 13 **Section 1233.** 973.016 of the statutes is created to read: 14 973.016 Special disposition for marijuana-related crimes. **(1)** 15 RESENTENCING PERSONS SERVING A SENTENCE OR PROBATION. (a) A person serving a 16 sentence or on probation may request resentencing or dismissal as provided under 17 par. (b) if all of the following apply: 18 1. The sentence or probation period was imposed for a violation of s. 961.41 (1) 19 (h), 2021 stats., s. 961.41 (1m) (h), 2021 stats., or s. 961.41 (3g) (e), 2021 stats. 20 2. One of the following applies: 21a. The person would not have been guilty of a crime had the violation occurred on or after the effective date of this subd. 2. a. [LRB inserts date]. 2223 b. The person would have been guilty of a lesser crime had the violation

occurred on or after the effective date of this subd. 2. b. [LRB inserts date].

- (b) 1. A person to whom par. (a) applies shall file a petition with the sentencing court to request resentencing, adjustment of probation, or dismissal.
- 2. If the court receiving a petition under subd. 1. determines that par. (a) applies, the court shall schedule a hearing to consider the petition. At the hearing, if the court determines that par. (a) 2. b. applies, the court shall resentence the person or adjust the probation and change the record to reflect the lesser crime, and, if the court determines that par. (a) 2. a. applies, the court shall dismiss the conviction and expunge the record. Before resentencing, adjusting probation, or dismissing a conviction under this subdivision, the court shall determine that the action does not present an unreasonable risk of danger to public safety.
- 3. If the court resentences the person or adjusts probation, the person shall receive credit for time or probation served for the relevant offense.
- (2) Redesignating offense for persons who completed a sentence or probation (a) A person who has completed his or her sentence or period of probation may request under par. (b) expungement of the conviction because the conviction is legally invalid or redesignation to a lesser crime if all of the following apply:
- 1. The sentence or probation period was imposed for a violation of s. 961.41 (1) (h), 2021 stats., s. 961.41 (1m) (h), 2021 stats., or s. 961.41 (3g) (e), 2021 stats.
 - 2. One of the following applies:
- a. The person would not have been guilty of a crime had the violation occurred on or after the effective date of this subd. 2. a. [LRB inserts date].
- b. The person would have been guilty of a lesser crime had the violation occurred on or after the effective date of this subd. 2. b. [LRB inserts date].
- (b) 1. A person to whom par. (a) applies shall file a petition with the sentencing court to request expungement or redesignation.

- 2. If the court receiving a petition under subd. 1. determines that par. (a) applies, the court shall schedule a hearing to consider the petition. At the hearing, if the court determines that par. (a) 2. b. applies, the court shall redesignate the crime to a lesser crime and change the record to reflect the lesser crime, and if the court determines that par. (a) 2. a. applies, the court shall expunge the conviction. Before redesignating or expunging under this subdivision, the court shall determine that the action does not present an unreasonable risk of danger to public safety.
- (3) EFFECT OF RESENTENCING, DISMISSAL, REDESIGNATION, OR EXPUNGEMENT. If the court changes or expunges a record under this section, a conviction that was changed or expunged is not considered a conviction for any purpose under state or federal law, including for purposes of s. 941.29 or 18 USC 921.

Section 9128. Nonstatutory provisions; Legislature.

- (1) Joint legislative council shall study the implementation of the marijuana tax and regulation provided under subch. IV of ch. 139 and identify uses for the revenues generated by the tax. The joint legislative council shall report its findings, conclusions, and recommendations to the joint committee on finance no later than 2 years after the effective date of this subsection.".
 - **201.** Page 374, line 11: after that line insert:
- 20 "Section 1234. 71.05 (1) (am) of the statutes is amended to read:
 - 71.05 (1) (am) *Military retirement systems*. All retirement payments received from the U.S. military employee retirement system, to the extent that such payments are not exempt under par. (a) or sub. (6) (b) 54. or 54m.
 - **Section 1235.** 71.05 (1) (an) of the statutes is amended to read:

71.05 (1) (an) *Uniformed services retirement benefits*. All retirement payments received from the U.S. government that relate to service with the coast guard, the commissioned corps of the national oceanic and atmospheric administration, or the commissioned corps of the public health service, to the extent that such payments are not exempt under par. (a) or (am) or sub. (6) (b) 54. or 54m.

SECTION 1236. 71.05 (6) (b) 54. (intro.) of the statutes is amended to read:

71.05 (6) (b) 54. (intro.) Except for a payment that is exempt under sub. (1) (a), (am), or (an), or that is exempt as a railroad retirement benefit, for taxable years beginning after December 31, 2020, and before January 1, 2023, up to \$5,000 of payments or distributions received each year by an individual from a qualified retirement plan under the Internal Revenue Code or from an individual retirement account established under 26 USC 408, if all of the following conditions apply:

Section 1237. 71.05 (6) (b) 54m. of the statutes is created to read:

71.05 (6) (b) 54m. Except for a payment that is exempt under sub. (1) (a), (am), or (an), or that is exempt as a railroad retirement benefit, for taxable years beginning after December 31, 2022, up to \$5,500 of payments or distributions received each year by an individual from a qualified retirement plan under the Internal Revenue Code or from an individual retirement account established under 26 USC 408, if all of the following conditions apply:

- a. The individual is at least 65 years of age before the close of the taxable year to which the exemption claim relates.
- b. If the individual is single or files as head of household, his or her federal adjusted gross income in the year to which the exemption claim relates is less than \$30,000.

 $\mathbf{2}$

c. If the individual is married and is a joint filer, the couple's federal adjusted
gross income in the year to which the exemption claim relates is less than \$60,000
d. If the individual is married and files a separate return, the sum of both
spouses' federal adjusted gross income in the year to which the exemption claim
relates is less than \$60,000.
Section 1238. 71.83 (1) (a) 6. of the statutes is amended to read:
71.83 (1) (a) 6. 'Retirement plans.' Any natural person who is liable for a
penalty for federal income tax purposes under section 72 (m) (5), (q), (t), and (v), 4973
4974, 4975, or 4980A of the Internal Revenue Code is liable for 33 percent of the
federal penalty unless the income received is exempt from taxation under s. 71.05
(1) (a) or (6) (b) 54. or 54m. The penalties provided under this subdivision shall be
assessed, levied, and collected in the same manner as income or franchise taxes.".
202. Page 374, line 11: after that line insert:
"Section 1239. 71.07 (9g) (b) of the statutes is renumbered 71.07 (9g) (b) 1. and
amended to read:
71.07 (9g) (b) 1. For taxable years beginning after December 31, 2021, and
before January 1, 2023, and subject to the limitations provided in this subsection, a
claimant may claim as a credit against the tax imposed under s. 71.02, up to the
amount of those taxes, an amount equal to 50 percent of the federal child and

SECTION 1240. 71.07 (9g) (b) 2. of the statutes is created to read:

return for the taxable year to which the claim under this subsection relates.

71.07 (9g) (b) 2. For taxable years beginning after December 31, 2022, and subject to the limitations provided in this subsection, a claimant may claim as a

dependent care tax credit claimed by the claimant on his or her federal income tax

credit against the tax imposed under s. 71.02, up to the amount of those taxes, an amount equal to the federal child and dependent care tax credit claimed by the claimant on his or her federal income tax return for the taxable year to which the claim under this subsection relates.".

203. Page 374, line 11: after that line insert:

"Section 1241. 71.98 (10) of the statutes is created to read:

71.98 (10) Federal Tax Cuts and Jobs Act. For taxable years beginning after December 31, 2022, sections 11012, 13221, 13301, 13304 (a), (b), and (d), 13531, and 13601 of P.L. 115–97.".

204. Page 374, line 11: after that line insert:

SECTION 1242. 71.05 (6) (b) 49. a. of the statutes is amended to read:

71.05 (6) (b) 49. a. Subject to the definitions provided in subd. 49. b. to g. and the limitations specified in subd. 49. h. to j. for taxable years beginning after December 31, 2013, and subject to the limitation in subd. 49. k. for taxable years beginning after December 31, 2017, and subject to the limitation in subd. 49. m. for taxable years beginning after December 31, 2022, tuition expenses that are paid by a claimant for tuition for a pupil to attend an eligible institution.

Section 1243. 71.05 (6) (b) 49. m. of the statutes is created to read:

71.05 (6) (b) 49. m. For taxable years beginning after December 31, 2022, no modification may be made under this subdivision unless the adjusted gross income of the claimant is less than \$100,000 if the claimant is filing as single or head of household, \$150,000 if the claimant is married and filing jointly, or \$75,000 if the claimant is married and filing separately.".

205. Page 374, line 11: after that line insert:

25

Section 1244. 71.05 (6) (a) 30. of the statutes is created to read: 1 2 71.05 (6) (a) 30. For an account holder, as defined in s. 71.10 (10) (a) 1., or an 3 account holder's estate: 4 a. Any amount distributed under s. 71.10 (10) (d) 2. or 3. 5 b. Any amount withdrawn from the account created under s. 71.10 (10) (b) 1. 6 for any reason other than payment or reimbursement of eligible costs, as defined in 7 s. 71.10 (10) (a) 4., except that this subd. 30. b. does not apply to the transfer of funds 8 to another account as described in s. 71.10 (10) (c) 4. or to the disbursement of funds 9 pursuant to a filing for bankruptcy protection under 11 USC 101 et seq. 10 **Section 1245.** 71.05 (6) (b) 57. of the statutes is created to read: 11 71.05 (6) (b) 57. For each account an account holder, as defined in s. 71.10 (10) 12 (a) 1., creates under s. 71.10 (10) (b) 1., and subject to s. 71.10 (10) (d), the amount 13 deposited, limited to \$5,000, by the account holder into the account during the 14 taxable year and any interest, dividends, and other gains that accrue in the account 15 and are redeposited into it. If the account holder is married and files a joint return, 16 the \$5,000 limitation shall be increased to \$10,000. The subtraction under this 17 subdivision does not apply to the transfer of funds from another account as described 18 in s. 71.10 (10) (c) 4. **Section 1246.** 71.10 (4) (k) of the statutes is created to read: 19 20 71.10 (4) (k) Any amount computed under s. 71.83 (1) (ch). 21 **Section 1247.** 71.10 (10) of the statutes is created to read: 22 71.10 (10) First-time home buyer savings accounts. (a) Definitions. In this 23 subsection:

1. "Account holder" means an individual who creates, individually or jointly

with his or her spouse, an account under par. (b) 1.

- 2. "Allowable closing costs" means disbursements listed in a settlement statement for the purchase of a single-family residence by a beneficiary.
- 3. "Beneficiary" means a first-time home buyer who is designated by an account holder as the beneficiary of an account created under par. (b) 1.
- 4. "Eligible costs" means the down payment and allowable closing costs for the purchase of a single-family residence in this state by a beneficiary.
- 5. "Financial institution" means a bank, trust company, savings institution, savings bank, savings and loan association, industrial loan association, consumer finance company, credit union, benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in this state.
- 6. "First-time home buyer" means an individual who resides in this state and did not have, either individually or jointly, a present ownership interest in a single-family residence during the 36 months before the month in which the individual purchases a single-family residence in this state.
- 7. "Single-family residence" means a residence intended for occupation by a single family unit that is purchased by a beneficiary for use as his or her principal residence.
- (b) *Creation of account*. 1. An individual may create an account and become the account holder by opening an account at a financial institution for the purpose of paying or reimbursing the eligible costs of a first-time home buyer. The account holder shall designate a beneficiary when the account is created and may designate himself or herself as the beneficiary. An account may have only one beneficiary at any one time. An individual may be the beneficiary of more than one account, and an individual may be the account holder of more than one account, but an account

- holder may not have more than one account that designates the same beneficiary.
 The account holder may change the beneficiary at any time.
- 2. An individual may jointly own an account created under subd. 1 with his or
 her spouse.
 - 3. Only cash and marketable securities may be contributed to an account created under subd. 1.
 - 4. Persons other than an account holder may contribute to an account created under subd. 1, but the subtraction under s. 71.05 (6) (b) 57. may be made only by the account holder.
 - (c) Account holder rights and responsibilities. 1. An account holder may withdraw funds from an account created under par. (b) 1. to pay eligible costs for the benefit of the beneficiary or to reimburse the beneficiary for eligible costs the beneficiary incurs and has paid.
 - 2. An account holder may not use funds in an account created under par. (b) 1. to pay any expenses he or she incurs in administering the account, although a financial institution may deduct a service fee from the account.
 - 3. Annually, an account holder shall submit to the department with his or her income tax return, on forms prepared by the department, information regarding the account created under par. (b) 1. The information submitted shall include all of the following:
 - a. A list of transactions in the account during the taxable year to which the return relates, including the beginning and ending balances of the account.
 - b. The 1099 form issued by the financial institution that relates to the account.
 - c. A list of eligible costs, and other costs, for which funds from the account were withdrawn during the taxable year to which the return relates.

4. An account holder may withdraw funds from an account created under par.
(b) 1. with no penalty due under s. 71.83 (1) (ch) and no responsibility to make an
addition under s. $71.05\ (6)\ (a)\ 30.$ if he or she immediately transfers the funds to a
different financial institution and deposits the funds into an account created under
par (h) 1 at that financial institution

- (d) *Limitations on accounts, dissolution.* 1. An account holder may not claim a subtraction under s. 71.05 (6) (b) 57. for more than a total of \$50,000 of deposits into any account created under par. (b) 1. for each beneficiary.
- 2. An account holder shall dissolve an account created under par. (b) 1. no later than 120 months after it is created. The financial institution shall distribute any funds in the account at dissolution to the account holder.
- 3. If an account holder dies while funds remain in an account created under par.

 (b) 1., the account shall be dissolved and the financial institution shall distribute the funds to the account holder's estate.
 - (e) Department responsibilities. The department shall:
- 1. Prepare and distribute any forms that an account holder is required to submit under par. (c) 3. and any other forms necessary to administer this subsection and the adjustments to income under s. 71.05 (6) (a) 30. and (b) 57.
- 2. Prepare and distribute to financial institutions and potential home buyers informational materials about the accounts described in this subsection.
 - **SECTION 1248.** 71.83 (1) (ch) of the statutes is created to read:
- 71.83 (1) (ch) First-time home buyer savings account withdrawals. If an account holder, as defined under s. 71.10 (10) (a) 1., or an account holder's estate is required to add any amount to federal adjusted gross income under s. 71.05 (6) (a) 30., the account holder or the account holder's estate shall also pay an amount equal

1	to 10 percent of the amount that is added to income under s. 71.05 (6) (a) 30. The
2	department of revenue shall assess, levy, and collect the penalty under this
3	paragraph as it assesses, levies, and collects taxes under this chapter.
4	SECTION 9337. Initial applicability; Revenue.
5	$(6s)$ First-time home buyer savings account. The treatment of ss. $71.05\ (6)\ (a)$
6	$30.\ and\ (b)\ 57.,\ 71.10\ (4)\ (k)\ and\ (10),\ and\ 71.83\ (1)\ (ch)\ first\ applies\ to\ taxable\ years$
7	beginning on January 1, 2023.".
8	206. Page 374, line 11: after that line insert:
9	"Section 1. 71.98 (1) (c) of the statutes is created to read:
10	71.98 (1) (c) Consolidated Appropriations Act of 2023. For taxable years
11	beginning after December 31, 2022, division T of P.L. 117-328.".
12	207. Page 374, line 11: after that line insert:
13	"Section 1249. 71.07 (8b) (a) 5. of the statutes is amended to read:
14	71.07 (8b) (a) 5. "Credit period" means the period of $-6-10$ taxable years
15	beginning with the taxable year in which a qualified development is placed in
16	service. For purposes of this subdivision, if a qualified development consists of more
17	than one building, the qualified development is placed in service in the taxable year
18	in which the last building of the qualified development is placed in service.
19	Section 1250. 71.07 (8b) (a) 7. of the statutes is amended to read:
20	71.07 (8b) (a) 7. "Qualified development" means a qualified low-income
21	housing project under section 42 (g) of the Internal Revenue Code that is financed
22	with tax-exempt bonds, pursuant to section 42 (i) (2) described in section 42 (h) (4)
23	(A) of the Internal Revenue Code, allocated the credit under section 42 of the Interna

Revenue Code, and located in this state; except that the authority may waive, in the

qualified allocation plan under section 42 (m) (1) (B) of the Internal Revenue Code, the requirements of tax-exempt bond financing and federal credit allocation to the extent the authority anticipates that sufficient volume cap under section 146 of the Internal Revenue Code will not be available to finance low-income housing projects in any year.

Section 1251. 71.28 (8b) (a) 5. of the statutes is amended to read:

71.28 **(8b)** (a) 5. "Credit period" means the period of —6—10 taxable years beginning with the taxable year in which a qualified development is placed in service. For purposes of this subdivision, if a qualified development consists of more than one building, the qualified development is placed in service in the taxable year in which the last building of the qualified development is placed in service.

SECTION 1252. 71.28 (8b) (a) 7. of the statutes is amended to read:

71.28 **(8b)** (a) 7. "Qualified development" means a qualified low-income housing project under section 42 (g) of the Internal Revenue Code that is financed with tax-exempt bonds, pursuant to section 42 (i) (2) described in section 42 (h) (4) (A) of the Internal Revenue Code, allocated the credit under section 42 of the Internal Revenue Code, and located in this state; except that the authority may waive, in the qualified allocation plan under section 42 (m) (1) (B) of the Internal Revenue Code, the requirements of tax-exempt bond financing and federal credit allocation to the extent the authority anticipates that sufficient volume cap under section 146 of the Internal Revenue Code will not be available to finance low-income housing projects in any year.

Section 1253. 71.47 (8b) (a) 5. of the statutes is amended to read:

71.47 **(8b)** (a) 5. "Credit period" means the period of -6- 10 taxable years beginning with the taxable year in which a qualified development is placed in

 $\mathbf{2}$

service. For purposes of this subdivision, if a qualified development consists of more than one building, the qualified development is placed in service in the taxable year in which the last building of the qualified development is placed in service.

Section 1254. 71.47 (8b) (a) 7. of the statutes is amended to read:

71.47 **(8b)** (a) 7. "Qualified development" means a qualified low-income housing project under section 42 (g) of the Internal Revenue Code that is financed with tax-exempt bonds, pursuant to section 42 (i) (2) described in section 42 (h) (4) (A) of the Internal Revenue Code, allocated the credit under section 42 of the Internal Revenue Code, and located in this state; except that the authority may waive, in the qualified allocation plan under section 42 (m) (1) (B) of the Internal Revenue Code, the requirements of tax-exempt bond financing and federal credit allocation to the extent the authority anticipates that sufficient volume cap under section 146 of the Internal Revenue Code will not be available to finance low-income housing projects in any year.

Section 1255. 76.639 (1) (e) of the statutes is amended to read:

76.639 (1) (e) "Credit period" means the period of 6–10 taxable years beginning with the taxable year in which a qualified development is placed in service. For purposes of this paragraph, if a qualified development consists of more than one building, the qualified development is placed in service in the taxable year in which the last building of the qualified development is placed in service.

Section 1256. 76.639 (1) (g) of the statutes is amended to read:

76.639 (1) (g) "Qualified development" means a qualified low-income housing project under section 42 (g) of the Internal Revenue Code that is financed with tax-exempt bonds, pursuant to section 42 (i) (2) described in section 42 (h) (4) (A) of the Internal Revenue Code, allocated the credit under section 42 of the Internal

Revenue Code, and located in this state; except that the authority may waive, in the qualified allocation plan under section 42 (m) (1) (B) of the Internal Revenue Code, the requirements of tax-exempt bond financing and federal credit allocation to the extent the authority anticipates that sufficient volume cap under section 146 of the Internal Revenue Code will not be available to finance low-income housing projects in any year.

Section 1257. 234.45 (1) (c) of the statutes is amended to read:

234.45 (1) (c) "Credit period" means the period of 6 10 taxable years beginning with the taxable year in which a qualified development is placed in service. For purposes of this paragraph, if a qualified development consists of more than one building, the qualified development is placed in service in the taxable year in which the last building of the qualified development is placed in service.

SECTION 1258. 234.45 (1) (e) of the statutes is amended to read:

234.45 (1) (e) "Qualified development" means a qualified low-income housing project under section 42 (g) of the Internal Revenue Code that is financed with tax-exempt bonds, pursuant to section 42 (i) (2) described in section 42 (h) (4) (A) of the Internal Revenue Code, allocated the credit under section 42 of the Internal Revenue Code, and located in this state; except that the authority may waive, in the qualified allocation plan under section 42 (m) (1) (B) of the Internal Revenue Code, the requirements of tax-exempt bond financing and federal credit allocation to the extent the authority anticipates that sufficient volume cap under section 146 of the Internal Revenue Code will not be available to finance low-income housing projects in any year.

Section 1259. 234.45 (4) of the statutes is amended to read:

234.45 (4) Allocation limits. In any calendar year, the aggregate amount of
all state tax credits for which the authority certifies persons in allocation certificates
issued under sub. (3) in that year may not exceed \$42,000,000 \$100,000,000,
including all amounts each person is eligible to claim for each year of the credit
period, plus the total amount of all unallocated state tax credits from previous
calendar years and plus the total amount of all previously allocated state tax credits
that have been revoked or cancelled or otherwise recovered by the authority.".

208. Page 374, line 11: after that line insert:

"Section 1260. 77.51 (3h) of the statutes is created to read:

77.51 (**3h**) "Diaper" means an absorbent garment worn by humans who are incapable of, or have difficulty controlling their bladder or bowel movements.

SECTION 1261. 77.51 (3pg) of the statutes is created to read:

77.51 (**3pq**) "Feminine hygiene products" means tampons, panty liners, menstrual cups, sanitary napkins, and other similar tangible personal property designed for feminine hygiene in connection with the human menstrual cycle. "Feminine hygiene products" do not include grooming and hygiene products.

SECTION 1262. 77.51 (4f) of the statutes is created to read:

77.51 **(4f)** "Grooming and hygiene products" means soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens.

Section 1263. 77.52 (13) of the statutes is amended to read:

77.52 (13) For the purpose of the proper administration of this section and to prevent evasion of the sales tax it shall be presumed that all receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible

personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services is not a taxable sale at retail is upon the person who makes the sale unless that person takes from the purchaser an electronic or a paper certificate, in a manner prescribed by the department, to the effect that the property, item, good, or service is purchased for resale or is otherwise exempt, except that no certificate is required for the sale of tangible personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services that are exempt under s. 77.54 (5) (a) 3., (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), (52), (66), and (67), (71), (72), and (73).

Section 1264. 77.53 (10) of the statutes is amended to read:

77.53 (10) For the purpose of the proper administration of this section and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable services sold by any person for delivery in this state is sold for storage, use, or other consumption in this state until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless that person takes from the purchaser an electronic or paper certificate, in a manner prescribed by the department, to the effect that the property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable service is purchased for resale, or otherwise exempt from the tax, except that no certificate is required for the sale of tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services that are exempt under s. 77.54 (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), (52), and (67), (71), (72) and (73).

Section 1265. 77.54 (71) of the statutes is created to read:

1	77.54 (71) The sales price from the sale of and the storage, use, or other
2	consumption of diapers and feminine hygiene products.
3	Section 1266. 77.54 (72) of the statutes is created to read:
4	77.54 (72) The sales price from the sale of and the storage, use, or other
5	consumption of breast pumps, breast pump kits, and breast pump storage and
6	collection supplies.
7	Section 1267. 77.54 (73) of the statutes is created to read:
8	77.54 (73) (a) The sales price from the sale of and the storage, use, or other
9	consumption of gun safes that are specifically designed for the storage of guns, but
10	not other items used for gun storage, such as locking gun cabinets and racks.
11	(b) The sales price from the sale of and the storage, use, or other consumption
12	of trigger locks and gun barrel locks.".
13	209. Page 374, line 11: after that line insert:
14	"Section 1. 71.98 (10) of the statutes is created to read:
15	71.98 (10) 529 ACCOUNTS. For taxable years beginning after December 31, 2022,
16	section 529 of the Internal Revenue Code, relating to qualified tuition programs.".
17	210. Page 374, line 11: after that line insert:
18	"Section 1268. 77.54 (56) (a) of the statutes is repealed.
19	Section 1269. 77.54 (56) (ad) of the statutes is created to read:
20	77.54 (56) (ad) 1. The sales price from the sale of and the storage, use, or other
21	consumption of a solar power system or wind energy system that produces usable
22	electrical or heat energy directly from the sun or wind, if the system is capable of
23	continuously producing at least 200 watts of alternating current or 600 British
24	thermal units. A solar power system or wind energy system described under this

subdivision includes tangible personal property sold with the system that is used primarily to store or facilitate the storage of the electrical or heat energy produced by the system, but does not include an uninterruptible power source that is designed primarily for computers. The exemption under this subdivision does not apply to tangible personal property designed for any use other than for a solar power system or wind energy system described in this subdivision.

2. The sales price from the sale of and the storage, use, or other consumption of a waste energy system that produces usable electrical or heat energy directly from gas generated from anaerobic digestion of animal manure and other agricultural waste if the system is capable of continuously producing at least 200 watts of alternating current or 600 British thermal units. A system described under this subdivision includes tangible personal property sold with the system that is used primarily to store or facilitate the storage of the electrical or heat energy produced by the system, but does not include an uninterruptible power source that is designed primarily for computers. The exemption under this subdivision does not apply to tangible personal property designed for any use other than for a waste energy system described in this subdivision.

Section 1270. 77.54 (56) (b) of the statutes is amended to read:

77.54 **(56)** (b) Except for the sale of electricity or energy that is exempt from taxation under sub. (30), beginning on July 1, 2011, the sales price from the sale of and the storage, use, or other consumption of electricity or <u>heat</u> energy produced by a <u>product system</u> described under par. (a) (ad)."

211. Page 374, line 11: after that line insert:

"Section 1271. 77.51 (11d) of the statutes is amended to read:

77.51 **(11d)** For purposes of subs. (1ag), (1f), (3pf), (7j), and (9p), and (17g) and ss. 77.52 (20) and (21), 77.522, 77.54 (9g), (51), (52), and (60), and 77.59 (5r), "product" includes tangible personal property, and items, property, and goods under s. 77.52 (1) (b), (c), and (d), and services.

Section 1272. 77.51 (17g) of the statutes is created to read:

- 77.51 (17g) "Separate and optional fee" means a fee charged to receive a distinct and identifiable product if either of the following applies:
- (a) The fee is in addition to fees that the seller charges for other distinct and identifiable products sold to the same buyer, the fee is separately set forth on the invoice given by the seller to the buyer, and the seller does not require the buyer to pay the fee if the buyer chooses not to receive the additional distinct and identifiable product for which the fee applies.
- (b) The seller charges a single amount for multiple distinct and identifiable products and offers the buyer the option of paying a lower amount if the buyer chooses not to receive one or more of the distinct and identifiable products. For purposes of this paragraph, the separate and optional fee is the single amount the seller charges for the multiple distinct and identifiable products less the reduced amount the seller charges to the buyer because the buyer chooses not to receive one or more of the products.

SECTION 1273. 77.52 (2) (a) 20. of the statutes is amended to read:

77.52 **(2)** (a) 20. The sale of landscaping and lawn maintenance services including landscape planning and counseling, lawn and garden services such as planting, mowing, spraying and fertilizing, and shrub and tree services. For purposes of this subdivision, landscaping and lawn maintenance services do not include planning and counseling services for the restoration, reclamation, or

revitalization of prairie, savanna, or wetlands to improve biodiversity, the quality of land, soils, or water, or other ecosystem functions if the planning and counseling services are provided for a separate and optional fee from any other services.

SECTION 1274. 77.52 (2m) (a) of the statutes is amended to read:

77.52 (2m) (a) With respect to the services subject to tax under sub. (2), no part of the charge for the service may be deemed a sale or rental of tangible personal property or items, property, or goods under sub. (1) (b), (c), or (d) if the property, items, or goods transferred by the service provider are incidental to the selling, performing or furnishing of the service, except as provided in par. pars. (b) and (c).

Section 1275. 77.52 (2m) (c) of the statutes is created to read:

77.52 (2m) (c) With respect to services subject to tax under sub. (2) (a) 7., 10., 11., and 20. that are provided for a separate and optional fee from the planning and counseling services described under sub. (2) (a) 20., all tangible personal property or items, property, or goods under sub. (1) (b), (c), or (d) physically transferred, or transferred electronically, to the customer in conjunction with the provision of the services subject to tax under sub. (2) (a) 7., 10., 11., and 20. is a sale of tangible personal property or items, property, or goods separate from the selling, performing, or furnishing of the services.".

212. Page 374, line 11: after that line insert:

"Section 1276. 77.25 (15) of the statutes is amended to read:

77.25 (15) Between a corporation and its shareholders if all of the stock is owned by persons who are related to each other as spouses, as lineal ascendants, lineal descendants, an uncle and his nieces or nephews, an aunt and her nieces or nephews, first cousins, or siblings, whether by blood or by adoption, or as spouses of

interest in the partnership.

9

10

11

12

13

14

15

16

17

18

19

20

21

siblings, if the transfer is for no consideration except the assumption of debt or stock 1 2 of the corporation and if the corporation owned the property for at least 3 years. 3 **Section 1277.** 77.25 (15m) of the statutes is amended to read: 4 77.25 (15m) Between a partnership and one or more of its partners if all of the partners are related to each other as spouses, as lineal ascendants, lineal 5 6 descendants, an uncle and his nieces or nephews, an aunt and her nieces or nephews, first cousins, or siblings, whether by blood or by adoption, or as spouses of siblings 7 8 and if the transfer is for no consideration other than the assumption of debt or an

SECTION 1278. 77.25 (15s) of the statutes is amended to read:

77.25 (15s) Between a limited liability company and one or more of its members if all of the members are related to each other as spouses, as lineal ascendants, lineal descendants, an uncle and his nieces or nephews, an aunt and her nieces or nephews, first cousins, or siblings, whether by blood or by adoption, or as spouses of siblings and if the transfer is for no consideration other than the assumption of debt or an interest in the limited liability company.

Section 9337. Initial applicability; Revenue.

- (1n) Real estate transfer fee. The treatment of s. 77.25 (15), (15m), and (15s) first applies to a real estate transfer return filed on the effective date of this subsection.".
 - **213.** Page 374, line 11: after that line insert:
- 22 "Section 1279. 71.07 (6e) (a) 6. of the statutes is created to read:
- 71.07 **(6e)** (a) 6. "Rent constituting property taxes" has the meaning given in sub. (9) (a) 4.

SECTION 1280. 71.07 (6e) (b) of the statutes is amended to read:

71.07 **(6e)** (b) *Filing claims*. Subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02 the amount of the claimant's property taxes or rent constituting property taxes. If the allowable amount of the claim exceeds the income taxes otherwise due on the claimant's income, the amount of the claim not used as an offset against those taxes shall be certified by the department of revenue to the department of administration for payment to the claimant by check, share draft, or other draft from the appropriation under s. 20.835 (2) (em).

SECTION 1281. 71.07 (6e) (c) 3. of the statutes is amended to read:

71.07 (**6e**) (c) 3. If an eligible veteran and an eligible spouse file separate returns, each spouse may claim a credit under this subsection <u>for property taxes</u> based on their respective ownership interest in the eligible veteran's principal dwelling <u>or for rent constituting property taxes</u> based on 50 percent of the total rent constituting property taxes paid during the taxable year for the eligible veteran's principal dwelling.

SECTION 9337. Initial applicability; Revenue.

(1) Veterans and surviving spouses property tax credit. The treatment of s. 71.07 (6e) (a) 6., (b), and (c) 3. first applies to taxable years beginning after December 31, 2022.".

214. Page 374, line 11: after that line insert:

"Section 1282. Subchapter III (title) of chapter 139 [precedes 139.75] of the statutes is amended to read:

CHAPTER 139

1	SUBCHAPTER III
2	TOBACCO PRODUCTS $\overline{\text{TAX}}$ $\underline{\text{AND}}$
3	VAPOR PRODUCTS TAXES
4	Section 1283. 139.75 (14) of the statutes is renumbered 139.75 (14) (a) and
5	amended to read:
6	139.75 (14) (a) "Vapor product" means a noncombustible product that produces
7	vapor or aerosol for inhalation from the application of a heating element to a liquid
8	or other substance that is depleted as the product is used, regardless of whether the
9	liquid or other substance contains nicotine, which may or may not contain nicotine,
10	that employs a heating element, power source, electronic circuit, or other electronic,
11	chemical, or mechanical means, regardless of shape or size, that can be used to
12	produce vapor from a solution or other substance.
13	Section 1284. 139.75 (14) (b) and (c) of the statutes are created to read:
14	139.75 (14) (b) "Vapor product" includes all of the following:
15	1. An electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe,
16	or similar product or device.
17	2. Any cartridge or other container of a solution or other substance, which may
18	or may not contain nicotine, that is intended to be used with or in an electronic
19	cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or
20	device.
21	(c) "Vapor product" does not include a product regulated as a drug or device
22	under sections 501 to $524\mathrm{A}$ of the federal food, drug, and cosmetic act, 21 USC 351
23	to 360n-1.
24	SECTION 1285. 139.76 (1m) of the statutes is amended to read:

139.76 (1m) An excise tax is imposed upon the sale, offering or exposing for sale, possession with intent to sell or removal for consumption or sale or other disposition for any purpose of vapor products by any person engaged as a distributor of them at the rate of -5-cents per milliliter of the liquid or other substance based on the volume as listed by the manufacturer and at a proportionate rate for any other quantity or fractional part thereof 71 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products. On vapor products imported from another country, the rate of tax is 71 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties, and transportation costs to the United States. The tax attaches at the time the vapor products are received by the distributor in this state. The tax shall be passed on to the ultimate consumer of the vapor products. All vapor products received in this state for sale or distribution within this state, except those actually sold as provided in sub. (2), shall be subject to such tax.

Section 1286. 139.77 (1) of the statutes is amended to read:

139.77 (1) On or before the 15th day of each month, every distributor with a place of business in this state shall file a return showing the quantity, including milliliters in the case of a vapor product, and taxable price of each tobacco product or vapor product brought, or caused to be brought, into this state for sale; or made, manufactured or fabricated in this state for sale in this state, during the preceding month. Every distributor outside this state shall file a return showing the quantity, including milliliters in the case of a vapor product, and taxable price of each tobacco product or vapor product shipped or transported to retailers in this state to be sold by those retailers during the preceding month. At the time that the return is filed, the distributor shall pay the tax.

 $\mathbf{2}$

SECTION 1287. 139.78 (1m) of the statutes is amended to read:

139.78 (1m) A tax is imposed upon the use or storage by consumers of vapor products in this state at the rate of -5 cents per milliliter of the liquid or other substance based on the volume as listed by the manufacturer and at a proportionate rate for any other quantity or fractional part thereof 71 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products. The tax does not apply if the tax imposed by s. 139.76 (1m) on the vapor products has been paid or if the vapor products are exempt from the vapor products tax under s. 139.76 (2).

Section 9437. Effective dates; Revenue.

- (1) VAPOR PRODUCTS. The treatment of subch. III (title) of ch. 139 and ss. 139.76 (1m), 139.77 (1), and 139.78 (1m), the renumbering and amendment of s. 139.75 (14), and the creation of s. 139.75 (14) (b) and (c) take effect on the first day of the 3rd month beginning after publication.".
 - **215.** Page 420, line 1: delete lines 1 to 6.
- **216.** Page 430, line 19: after that line insert:
 - "(4p) Energy systems. The treatment of s. 77.54 (56) (a), (ad), and (b) takes effect on the first day of the 3rd month beginning after publication.
 - (5p) Prairie and wetland counseling services. The treatment of ss. 77.51 (11d) and (17g) and 77.52 (2) (a) 20. and (2m) (a) and (c) takes effect on the first day of the 3rd month beginning after publication.
 - (5q) Prewritten Computer Software. The treatment of s. 77.52 (2) (a) 21. takes effect on the first day of the 6th month beginning after publication.

2

3

4

(6q) Diapers and feminine hygiene products; Gun safety items; and Breastfeeding products. The treatment of ss. 77.51 (3h), (3pq), and (4f), 77.52 (13), 77.53 (10), and 77.54 (71), (72), and (73) takes effect on the first day of the 3rd month beginning after publication.".

5 (END)