

# SIGNIFICANT ENACTMENTS OF THE 2021 LEGISLATURE

## **Agriculture**

**Act 92** (AB-314) requires the Department of Agriculture, Trade and Consumer Protection to establish an agricultural exports program to promote the export of the state's agricultural and agribusiness products and to cooperate with the Wisconsin Economic Development Corporation to increase the value of the state's dairy, meat, and crop exports by at least 25 percent over current values.

## **Beverages**

**Act 21** (AB-32) allows certain liquor retailers, such as restaurants and bars, to sell wine and distilled spirits to-go if the retailer seals the container of wine or distilled spirits with a tamper-evident seal before it is removed from the premises.

**Act 43** (AB-277) allows the State Fair Park Board to issue retail alcohol beverage permits authorizing the retail sale of alcohol beverages at the state fair park, requires board approval before a brewer or brewpub may sell beer at the state fair park, and allows alcohol beverage suppliers to provide things of value to state fair park vendors.

## **Business and consumer law**

**Act 258** (SB-566) adopts, with modifications, the most recent versions of the Uniform Law Commission's Limited Liability Company Act and Limited Partnership Act and makes corresponding changes to this state's partnership law and corporations law. Among its many changes, the act includes provisions relating to LLC and LP formation, LLC operating agreements, LP partnership agreements, LLC members' authority, LP partner liability, creation of limited liability LPs, fiduciary and other duties of LLC members and managers and LP partners, LLC and LP operating requirements, dissociation of LLC members and LP partners, dissolution and winding up of LLCs and LPs, and business mergers involving LLCs or LPs. The act includes phase-in and opt-out provisions.

## **Children**

**Act 41** (AB-142) extends immunity from criminal and civil liability to a person who assists in the medical examination of a child or expectant mother and to any person who otherwise, in good faith, provides information, assistance, or

consultation in connection with a child abuse or neglect report, investigation, or legal intervention.

**Act 58** (AB-68) does the following:

1. Increases by 2.5 percent, beginning on January 1, 2022, the monthly basic maintenance rates paid to foster parents and the monthly kinship care payments made to relatives who provide care for children.
2. Allocates funding to programs and subsidies from federal moneys received under Temporary Assistance for Needy Families.
3. Increases the per-person daily rates that are assessed on counties for state-provided juvenile correctional services.

**Act 72** (SB-24) changes the background check requirements for an individual who receives an out-of-home placement of a child under the Children's Code. Prior law prohibited a person from working for or residing with a licensed out-of-home care provider if the person had been convicted of certain crimes. The act adds to the list of crimes that lead to disqualification specified crimes against children and includes persons who pleaded no contest for those crimes or had the charges dropped for those crimes as part of a plea agreement. The act also generally prohibits a court from placing a child with an unlicensed relative other than a parent or temporarily placing a child with another unlicensed person under the Children's Code if the relative or unlicensed person has been convicted of, pleaded no contest to, or been subject to a plea agreement for the crimes against a child that would disqualify that person from receiving a license.

**Act 150** (SB-524) provides an avenue for the adult offspring of a person whose birth parents' parental rights have been terminated to access the offspring's parent's original birth certificate and information about the birth parents.

## Corrections

**Act 53** (SB-299) requires a person to submit a DNA specimen to the state crime laboratories if the person is moving to Wisconsin and will be supervised by the Department of Corrections and the person was placed on probation, extended supervision, or parole in the person's state on or after April 1, 2015, for the commission of any crime. Under prior law, the person had to have been placed on probation, extended supervision, or parole on or after January 1, 2000, for a crime that would have been a felony if committed in Wisconsin or before January 1, 2000, for a crime that would have been comparable to first or second degree sexual assault.

**Act 58** (AB-68) provides an additional \$5 per hour worked during the 2021–23 biennium to correctional officers and correctional sergeants in correctional

facilities when the vacancy rate for those positions is more than 40 percent. This rate continues until the vacancy rate is 40 percent or less for six consecutive months.

**Act 186** (AB-825) requires each state correctional institution to make a record of any alleged battery that a prisoner commits against a DOC correctional officer or teacher. Under the act, DOC must forward all such records to the law enforcement agency with jurisdiction over the institution.

## Courts and legal process

**Act 4** (January 2021 Special Session SB-1) establishes, subject to certain exceptions, an exemption for entities from civil liability for any death, injuries, or damages caused by an act or omission resulting in or relating to exposure to the novel coronavirus identified as SARS-CoV-2 or COVID 19. The entities covered by the exemption include partnerships, corporations, associations, governmental entities, tribal governments and entities, and any other legal entity, such as a school, institution of higher education, or nonprofit organization. The act also exempts from liability any employer or business owner, employee, agent, or independent contractor of an entity.

**Act 32** (SB-51) requires that every newspaper publishing legal notices have an Internet site that includes on its home page a prominent link to its legal notices section; place an electronic copy of the notices at no additional charge on its Internet site; and make its legal notices section available for free and include a link to the Wisconsin newspapers legal notices Internet site.

**Act 182** (SB-627) provides that when a child under 14 years old has two living parents, one parent's petition to change the legal name of that child may be granted without the parent providing notice to the other parent if that other parent has been convicted of certain homicide or sex offenses. The act further provides that, in such a situation, the petition may be granted regardless of whether the nonpetitioning parent appears at the hearing on the petition.

**Act 194** (SB-341) generally limits the time a person has to start a lawsuit for damages against a licensed or certified real estate appraiser to five years from the date the appraiser submits the appraisal report to the client for whom services are performed. Prior law did not provide a specific limitations period for real estate appraisal services.

**Act 256** (SB-519) allows a court to issue a permanent restraining order in cases when the person against whom the restraining order is requested has been convicted of the sexual assault of the person requesting the restraining order. Under

preexisting law, generally, initial restraining orders were limited to a maximum period of two to four years.

## Crime

**Act 28** (SB-85) expands the definition of “stalking” in the criminal code to include attempts to contact a victim via text messaging and other electronic means of communication, including sending and posting online content.

**Act 54** (SB-99) allows a court to require any criminal defendant who throws or expels blood, semen, vomit, saliva, urine, feces, or another bodily substance at or toward a public safety worker or a prosecutor to be tested for communicable diseases if there is probable cause to believe that there was a potential for transmitting a communicable disease to the public safety worker or prosecutor.

**Act 76** (SB-17) provides increased penalties for specified crimes, including sexual assault, when the victim is an elder person (over the age of 60) and creates the crime of physical abuse of an elder person, which is modeled after the current law crime of physical abuse of a child. The act also allows elder persons seeking a restraining order to appear by audiovisual means rather than in person and creates procedures for freezing the assets of a criminal defendant charged with financial exploitation of an elder person.

**Act 116** (SB-71) creates statutory procedures for the transmission, processing, and storage of sexual assault kits.

**Act 117** (SB-94) requires the Department of Justice to establish a database to provide victims of sexual assault access to information about the status of any sexual assault kit the victim provided and to allow health care professionals, forensic laboratories, law enforcement agencies, prosecutors, and DOJ to update and track the location and status of sexual assault kits.

**Act 120** (SB-242) makes it a Class I felony to destroy, handle, store, or treat a vaccine or drug with the intent to render it unsafe, tainted, spoiled, ineffective, or otherwise unusable.

**Act 179** (SB-352) increases the penalties associated with the manufacture, distribution, and delivery of, and for the possession with intent to manufacture, distribute, or deliver, fentanyl or fentanyl analogs. Under the act, the penalty increase depends on the amount of the controlled substance involved with the violation.

**Act 187** (SB-100) expands the crime of a special circumstances battery so that it is a Class H felony to intentionally harm a family member of a probation, extended supervision, and parole agent or to threaten to harm such an agent or a family

member of the agent. Under former law, it was a Class H felony to intentionally harm the agent. The act also expands the definition of the agent so that it includes an agent in a comparable program authorized by a federally recognized American Indian tribe or band.

**Act 209** (AB-960) expands the crime of a special circumstances battery by making it a Class H felony to intentionally harm or threaten harm to a health care provider or a family member of a health care provider. Under preexisting law, it is a Class H felony to intentionally harm a nurse or an emergency medical care provider.

**Act 263** (AB-251) provides that it is a Class I felony to impersonate or represent oneself to be a public officer, employee, or utility employee with the intent to mislead others into believing that he or she is actually a public officer or employee or the employee of a utility.

## Domestic relations

**Act 37** (SB-112) requires a court that grants physical placement of a child with one parent for less than 25 percent of the time to enter specific findings of fact as to the reasons the placement is in the best interest of the child. The act also rearranges the statutory factors for consideration of the best interest of the child in a child custody proceeding and removes the factors of the stability in placement and the availability of child care services.

**Act 84** (AB-270) makes changes relating to marriage ceremonies and the issuance and validity of marriage licenses. The act allows residents and nonresidents to obtain a marriage license and marry in any county; extends license validity from 30 to 60 days; reduces the license waiting period from five to three days; and allows certain service members to marry with only one witness other than the officiant present. The act allows a county clerk to decide whether documentation required for a license is unobtainable, but if an applicant presents specified documentation in lieu of a birth record, the act requires the clerk to consider it satisfactory for licensing purposes. The act also provides that if a clerk is not satisfied with the documentation presented, the clerk must notify the applicant of the right to judicial review and, upon request, submit the documentation to a judge.

**Act 160** (SB-104) changes the Department of Children and Families administrative code definition of “gross income” for purposes of calculating child support to specify that gross income includes veterans disability compensation benefits and military allowances, including basic allowances for subsistence and housing, but not variable housing costs.

**Act 161** (SB-108) adopts the Uniform Deployed Parents Custody and Visitation

Act to provide a process and standards for a temporary delegation of custodial responsibilities when a parent is deployed in military or other national service.

## Economic development

**Act 58** (AB-68) requires WEDC to expend at least \$3 million in the 2021–23 fiscal biennium on initiatives that attract talent to Wisconsin or retain talent in Wisconsin.

## Education

### HIGHER EDUCATION

**Act 11** (SB-79) requires the Board of Regents of the UW System to monitor, and to report in the aggregate, the extension and outreach hours of UW System faculty and academic staff who provide extension services in applied agricultural research.

**Act 58** (AB-68) does the following:

1. Allows dentists who agree to practice in rural areas under an educational loan repayment assistance program to receive the same amount of financial assistance that physicians may receive under the program. Accordingly, the act allows a dentist who agrees to practice under the conditions of the program to receive up to \$100,000 in loan repayment assistance.
2. Provides \$5 million for release to the Higher Educational Aids Board upon request and approval by the Joint Committee on Finance to fund a new HEAB nurse educator financial assistance program that provides fellowships, educational loan repayment assistance, and postdoctoral fellowships for nurse educators and certain nursing students. Nurse educators who receive financial assistance under the program must commit to teach for at least three consecutive years in a nursing program in a higher education institution in Wisconsin.

### PRIMARY AND SECONDARY EDUCATION

**Act 18** (SB-109) allows a pupil, during the 2021–22 school year, to attend a fully virtual option offered by a nonresident school board or a charter school located in a nonresident school district under the full-time open enrollment program.

**Act 30** (SB-69) requires the state superintendent to incorporate the study of the Holocaust and other genocides into the model academic standards for social studies and to develop model curricula and instructional materials for pupils on the same subject. The act also requires a school board, independent charter school, or private school participating in a parental choice program to include instruction on the Holocaust and other genocides in its respective curriculum at least once in grades 5 to 8 and once in grades 9 to 12.

**Act 58** (AB-68) makes the following changes to the laws governing primary and secondary education:

1. Deletes the general school aids reduction associated with payments to independent charter schools authorized by the city of Milwaukee, UW–Milwaukee, and UW–Parkside, which results in net general school aids received by school districts increasing correspondingly. Under prior law, DPI paid the operators of those charter schools a statutorily determined per pupil amount from a separate, general purpose revenue appropriation.
2. Creates an additional tier of eligibility for sparsity aid. In addition to preexisting sparsity aid in the amount of \$400 per pupil that is provided if the school district's membership in the previous school year did not exceed 745 pupils and the number of pupils per square mile in the school district is fewer than 10, the act creates a new tier of eligibility for school districts with fewer than 10 pupils per square mile and whose membership in the previous school year was between 745 and 1,000 pupils. Under prior law and under the act, if funding is insufficient, payments are prorated.
3. Changes the eligibility threshold for a school district to receive high cost transportation aid. Under prior law, one eligibility criterion was that a school district's per pupil transportation cost exceeded 145 percent of the statewide average per pupil transportation cost. The act lowers this criterion to a per pupil transportation cost that exceeds 140 percent of the statewide average per pupil transportation cost.
4. Increases from \$365 to \$375 per school year the reimbursement rate to school districts and independent charter schools for transporting a pupil who lives more than 12 miles from the school. The act also eliminates a provision that required DPI to prorate summer school transportation payments for pupils who were transported fewer than 30 days for summer classes.

**Act 90** (SB-555) requires a school board that provides a human growth and development instructional program to include in the program an explanation of the process under preexisting law by which a parent of a newborn may relinquish custody of the newborn to a law enforcement officer, emergency medical services practitioner, or hospital staff member (commonly referred to as Safe Haven).

**Act 219** (AB-420) changes the per pupil amount that DPI pays to an independent charter school authorized by a tribal college from the per pupil academic base funding that the federal Bureau of Indian Education provides to tribal schools to the same amount that DPI pays to other independent charter schools, which is set by state law.

**Act 236** (AB-975) requires the state superintendent to grant a substitute teacher permit to an individual who passes a background check; is at least 20 years of

age; is enrolled in an approved teacher preparatory program; has achieved junior level status; and has completed at least 15 hours of classroom observation. Under preexisting law, the state superintendent also must grant a substitute teacher permit to an individual who passes a background check, has an associate degree, and completes substitute teacher training.

## Elections

**Act 34** (SB-102) allows a pupil who is 16 or 17 years of age and enrolled in a home-based private educational program to serve as a poll worker. Preexisting law applied only to students enrolled in a public or private school or in a tribal school.

**Act 38** (SB-208) requires the Wisconsin Elections Commission, no later than 48 hours after each meeting, to post on its Internet site the minutes of each meeting conducted by WEC, along with a summary of all actions taken by each member of WEC at the meeting.

## Employment

### PUBLIC EMPLOYMENT

**Act 7** (SB-62) allows the Public Defender Board to provide merit-based pay raises in fiscal year 2021–22 that exceed the 10 percent base pay of an assistant state public defender, which is the statutory limit to that position's pay progression.

**Act 58** (AB-68) provides an additional \$5 per hour worked during the 2021–23 biennium to correctional officers and correctional sergeants in correctional facilities when the vacancy rate for those positions is more than 40 percent. This rate continues until the vacancy rate is 40 percent or less for six consecutive months.

### WORKERS COMPENSATION

**Act 29** (SB-11) provides that an employer is not required to make a payment to the work injury supplemental benefit fund in the case of an employee who violates a policy against drug or alcohol use that contributes to an employee's injury that results in the employee's death and when the employee leaves no dependent for support or one or more persons partially dependent for support.

**Act 232** (AB-911) does the following:

1. Changes the conditions under which earnings that are based on part-time work are expanded to full-time work, for purposes of benefits paid to an individual under workers' compensation.
2. Increases the amount of permanent partial disability benefits payable under the workers' compensation law.



3. Allows an employee to have an observer present during a medical examination for a workers' compensation claim.

#### GENERAL EMPLOYMENT

**Act 58** (AB-68) does the following:

1. Requires \$60 million to be transferred from the general fund to the unemployment trust fund in each of fiscal years 2021–22 and 2022–23.
2. Increases from a maximum of \$900 to a maximum of \$1,100 the amount of a grant that the Department of Workforce Development may award each youth apprentice in the youth apprenticeship program.

### Environment

**Act 58** (AB-68) does the following:

1. Increases by \$24.7 million the revenue obligation bonding authority for the environmental improvement fund.
2. Provides an additional \$10 million in bonding authority for dam safety grants.
3. Provides an additional \$6.5 million in bonding authority for rural nonpoint source water pollution abatement grants.
4. Provides an additional \$4 million in bonding authority for the urban nonpoint source and storm water management and municipal flood control and riparian restoration programs.
5. Provides an additional \$4 million in bonding authority for removing contaminated sediments in Lake Michigan, Lake Superior, and their tributaries.
6. Allows the Department of Natural Resources to request up to \$1 million from JCF for collecting and disposing of firefighting foam containing perfluoroalkyl and polyfluoroalkyl substances.
7. Provides an additional \$1 million in funding for well compensation and well abandonment grants.

**Act 79** (SB-248) makes changes to the state's electronic recycling program, known as E-Cycle. Among other things, the act changes the fees required to be paid to DNR by manufacturers that sell recyclable electronic devices and requires DNR to create a program to provide grants to expand electronics recycling and recovery programs in underserved areas of the state.

### Financial institutions

**Act 119** (SB-158) requires the Department of Financial Institutions to study and report on establishing a Wisconsin section 529A ABLE account program allowing tax-exempt savings accounts for qualified expenses incurred by individuals with disabilities.

## Health and human services

### HEALTH

**Act 58** (AB-68) does the following:

1. Allows the Department of Health Services to award a onetime grant to support surgical quality activities.
2. Increases the grant that DHS must award each fiscal year for lead screening and outreach activities at a community-based human service agency that provides services to low-income individuals in Milwaukee.

**Act 113** (SB-538) generally prohibits discrimination in the receipt of an anatomical gift or related services solely on the basis of an individual's disability. Under the act, a hospital may consider the disability under certain limited circumstances.

**Act 122** (SB-395) requires elder-adult-at-risk agencies and adult-at-risk agencies to investigate alleged abuse, financial exploitation, or self-neglect of an adult at risk or elder adult at risk. The act also requires the investigating agency to take at least one action from a specified list of actions.

**Act 184** (AB-333) expands an existing grant program that establishes and enhances crisis programs in rural areas to include counties, municipalities, and regions composed of counties and municipalities.

### MEDICAL ASSISTANCE

**Act 58** (AB-68) makes the following changes related to the Medical Assistance program:

1. Transfers moneys to the Medical Assistance trust fund from the general fund and from the permanent endowment fund, which contains proceeds from the sale of rights to receive payments under the tobacco litigation settlement.
2. Increases reimbursement to nursing facilities and intermediate care facilities for persons with an intellectual disability for staff support, to home health agencies for nursing care, and to agencies that provide personal care services to support staff who perform direct care.
3. Increases payments to hospitals with a disproportionate share of low-income patients.
4. Extends Medical Assistance benefits for certain postpartum women to the last day of the month in which falls the 90th day after pregnancy ends.

**Act 225** (AB-765) requires reimbursement of group physical therapy under the Medical Assistance program.

**Act 228** (AB-874) requires DHS to provide a supplemental reimbursement under

the Medical Assistance program for private ambulance service providers based on an assessment charged to those ambulance service providers. The act also requires DHS to allow for supplemental reimbursements to public ambulance service providers through certified public expenditure.

#### **MENTAL AND BEHAVIORAL HEALTH**

**Act 57** (AB-374) requires the attorney general to cooperate with local governments that are parties to the multidistrict opioid-related litigation in settling that litigation if JCF approves the proposed settlement and if the settlement agreement includes certain provisions. The act allocates to DHS moneys from the settlement that are payable to the state. Moneys allocated for local governments may be paid directly only to local governments that are parties in the opioid litigation, but the act allows the local governments to sell the rights to those payments.

### **Housing**

**Act 221** (AB-607) authorizes the Wisconsin Housing & Economic Development Authority to make low-interest or no-interest loans for the rehabilitation of residential properties if the loan applicant's annual income meets specified requirements and if the rehabilitation consists of structural improvements or the removal of lead paint.

### **Insurance**

**Act 111** (SB-482) makes changes to the regulation of travel insurance, including specifying when a person may receive a full refund for cancelling a travel protection plan, requiring disclosures to prospective purchasers of travel insurance policies, and requiring a person who acts as a travel administrator to hold one of three possible licenses.

### **Law enforcement**

**Act 48** (SB-121) prohibits a law enforcement agency from authorizing in a use-of-force policy its law enforcement officers to use choke holds unless the officer is acting in a life-threatening situation or in self defense.

**Act 49** (SB-122) requires law enforcement agencies to post their use-of-force policies on their websites and to update the online version of the policies as soon as practically possible if the policies are changed.

**Act 50** (SB-123) requires DOJ to collect data and publish an annual report on law enforcement use-of-force incidents, which include any incident when a

firearm was discharged in the direction of a person (even if there was no injury) and when great bodily harm resulted from the incident. The act requires demographic information to be collected about each use-of-force incident, including any information required to be collected to comply with the reporting standards of the Federal Bureau of Investigation, as well as a description of each incident.

**Act 75** (SB-120) provides standards for the use of physical force by law enforcement officers, requires law enforcement officers to intervene in and report any noncompliant use of force by another law enforcement officer, and establishes protections for any law enforcement officer who makes such an intervention or report.

**Act 185** (AB-335) requires DOJ to award grants to law enforcement agencies to purchase body cameras. An agency that receives a grant must use body cameras for at least three years on all officers whose primary duties are patrolling and must require each patrol officer to activate the camera when the officer has contact with a member of the public.

**Act 188** (SB-199) prohibits sexual contact by a law enforcement officer with a person who is detained or in custody and provides that such conduct constitutes a second degree sexual assault.

## Local government

**Act 69** (SB-187) allows a member of a village board to receive an hourly wage as a village employee. Prior law prohibited a board member from also being a village employee.

**Act 124** (SB-425) allows the Milwaukee Metropolitan Sewerage District, subject to contingencies, to finance and construct a dredged material management facility in the city of Milwaukee by 2032. The act provides that MMSD may reserve space in the facility for the disposal of sediment from flood management projects. Under the act, MMSD must pay for the project through its capital budget and may finance the project by the issuance of bonds or notes that must be made payable within 35 years.

**Act 198** (SB-835) modifies restrictions on local land use, including the following:

1. Limiting consolidation, annexation, and boundary agreements by newly incorporated cities and villages during the first five years after their incorporation.
2. Allowing annexation of town territory across county lines if there is unanimous approval from the owners of the annexed land.
3. Limiting municipal extraterritorial land division and zoning powers.
4. Prohibiting municipal use of condemnation powers to acquire certain blighted

properties for the purpose of transferring the property to a third-party developer.  
5. Modifying requirements for interim ordinances to freeze extraterritorial zoning.

## Natural resources

### CONSERVATION

**Act 58** (AB-68) does the following:

1. Reauthorizes and funds the Warren Knowles-Gaylord Stewardship 2000 program until June 30, 2026, and grants additional bonding authority. The act allocates an amount to be transferred annually from the forestry account of the conservation fund for DNR land acquisitions and county forest grants under the stewardship program.
2. Provides \$3 million in bonding authority from the stewardship program for a project to restore the Pierce County Islands Wildlife Area on the Mississippi River in Pierce County.

**Act 173** (SB-664) requires DNR to obligate up to \$5.6 million in unobligated moneys under the Warren Knowles-Gaylord Nelson Stewardship 2000 Program to fund state park system water infrastructure projects.

### FISH AND GAME

**Act 15** (SB-48) eliminates the provision that a person may receive a governor's bear tag only once in his or her lifetime.

### NAVIGABLE WATERS AND WETLANDS

**Act 47** (SB-46) creates a presumption that an owner of land that abuts a navigable waterway is a riparian owner and is entitled to exercise all rights afforded to a riparian owner, even if the bed of the waterway is owned in whole or in part by another.

**Act 77** (SB-91) requires DNR to issue a general permit that authorizes wetland, stream, and floodplain restoration and management activities that will result in a net improvement in hydrologic connections, conditions, and functions.

**Act 105** (SB-387) provides that a county shoreland zoning ordinance may not prohibit within a shoreland setback area the construction of a fence that is (1) no taller than 15 feet; (2) located at least two feet landward of the ordinary high-water mark, entirely outside a highway right-of-way, no less than 10 feet from the edge of a roadway, and no more than 40 feet from the edge of a roadway or highway right-of-way, whichever is greater; and (3) generally perpendicular to the shoreline.

### PARKS, FORESTRY, AND RECREATION

**Act 27** (SB-64) provides that the proceeds from the sale of DNR properties may be

used to acquire or develop any land or easement, with no restrictions or limitations on use or location unless the property was originally purchased with federal funds.

**Act 58** (AB-68) does the following:

1. Increases from 30 to 63 cents per acre the county forest acreage share payments that DNR makes to counties.
2. Increases the minimum amount that DNR must pay each city, village, or town where DNR owns land. The act provides that the payment may not be less than \$3.50 an acre for all such lands. Under preexisting law, the payment for lands that DNR acquired since 1992 was generally determined using the estimated value of the land in the year prior to the acquisition.
3. Authorizes DNR to retain a fee for issuing all-terrain vehicle trail passes and snowmobile trail use stickers and for issuing and renewing registrations for ATVs, utility terrain vehicles, off-highway motorcycles, boats, and snowmobiles that occur through DNR's statewide automated system.

**Act 70** (SB-269) raises from 2,000 pounds to 3,000 pounds the maximum weight allowable for a motor-driven device to be classified as a UTV.

**Act 103** (SB-364) authorizes the operation of ATVs, UTVs, and snowmobiles adjacent to a highway at night, regardless of the direction of traffic, if operated on a designated and marked ATV or snowmobile trail. The act also requires a person operating a snowmobile during the hours of darkness or adjacent to a roadway to dim his or her head lamp when an oncoming snowmobile, ATV, UTV, or motor vehicle is within 500 feet. The act also lowers the permissible decibel level for snowmobile exhaust and engine noise.

## Occupational regulation

**Act 3** (AB-4) authorizes pharmacy technicians and first-year and second-year pharmacy students to administer vaccines to people who are age six or older. The act requires pharmacy technicians and first-year and second-year pharmacy students to complete training and to be supervised by a health care provider while administering vaccines.

**Act 8** (SB-13) authorizes dentists to administer COVID-19 and flu vaccines. The act requires dentists to complete eight hours of training and have liability insurance to administer those vaccines, and dentists must update DHS's Wisconsin Immunization Registry after administering a vaccine.

**Act 22** (AB-63) makes changes to the laws governing the practice of psychology and the Psychology Examining Board, including the following:

1. Revises the definition of the "practice of psychology" and various exemptions to

the practice of psychology and adds new exemptions to the practice of psychology.

2. Discontinues the licensure of private practice school psychologists, but allows those who currently hold this license to continue to renew their licenses and engage in the private practice of school psychology.

3. Changes licensure requirements for psychologists, including changing the required hours of supervised experience, allowing the examining board to promulgate rules requiring an internship, and prohibiting the denial of an applicant's license based on his or her arrest record.

**Act 23** (AB-125) makes changes to the licensure, regulation, and practice of physician assistants, including the following:

1. Creates the Physician Assistant Affiliated Credentialing Board attached to the Medical Examining Board and authorizes the board to promulgate rules that regulate the practice of physician assistants.

2. Requires a practicing physician assistant to provide to the board, upon request, evidence either that there is a physician who is primarily responsible for the overall direction and management of the physician assistant's professional activities or that the physician assistant has a written collaborative agreement with a physician that describes the physician assistant's scope of practice.

3. Defines the practice of a physician assistant similarly to the practice of medicine and surgery and provides that a physician assistant may prescribe, dispense, and administer drugs, but requires a physician assistant to limit his or her practice to the scope of his or her experience, education, and training.

**Act 60** (AB-121) specifies that a person does not need a barbering or cosmetology license to perform natural hair braiding.

**Act 71** (SB-329) repeals provisions requiring a licensed athletic trainer to have a consulting physician.

**Act 100** (SB-300) requires pharmacy technicians to be registered by and subject to the authority of the Pharmacy Examining Board. Under the act, no person may engage in the practice of a pharmacy technician without being so registered.

**Act 121** (SB-309) requires the Department of Safety and Professional Services and any attached entity to define "telehealth" as it is defined under the Medical Assistance program.

**Act 123** (SB-412) enters Wisconsin into the Occupational Therapy Licensure Compact, which allows occupational therapists and occupational therapy assistants who are licensed in one state that is a party to the compact to practice in other member states. The compact provides for the creation of the Occupational Therapy Compact Commission, which is charged with administering

the compact and which includes delegates from each member state's licensing board. The act also contains provisions relating to implementation of the compact in Wisconsin.

**Act 130** (AB-529) allows the practice of naturopathic medicine by individuals who have met certain educational requirements, passed examinations, and been granted a license by the Naturopathic Medicine Examining Board, which is created by the act. Under former law, naturopathic medicine was not specifically regulated, but individuals were allowed to practice it only to the extent that their activities did not fall within another profession's scope of practice.

**Act 131** (AB-537) enters Wisconsin into the Psychology Interjurisdictional Compact, which allows psychologists who are licensed in one state that is a party to the compact to practice in other member states via telepsychology or, temporarily, in person. The compact provides for the creation of the Psychology Interjurisdictional Compact Commission, which is charged with administering the compact and which includes delegates from each member state's licensing board. The act also contains provisions relating to implementation of the compact in Wisconsin.

**Act 251** (SB-259) provides for regulation and licensing for the practice of genetic counseling. The act establishes a Genetic Counselors Affiliated Credentialing Board to grant genetic counselor licenses, promulgate rules related to genetic counseling, and discipline genetic counselors and prohibits a person from practicing genetic counseling without a license.

## Public utilities

**Act 24** (AB-27) makes changes to the statutes administered by the Public Service Commission, including requiring PSC to require investor-owned electric and natural gas public utilities to provide funding to the Citizens Utility Board, a consumer advocate. Under the act, PSC must ensure that the utilities recover the amount they provided to the advocate from their customers.

## Real estate

**Act 96** (SB-73) changes the process under preexisting law that, among other things, requires a seller of residential real property or vacant land to provide a prospective buyer with a real estate condition report on which the seller discloses conditions of, and other information about, the real property. Specifically, the act (1) specifies that a real estate condition report is complete only if the seller has answered or supplied information for each item on the report; (2) specifies



that a prospective buyer that exercises its preexisting statutory right to rescind an offer of sale because the seller does not timely provide a real estate condition report is entitled to the return of any deposits or option fees; and (3) adds to the real estate condition report form a requirement that the owner indicate whether the owner is a foreign person for purposes of federal taxation.

**Act 199** (SB-865) creates requirements for and restrictions on the authority of certain homeowners associations. Among other things, the act (1) requires an association to make certain information publicly available; (2) requires an association to give notice of any association meeting; (3) limits the fees an association may charge for providing certain documentation to a member; (4) requires an association to provide notice before suspending certain rights of a member; and (5) requires an association to provide a payoff statement to a member upon request and limits the fees the association may charge for providing the statement.

## Shared revenue

**Act 61** (AB-56) clarifies that following the termination of a tax incremental district (TID), the state aid payment for tax-exempt personal property that would have been paid to the TID is distributed to other taxing jurisdictions.

## State government

### STATE BUILDING PROGRAM

**Act 58** (AB-68) does all of the following:

1. Authorizes \$125 million in general fund–supported borrowing to assist PSC in awarding grants to construct broadband infrastructure in underserved and unserved areas of Wisconsin.
2. Authorizes \$40 million in general fund–supported borrowing to assist Historic Haymarket Milwaukee, LLC, in the construction of a museum of nature and culture in the city of Milwaukee.
3. Authorizes \$5 million in general fund–supported borrowing for the renovation of a mental health facility in Marathon County to expand the facility’s psychiatric bed and behavioral health treatment capacity.
4. Authorizes \$5 million in general fund–supported borrowing to assist Beyond Vision in the purchase and renovation of a new facility in Milwaukee County to employ and provide related services to blind and visually impaired individuals.
5. Authorizes the Building Commission to expend up to \$4 million for project planning, development, design, site selection, and land and property acquisition for a new Wisconsin History Museum.

6. Allocates \$3 million, from an existing authorization of \$25 million in general fund-supported borrowing for construction projects having a public purpose, to assist the Incentive Community Foundation, Inc., in redeveloping the former Daily Tribune building in the city of Wisconsin Rapids into an economic and community hub.

**Act 252** (SB-520) authorizes an additional \$41,791,000 for the construction of a new Type 1 juvenile correctional facility in Milwaukee County.

#### GENERAL STATE GOVERNMENT

**Act 58** (AB-68) increases from \$375 to \$385 the registration fee for a lobbying principal and from \$125 to \$135 the lobbyist authorization fee. Under preexisting law, a lobbying principal (any person who hires a lobbyist) pays the fees to the Ethics Commission.

**Act 87** (AB-325) adopts the Revised Uniform Unclaimed Property Act, which addresses the disposition of unclaimed property, including gift cards, life insurance benefits, securities, and virtual currencies.

**Act 95** (AB-388) creates the Wisconsin Commission for the United States Semiquincentennial Commission, attached to the Department of Veterans Affairs, that will plan, coordinate, and implement a program to commemorate the 250th anniversary of the founding of the United States.

**Act 266** (SB-719) makes minor and technical changes to the laws relating to lobbying, as recommended by the Ethics Commission. The act also applies the code of ethics for public officials to a school district administrator. In addition, the act allows an agency official, an elected state public official, or a legislative employee to attend a meeting of a special interest group, political group, or school group to discuss state government processes, proposals, and issues without paying the cost of admission.

## Taxation

**Act 1** (AB-2) changes laws related to taxation as follows:

1. Provides a property tax exemption for property of a church or religious association leased to an educational association.
2. Excludes from taxable income grants from the federal coronavirus relief fund for economic support, broadband expansion, childcare, and farm support.
3. Adopts for state income tax purposes changes made by the Internal Revenue Code related to the earned income tax credit, the paycheck protection program, the economic injury disaster loan program, payment assistance for certain loan programs, and grants to shuttered venue operators.

**Act 40** (AB-18) changes the state individual income tax return due date from April 15 to instead align with the federal due date each year, whatever that date may be in the future.

**Act 58** (AB-68) does the following:

1. Reduces from 6.27 percent to 5.30 percent the tax rate in the third individual income tax bracket beginning with the 2021 tax year.
2. Provides an individual income tax credit beginning with the 2022 tax year for household and dependent care expenses equal to 50 percent of the amount an individual may claim on the individual's federal tax return for household and dependent care expenses.
3. Provides an individual income tax exclusion for all basic, special, and incentive pay income received by a member of the U.S. armed forces while serving on active duty.
4. Provides an individual income tax exclusion for income derived from a certified national service educational award.
5. Provides a property tax exemption for any parcel of vacant land owned by a church or religious association that is no more than 0.8 acres, located in the City of Milwaukee near the Lake Michigan shoreline, and adjacent or contiguous to the City of St. Francis.
6. Provides a sales and use tax exemption for sweetened dried fruit.
7. Provides that partnerships, limited liability companies, and tax-option corporations may elect to claim certain refundable economic development tax credits that would otherwise be claimed by the partners, members, or shareholders.

## Trade and consumer protection

**Act 189** (SB-408) designates a “catalytic converter” as a type of proprietary article for which scrap dealers must follow certain requirements, including record-keeping requirements regarding the people who sell a catalytic converter to the scrap dealer and a requirement that scrap dealers obtain certain evidence establishing that the seller lawfully possessed the catalytic converter before the sale. A scrap dealer who intentionally fails to comply with the requirements may be subject to imprisonment for up to nine months, a fine up to \$10,000, or both.

## Transportation

### DRIVERS AND MOTOR VEHICLES

**Act 64** (SB-15) lowers the age of eligibility for an instruction permit from 15 years

and 6 months to 15 years, increases the duration of an instruction permit from 12 months to 18 months, and increases the number of behind-the-wheel practice hours required before a person is eligible for an operator's license from 30 to 50.

**Act 108** (SB-437) allows a person to operate an unregistered vehicle on a highway in response to an emergency if the operation is necessary to prevent imminent death or imminent great bodily harm or an imminent public disaster. This exception to the prohibition against operating an unregistered motor vehicle replaces the prior law exception that allowed a person to operate an unregistered vehicle on a highway during a state of emergency.

**Act 163** (SB-429) requires the Department of Transportation to replace motor vehicle registration plates on a rolling 10-year basis beginning in 2022 and establishes requirements for the construction of plates.

#### **HIGHWAYS AND LOCAL ASSISTANCE**

**Act 58** (AB-68) does the following:

1. Makes changes relating to alternative highway project delivery methods, including creating a technical review committee to review design-build proposals and providing requirements for requests for qualifications and requests for proposals.
2. Enumerates the I-94 East-West corridor reconstruction project from 70th Street to 16th Street in Milwaukee County as a southeast Wisconsin freeway megaproject and provides \$40 million in bonding authority for the project.
3. Provides \$100 million in additional funding for local roads improvement discretionary grants.

**Act 74** (SB-101) designates the bridge on STH 29 across the Fox River in the city of Green Bay as the “Bart Starr Memorial Bridge.”

#### **Veterans and military affairs**

**Act 31** (AB-154) designates May 14 as Hmong-Lao Veterans Day, the purpose of which is to recognize Southeast Asians, Americans, and their allies who served in the Secret War in Laos during the Vietnam War in support of the U.S. armed forces.

**Act 261** (SB-673) provides that the Department of Military Affairs is primarily responsible for the statewide emergency number system known as 911 and adds several requirements to DMA's previous responsibilities relating to the system. The act also requires DMA to award grants to county land information offices for the purpose of preparing geographic information systems data to help enable advanced 911 operations, known as Next Generation 911.

## Constitutional amendments

The below proposed amendments to the Wisconsin Constitution were passed by the 2021 legislature on first consideration. With respect to each amendment, to become a part of the constitution, the 2023 legislature must concur in the amendment, and the amendment must then be ratified by the voters at a state-wide referendum.

**Enrolled Joint Resolution 6** (AJR-107) authorizes the imposition of monetary bail as a condition of release before conviction for a person accused of a violent crime only upon a finding that there is a reasonable basis to believe that it is necessary based on the totality of the circumstances, taking into account certain factors specified in the amendment. For a person accused of a nonviolent crime, monetary bail may be imposed as a condition of release before conviction only upon a finding that there is a reasonable basis to believe that it is necessary to assure the appearance of the accused in court, which is the constitutional standard that currently applies for all crimes.

**Enrolled Joint Resolution 13** (SJR-32) provides that only a United States citizen age 18 or older who is a resident of an election district in Wisconsin is qualified to vote in that district in an election for national, state, or local office or at a statewide or local referendum.

**Enrolled Joint Resolution 14** (SJR-84) prohibits the legislature from delegating its sole power to determine how moneys may be appropriated and prohibits the governor from allocating any federal moneys that the governor accepts on behalf of the state without the approval of the legislature by joint resolution or as provided by legislative rule.

**Enrolled Joint Resolution 17** (SJR-101) prohibits state and local governments from using privately sourced moneys or equipment in connection with the conduct of elections and specifies who may perform tasks related to the conduct of an election. **BB**