

# SIGNIFICANT ENACTMENTS OF THE 2023 LEGISLATURE

## Agriculture

**Act 19** (SB-70) does all of the following:

1. Provides \$7 million for cost-sharing grants to landowners under the soil and water resource management program, to assist in implementing best management practices at agricultural sites.
2. Provides funding for additional grants to counties to support land and water conservation staff.
3. Provides \$1.8 million annually for the commercial nitrogen optimization pilot program and the cover crop insurance premium rebate program.
4. Provides \$1 million annually for producer-led watershed protection grants.
5. Provides \$1 million annually for clean sweep grants that reimburse government entities for collecting and disposing of certain hazardous wastes and pesticides.
6. Provides additional one-time funding of \$1.6 million for grants to facilities that slaughter animals or process meat or meat products.
7. Provides \$1.5 million annually for grants to nonprofit food assistance organizations that purchase and distribute food to tribal elders.
8. Provides \$1 million annually to support agricultural export promotion through the Wisconsin Initiative for Agricultural Exports.
9. Provides \$500,000 annually for grants to dairy processors.
10. Provides \$100,000 annually for farmer mental health assistance programming.

## Beverages

**Act 73** (SB-268) makes significant changes to the regulation of alcohol beverages, including the following:

1. Creating the Division of Alcohol Beverages attached to the Department of Revenue and transferring DOR's alcohol beverage functions to the division.
2. Modifying the retail sales authority of brewers, wineries, and liquor manufacturers to expand, if certain requirements are met, the number of permissible retail outlets and the types of alcohol beverages that may be sold at them, to eliminate local licensing of wineries, and to specify or change the hours during which retail sales may be made.
3. Beginning January 1, 2026, modifying provisions relating to the consumption of alcohol beverages in a public place, creating a no-sale event venue permit that allows a property owner, on limited occasions, to rent property for use as an event

venue at which beer and wine are consumed, and creating a liquor license quota exception for certain event venues.

4. Creating an operator's permit issued by the division that is similar to an operator's license (bartender's license).
5. Allowing wine-only retail licenses to be issued to establishments other than restaurants.
6. Modifying common ownership interest restrictions applicable to producers, wholesalers, and retailers.
7. Creating provisions governing production arrangements between producers.
8. Creating permits for, and imposing requirements on, fulfillment houses and common carriers involved in direct-to-consumer wine shipping and modifying provisions governing wineries engaged in such wine shipping.
9. Allowing cooperative wholesalers to distribute distilled spirits.
10. Expanding the definition of "fermented malt beverages."
11. Making other changes related to the authorized activities of brewers, brewpubs, wineries, and liquor manufacturers.

## Children

**Act 19** (SB-70) does all of the following:

1. Increases the monthly basic maintenance rates paid to foster parents and the monthly kinship care payments made to relatives who provide care for children.
2. Changes the income eligibility requirement for child care subsidies under Wisconsin Shares from 185 percent to 200 percent of the federal poverty level and changes the increase in copayments above that threshold to \$1 for every \$5 increase in household income instead of \$1 for every \$3 increase.
3. Allows the Department of Children and Families to enter into an agreement with a tribal government to allow that government to administer subsidized guardianships. Under the agreement the tribe must comply with all subsidized guardianship requirements that apply to counties, and DCF must reimburse the tribe for subsidized guardianship payments in the same way that it reimburses counties.
4. Allocates funding to programs and subsidies from federal moneys received under Temporary Assistance for Needy Families.
5. Extends by two years, until June 30, 2025, the five-county pilot program to provide parents counsel in a Child in Need of Protection or Services (CHIPS) proceeding.
6. Increases the per-person daily rates that are assessed on counties for state-provided juvenile correctional services from \$1,178 to \$1,246 in fiscal year 2023–24 and \$1,268 in fiscal year 2024–25.

**Act 119** (SB-520) allows a juvenile court to place a child in out-of-home care with an individual without a foster home license who qualifies as “like-kin,” which means someone who has a significant emotional relationship with a child or the child’s family that is similar to a familial relationship and, for an Indian child, includes an individual who is identified by the child’s tribe as kin or like-kin according to tribal tradition, custom or resolution, code, or law. Prior law allowed such placement of children only with family members.

## Corrections

**Act 31** (AB-47) requires the Department of Corrections to post on its website information about parole decisions, including the aggregate number of individuals who were granted or denied parole, or returned to prison following parole revocation, and guidance documents the Parole Commission uses when making parole decisions. The act also changes the deadline by which the Parole Commission must notify courts, district attorneys, and victims about an inmate’s application for parole from three weeks before the hearing or interview on the application to 90 days before the hearing or interview.

**Act 230** (AB-237) expands a victim’s statutory right to participate in a hearing before a prisoner is released on parole or extended supervision so that the victim may make an oral statement or use visual aids, changes the victim’s statutory right to notice of release from 7 days before the prisoner is released to 30 days, and specifies that a police chief or sheriff may disseminate information to the general public regarding a person who was convicted of a serious violent crime who is being released from prison to reside in the chief’s or sheriff’s jurisdiction.

**Act 254** (SB-874) codifies the attorney general opinion OAG-02-17 regarding the interpretation of the statutory phrase “two or more separate occasions” as it pertains to the sex offender registry and notification requirements. Under the act, each conviction for a sex offense or finding of not guilty of a sex offense by reason of mental disease or defect is counted as a separate occasion even if they were part of the same proceeding, occurred on the same date, or were included in the same complaint. A person who has been convicted on the basis of or been the subject of such a finding on two or more separate occasions must register as a sex offender for life and be tracked by lifetime global positioning system tracking.

## Courts and Legal Process

**Act 232** (AB-960) requires a wireless communications provider to provide wireless device location information to law enforcement without a warrant under certain circumstances. Under preexisting law, a warrant is generally required for a law

enforcement officer to track or obtain the location of a wireless device. However, there was an exception that allowed but did not require a wireless communications provider to provide wireless device location information if the customer or subscriber consented or if the wireless communications provider believed in good faith that an emergency involving the danger of death or serious physical injury to any person existed and disclosure of the location information was relevant to preventing the death or injury or to mitigating the injury. The act requires disclosure of wireless device location information under those circumstances and additionally requires disclosure if the wireless communications provider receives a written request from a law enforcement agency attesting that the disclosure is needed to respond with emergency services or to an emergency situation that involves the danger of death or serious physical injury and that the disclosure is necessary to prevent or mitigate that danger.

**Act 235** (AB-966) provides privacy protections for judicial officers by limiting access to their personal information on nomination papers and statements of economic interest and on certain documents maintained by commercial entities.

## Crime and Criminal Procedure

**Act 3** (SB-75) enacts two provisions of enabling legislation for the constitutional amendment that was ratified by the voters in April 2023 regarding preconviction release, including bail. First, the constitutional amendment provided that defendants are eligible for preconviction release under reasonable conditions that protect the community from “serious harm as defined by the legislature by law.” The act defines “serious harm” as personal physical pain or injury, illness, impairment of physical condition, or death, including mental anguish or emotional harm attendant to the pain or injury; damage to property that is over \$2,500; or economic loss over \$2,500. Second, the constitutional amendment expanded the reasons for which the court may impose monetary bail as a condition of preconviction release if a defendant is accused of a “violent crime as defined by the legislature by law.” The act defines “violent crime” to include homicide, aggravated and special circumstances battery, mayhem, sexual assault, human trafficking, carjacking, and other crimes.

**Act 10** (SB-76) increases the felony classification for carjacking with a weapon from a Class C felony to a Class B felony. The act also reorganizes carjacking crimes so they appear under a separate statutory provision entitled “Carjacking.”

**Act 224** (SB-314) makes it a Class D felony for an adult to possess virtual child pornography and a Class I felony for a minor to possess virtual child pornography. The act defines “virtual child pornography” as obscene material that contains

visual representations appearing to depict an actual child engaged in sexually explicit conduct. The penalty structure for the new crime generally parallels the structure for the crime of possessing child pornography.

**Act 225** (SB-321) criminalizes the possession of a child sex doll. The act defines “child sex doll” as an anatomically correct doll, mannequin, or robot with features that resemble a minor that is intended for use in sex acts, for sexual gratification, or for manipulating children into participating in sex acts, instructing children how to participate in sex acts, or normalizing sexual behavior with children. The penalties for the crime range from a Class I felony to a Class C felony depending on whether the violation is a repeat offense, how many such dolls are possessed, and past convictions for other crimes against children.

**Act 234** (AB-965) creates the crime of picketing or parading at the residence of a judge. The act provides that it is a Class A misdemeanor to picket, parade, or demonstrate at or near any residence occupied by a judge with the intent to interfere with, obstruct, or impede the administration of justice or with the intent to influence any judge in the discharge of his or her duty.

## Economic Development

**Act 19** (SB-70) does the following:

1. Eliminates a requirement that the Department of Tourism maintain a marketing clearinghouse to provide tourism marketing services to state agencies.
2. Requires the Department of Tourism to award grants to Visit Milwaukee and Experience Greater Green Bay.
3. Creates an appropriation to the Wisconsin Economic Development Corporation for child care providers.

**Act 96** (SB-894) provides \$7.5 million for a grant to BioForward, Inc., in its capacity as the lead member of a consortium formed for purposes of Wisconsin’s designation by the federal government as eligible for a federal regional technology and innovation hub grant.

## Education

### HIGHER EDUCATION

**Act 89** (SB-702) creates a procedure and limitations for the Joint Committee on Finance to utilize \$20 million in supplemental funding set aside, as part of the 2023–25 budget process, for technical college oral health care programs. Under the act, the Technical College System Board’s request for this supplemental funding must include a plan that specifies the amount and purpose of funding

requested for each technical college. JCF may approve funding only for certain expenditures—such as those for equipment, facility improvements, instructional materials, and bonuses for newly hired instructors—made to create a new oral health care program at the technical college or to expand an existing oral health care program that has reached its capacity.

**Act 95** (SB-367) requires the Board of Regents of the University of Wisconsin System to establish a guaranteed admission program for UW System institutions. With limited exceptions, to be eligible for the program, an applicant must be enrolled in a Wisconsin high school and be ranked in the top 10 percent of the applicant's class, or in the top 5 percent for UW–Madison, based on grade point average.

**Act 104** (SB-161) requires the UW System to enter into, administer, and renegotiate with Minnesota a tuition reciprocity agreement that guarantees that in-state tuition be charged to residents of either state who are enrolled in public higher education institutions in the other state, and requires the UW System to ensure that each UW System institution is allocated its proportional share of tuition charged to Minnesota residents attending that institution. Under the act, the Higher Educational Aids Board must enter into a similar agreement with Minnesota regarding in-state tuition charged at public vocational schools in each state.

#### PRIMARY AND SECONDARY EDUCATION

**Act 11** (SB-330) increases the revenue limit ceiling that applies to school districts in the 2023–24 school year and thereafter. The act also increases the per pupil amount paid in the 2023–24 school year to participating private schools under the parental choice programs and the Special Needs Scholarship Program and the per pupil amount paid in the 2023–24 school year to independent charter schools.

**Act 12** (AB-245) requires all of the following:

1. Milwaukee Public Schools to ensure that there are at least 25 school resource officers present at schools within the school district and that the school resource officers complete a 40-hour course sponsored by the National Association of School Resource Officers.
2. Public high schools, including independent charter high schools, and private high schools that participate in a choice program to collect statistics regarding certain safety-related incidents that (a) occur on property owned or leased by the school or governing body of the school; (b) occur during school hours, at a school-sanctioned event, or during transportation of pupils to or from school; and (c) are reported to law enforcement and result in the filing of a charge or citation. The Department of Public Instruction must include information related to these statistics on school and school district report cards.

**Act 19** (SB-70) makes the following changes to the laws governing primary and secondary education:

1. Provides a \$325 annual per pupil revenue limit adjustment until 2425.
2. Eliminates the cap that applied to high cost transportation payments to school districts that qualified for aid in the previous year but not in the current year.
3. Increases the pupil transportation aid reimbursement rate for pupils transported over 12 miles to school.
4. Modifies the school-based mental health services grant program.
5. Increases the maximum amount of a robotics league participation grant.
6. Creates an appropriation in DPI for grants to recovery high schools.
7. Provides funding for Recollection Wisconsin.
8. Eliminates the expired information technology infrastructure grant program administered by the Department of Administration.

**Act 20** (AB-321) makes the following changes to early literacy instruction. In the act, “public schools” includes independent charter schools.

1. Creates the Office of Literacy in DPI and establishes an early literacy coaching program, under which the office assigns literacy coaches to work with public schools and private schools participating in a choice program. Literacy coaches support school personnel to build capacity to teach reading using science-based early reading instruction.
2. Creates the Council on Early Literacy Curricula and requires the council to annually make recommendations to DPI on science-based early literacy curricula and instructional materials for use in kindergarten to third grade. DPI must then submit recommendations on the curricula and materials to JCF for passive review. The act also requires DPI to award grants to partially reimburse schools for the costs of purchasing the curricula and materials approved through the JCF process after January 1, 2024. Both public schools and private schools participating in a choice program are eligible for the grants.
3. Creates an early literacy screening process for public schools beginning in the 2024–25 school year. The process includes two fundamental screening assessments in 4K; three universal screening assessments per school year in 5K to third grade; and a diagnostic screening assessment for pupils in 5K to third grade who either score at-risk on a universal screening or whose parents or teacher requests the screening. The act requires public schools to use the fundamental skills screening assessment and universal screening assessment selected by DPI.
4. Requires public schools to create a personal reading plan for a pupil who is identified as at-risk on a universal screening assessment or diagnostic screening assessment and to provide the pupil’s parent with the plan. The school must

provide reading interventions specified in the plan to the pupil and must notify parents of the pupil's progress after 10 weeks of interventions.

5. Requires school boards, operators of independent charter schools, and governing bodies of private schools participating in a parental choice program to adopt policies regarding the promotion from third to fourth grade that include services and supports for pupils struggling with reading at the end of third grade.

6. Requires each teacher preparatory program to demonstrate to DPI that it provides instruction that prepares teachers to teach reading and language arts using science-based early reading instruction and does not provide instruction that includes three-cueing. After June 30, 2025, DPI may not grant a license to teach to an applicant who did not receive these standards of instruction.

7. By July 1, 2025, requires all of the following individuals to receive certain professional development training in science-based reading instruction: (a) educators who teach a grade from kindergarten to third grade; (b) principals of schools that offer grades kindergarten to third grade; (c) DPI-certified reading specialists; and (d) UW System faculty and academic staff members who teach a course that includes reading instruction designed for educators.

**Act 95** (SB-367) requires high schools to prepare annual class rankings for pupils at the end of 11th grade. The class ranking, based solely on grade point average, must identify pupils in the top 5 percent and top 10 percent of their high school class. A pupil's high school transcript must indicate that the pupil is ranked in the top 5 percent or top 10 percent, as applicable, of the pupil's class.

**Act 200** (SB-333) expands the list of crimes for which DPI must revoke any license issued by DPI, including sexual misconduct by a school staff member or volunteer, and prohibits DPI from reinstating a license that was automatically revoked because of certain criminal convictions.

## Elections

**Act 54** (SB-433) requires municipal clerks to provide absentee ballots for the presidential preference primary to voters other than military and overseas voters at least 21 days before the primary. Under prior law, the deadline was 47 days before the primary.

**Act 94** (SB-488) establishes a legislative redistricting plan.

**Act 124** (AB-298) prohibits a municipality from closing more than one-half of its polling places within 30 days before an election. The act also prohibits a municipality from closing any polling place within 30 days before an election unless a majority of the members-elect of the governing body make a finding of

emergency and both a majority of the members-elect and the municipal clerk approve the closure.

## Employment

### PUBLIC EMPLOYMENT

**Act 4** (AB-28) does all of the following with respect to the classification of county jailers as protective occupation participants under the Wisconsin Retirement System:

1. Classifies county jailers as protective occupation participants unless the jailer irrevocably opts out of the classification.
2. Requires county jailers who are employed or hired in a county that did not classify jailers as protective occupation participants on January 1, 2024, and who opt to be classified as protective occupation participants to pay the additional employer costs associated with protective occupation participants.
3. Allows counties that classified jailers as protective occupation participants on January 1, 2024, to reclassify jailers as general employees, and gives jailers the irrevocable opportunity to opt out of being classified as protective occupation participants. Jailers who do not opt out of the classification must pay the additional employer costs associated with protective occupation participants.

**Act 12** (AB-245) closes the Employees' Retirement System of the City of Milwaukee and the Milwaukee County Employees' Retirement System to newly hired and previously separated employees and requires them to participate in the Wisconsin Retirement System. The act requires the City of Milwaukee and Milwaukee County to use certain sales and use tax revenue to pay the unfunded actuarial accrued liability of the city and county retirement systems. If, in any year, the city or county does not make the required contribution to the unfunded actuarial accrued liability of its respective retirement system, DOR will deduct the amount owed from the city's or county's shared revenue payment and use that amount to pay the unfunded actuarial accrued liability.

**Act 19** (SB-70) does all of the following:

1. Continues length-of-service incentives for Department of Corrections and Department of Health Services protective status employees through the 2023–24 fiscal year.
2. Requires increases to the pay progression plan for deputy and assistant district attorneys and the pay progression plan for assistant state public defenders.

### GENERAL EMPLOYMENT

**Act 213** (AB-1073) does the following with respect to workers' compensation benefits:

1. Increases the maximum weekly rate of compensation for permanent partial disability.
2. Increases the amount of a claim for which the underinsured employers fund is used to pay the claim.
3. Allows a lump sum payment of unaccrued compensation for permanent partial disability in undisputed claims.
4. Clarifies some duties of the Division of Hearings and Appeals in the Department of Administration and the Department of Workforce Development with respect to closing claims for compensation, including that DWD has exclusive authority to close a case for a claim of compensation.

## Environment

**Act 19** (SB-70) does all of the following:

1. Creates a segregated trust fund for addressing and preventing perfluoroalkyl and polyfluoroalkyl substances (PFAS) contamination in this state.
2. Provides general purpose revenue (GPR) funding for removing contaminated sediments in Lake Michigan and Lake Superior and their tributaries.
3. Provides GPR funding for well compensation and well abandonment grants.
4. Provides GPR funding for dam safety grants.
5. Provides GPR funding for the urban nonpoint source and storm water management and municipal flood control and riparian restoration programs.
6. Provides GPR funding for rural nonpoint source water pollution abatement grants.
7. Reauthorizes funding for the cleanup of electronic waste.

**Act 108** (SB-866) makes changes to the Department of Natural Resources's electronic waste recycling program, known as E-Cycle Wisconsin, including changing the way a manufacturer of electronic devices calculates its annual recycling targets and changing the amount of annual fees paid by manufacturers.

## Financial Institutions

**Act 128** (SB-773) makes various changes relating to the authorized operations of financial institutions, including the following:

1. Expands the ability of a credit union to purchase, lease, and sell real property.
2. Authorizes credit unions' supplemental capital if approved by the Department of Financial Institutions.
3. Creates the crime of interfering with an automated teller machine.
4. Eliminates certain lender disclosure requirements applicable to residential mortgage loans and variable rate loans.
5. Eliminates a geographical lending restriction for savings and loan associations.

**Act 267** (SB-668) makes many changes related to DFI’s regulation of licensed financial services providers, which includes consumer lenders, payday lenders, collection agencies, money transmitters, check cashers, debt settlement companies, and other providers of lending-related services. Among these changes, the act does the following:

1. Requires DFI to utilize the Nationwide Multistate Licensing System and Registry (NMLSR) in administering its licensing system and standardizes DFI’s renewal, reporting, and other administrative procedures applicable to licensed financial services providers.
2. Allows DFI to take administrative action against licensed financial services providers for making false statements to the NMLSR or DFI.
3. Replaces the regulatory framework for businesses that sell or issue checks, money orders, or other written or digital forms of payment or that receive money for transmission (money transmitters, formerly known as sellers of checks), including specifying licensing requirements and exemptions, allowing a licensed money transmitter to conduct business through an unlicensed delegate, and imposing operational, financial, reporting, and record-keeping requirements on licensed money transmitters.
4. Makes changes relating to collection agencies, including eliminating the separate licensing requirement for their employees and specifying entities that are exempt from regulation.
5. Makes changes relating to lenders that assess a finance charge greater than 18 percent on a consumer loan (licensed lenders), including defining “consumer loan” and expressly allowing prepaid finance charges and loan servicing contracts.
6. Requires DFI to implement an ABLE savings program allowing tax-exempt accounts for qualified expenses incurred by individuals with disabilities.

## Health and Human Services

### HEALTH

**Act 19** (SB-70) does all of the following:

1. Requires DHS to award a grant of \$150,000 to the Surgical Collaborative of Wisconsin in fiscal years 2023–24 and 2024–25.
2. Requires DHS to submit a plan to JCF to increase licensing fees for assisted living facilities and outpatient mental health clinics to cover staffing costs in the Bureau of Assisted Living.
3. Adjusts the allocation for services to persons with Alzheimer’s disease and their caregivers from not more than \$2,808,900 in each fiscal year to not more than \$3,058,900 in each fiscal year.

4. Establishes an appropriation for a complex patient pilot program to facilitate the discharge of difficult-to-place individuals from hospitals into post-acute care settings and sets aside \$5 million in the JCF supplemental appropriation that DHS may request for this purpose.
5. Allows registered nurses to be included within the definition of “allied health professionals” for purposes of allied health professional education and training grants to hospitals, health systems, and educational entities that form health care education and training consortia.

**Act 71** (SB-263) allows SeniorCare participants to purchase a 100-day supply of certain prescription drugs authorized under DHS administrative rules and otherwise covered through the SeniorCare program if authorized by a health care provider’s prescription order. The act requires DHS to apply for any waiver of federal Medicaid laws necessary for DHS to implement the act and, contingent upon that approval, modifies a DHS administrative rule to expand the drugs that may be dispensed in a 100-day supply to include any drug, as determined by DHS on the basis of clinical considerations, safety, costs, and other factors.

**Act 97** (SB-1015) transfers \$15 million from the state building trust fund to the general fund and eliminates a previous appropriation in that amount for a grant in fiscal year 2021–22 that was not used by a health system to expand psychiatric bed space. The act increases the appropriation to JCF for supplemental appropriations by \$15 million for fiscal year 2023–24 for grants to support hospital services.

## MEDICAL ASSISTANCE

**Act 19** (SB-70) makes the following changes:

1. Extends from three years to five years the maximum term for grants awarded by DHS to assist rural hospitals in developing graduate medical training programs.
2. Increases the supplemental payment, known as the “rural critical care access supplement,” that DHS must pay annually to hospitals that do not qualify as disproportionate share hospitals and for which Medical Assistance (MA) patients account for at least 6 percent of total charges for services performed by the hospital.
3. Imposes a deadline of October 1, 2023, for DHS to implement the MA reimbursement rate increase for dental services rendered by facilities that provide at least 90 percent of their dental services to individuals with cognitive and physical disabilities that was included under 2017 Wisconsin Act 59, the 2017 biennial budget.
4. Increases from \$45 to \$55 the amount of unearned income an MA beneficiary who is in a public medical institution, hospital, skilled nursing facility, or intermediate care facility may retain for personal expenses each month.

5. Increases to \$2.25 million the amount DHS must award in grants to free and charitable clinics.
6. Requires DHS to increase by \$200 the reimbursement rate under the MA program for each day of care a facility provides to residents of the facility who are ventilator dependent.
7. For purposes of reimbursement for nursing homes, requires DHS to establish and implement a rate for nursing home support services that matches the median facility rate implemented by DHS for direct care nursing services.
8. For purposes of the methodology for setting nursing home payment rates, requires DHS to exclude provider incentives when determining the total rate adjustment to allowable costs.
9. Eliminates certain mental health pilot projects, including the behavioral health care coordination pilot projects and the psychiatric consultation reimbursement pilot project.
10. Requires DHS to pay hospitals that serve a disproportionate share of low-income patients an additional amount as the state share of MA payments and the matching federal share of payments.

#### **PUBLIC ASSISTANCE**

**Act 19** (SB-70) increases, beginning in the 2023–24 fiscal year, the monthly payment for the support of the dependent children of recipients of supplemental security income to \$275 per month for one dependent child and \$165 per month for each additional dependent child.

#### **Housing**

**Act 14** (AB-264) establishes a residential housing infrastructure revolving loan program under which the Wisconsin Housing and Economic Development Authority awards revolving loans to residential housing developers for eligible housing infrastructure projects supporting workforce and senior housing, as defined in the act.

**Act 15** (AB-265) establishes a main street housing rehabilitation revolving loan program under which WHEDA awards loans for funding certain rental housing rehabilitation projects supporting workforce housing, as defined in the act.

#### **Justice**

**Act 58** (AB-36) provides a specific timeline for the state crime laboratories to process sexual assault kits. The act requires that the state crime laboratories process a sexual assault kit within six months of receipt. The act expedites that

process if a sexual assault has been reported, the suspect is unknown, and there is a threat to public safety; in that case, the crime laboratories must begin processing the kit within five business days of receipt and complete processing it 60 calendar days after that.

**Act 239** (AB-978) creates the Human Trafficking Council in the Department of Justice and requires the council to do all of the following:

1. Compile an inventory of human trafficking prevention programs and services and maintain an online database to share information about human trafficking.
2. Assess the efficacy of using state funds to prevent human trafficking.
3. Compile data about human trafficking arrests and prosecutions.
4. Assess sex trafficking activities in each county, establish criteria to be used as the basis for recommendations to counties, and make recommendations to counties as to whether a task force should be established in a county or that a law enforcement agency designate an officer to coordinate the human trafficking prevention and enforcement efforts.
5. Assess the regulation and oversight of facilities that provide residential care in a congregate living environment.
6. Assess the use of social media platforms for human trafficking purposes in the state and develop recommendations on how to stop, reduce, or prevent such use.
7. Develop a state strategic plan for preventing human trafficking.
8. Develop protocols for interaction with human trafficking victims.
9. Develop a model training program for counties relating to reducing interest in solicitation.
10. Annually submit a report that summarizes the data collected by, activities of, and obstacles faced by the council during the previous year.

The act also requires the Law Enforcement Standards Board to recommend training courses for law enforcement officers relating to human trafficking prevention and enforcement.

## Local Government

**Act 12** (AB-245) does all of the following:

1. Requires certain political subdivisions to annually certify that the political subdivision is maintaining a level of police, fire, and emergency medical service that is at least equivalent to that provided in the previous year.
2. Changes the levy limit consequences of tax incremental districts (TIDs) in two respects. First, with regard to TIDs created after December 31, 2024, a political subdivision's annual "valuation factor" includes only 90 percent of new construction within TIDs but is not reduced for any improvements removed within

TIDs. Second, for TIDs created after December 31, 2024, the levy increase upon TID termination or amendment is an amount equal to 10 percent, or if certain requirements are met, 25 percent, of the aggregate of the value of new construction in the district, for each year that the district was active.

3. Prohibits political subdivisions from conducting an advisory referendum except for certain referenda related to capital expenditures.
4. Limits the authority of political subdivisions to regulate quarries from which nonmetallic materials that are used primarily for public transportation facilities, public infrastructure, or private construction or transportation projects are extracted.
5. Prohibits political subdivisions from discriminating against or granting preferential treatment in hiring or contracting on the basis of race, color, ancestry, national origin, or sexual orientation, unless required to receive federal aid.
6. Provides that levy limit modifications based on service transfers apply only if both political subdivisions involved in the service transfer agree to modify their levy limits.
7. Limits spending by Milwaukee County and the City of Milwaukee if the spending involves a new program, an increase in government positions, or cultural or entertainment matters.
8. Requires Milwaukee County to spend a minimum amount on a combination of the Milwaukee County circuit court, the Milwaukee County medical examiner, the Milwaukee County secure residential care for children and youth, and compensation of correctional workers.
9. Makes several changes to the administration of the City of Milwaukee's fire and police commission (FPC). First, the act requires that one FPC member be selected from a list provided by the employee association that represents nonsupervisory law enforcement officers and one from the employee association that represents fire fighters. Second, the act transfers the control and management of the police and fire departments from the FPC to the chief of each department. Third, the act prohibits an FPC member from continuing in the member's seat after his or her term expires.
10. Requires the City of Milwaukee to attain a level of 1,725 law enforcement officers and a daily staffing level of 218 fire department members within 10 years.
11. Prohibits the City of Milwaukee from using tax moneys to fund positions with the principal duties of promoting individuals or groups on the basis of race, color, ancestry, national origin, or sexual orientation.
12. Prohibits the City of Milwaukee from using tax moneys or TID tax increments to fund street cars.

**Acts 40 and 41** (AB-438 and AB-439) do all of the following:

1. Provide state and local funding for improvements to professional baseball park facilities located in the city of Milwaukee, i.e., American Family Field, subject to the following requirements:
  - a. The professional baseball team enters into a lease and nonrelocation agreement through 2050.
  - b. The team agrees to make \$32.6 million in contributions to the facility improvement segregated fund, \$50 million in discretionary capital expenditures, and \$60 million in rent payments to the professional baseball park district.
  - c. The team disclaims any interest in the park facilities and facility improvement segregated fund upon expiration of the lease.
2. Require the district to create the facility improvement segregated fund, from which funds may be expended only for limited purposes, including park facilities improvements and repaying loans used for park facilities improvements. Moneys received from the state, the City of Milwaukee, and Milwaukee County and certain moneys received from the Milwaukee Brewers are deposited into the segregated fund.
3. Require the City of Milwaukee and Milwaukee County to each contribute \$67.5 million to the segregated fund.
4. Prohibit most expenditures from the segregated fund if the team notifies the district that the team is terminating the lease.
5. Require the district to impose a ticket surcharge on non-baseball events and deposit the receipts into the segregated fund.
6. Change the makeup of the district board. Under the acts, the board consists of four appointments by the governor, three appointments by the assembly speaker, three appointments by the senate majority leader, and one appointment by each the City of Milwaukee, Milwaukee County, and the Milwaukee Brewers.
7. Require the district to contract with a facility management company or employ an executive director to manage the park facilities and their improvement.
8. Eliminate the district's authority to borrow money, other than from the state.
9. Require the district to use a specified set of considerations in awarding contracts.
10. Require that the Legislative Audit Bureau conduct biennial fiscal audits of the district.
11. Require the district to provide facility and financial reports to the Department of Administration, the Legislative Audit Bureau, and the Legislative Fiscal Bureau.
12. Require a study of the potential redevelopment of certain baseball park properties.

## Natural Resources

### FISH AND GAME

**Act 19** (SB-70) does all of the following:

1. Increases the fee for the nonresident deer hunting license from \$160 to \$200.
2. Increases the fees for other nonresident hunting and fishing licenses by \$5 and for nonresident combination licenses by \$20.

### NAVIGABLE WATERS AND WETLANDS

**Act 19** (SB-70) does all of the following:

1. Provides a grant to Sheboygan County to remove and reconstruct the dam on the Sheboygan River at Sheboygan Marsh.
2. Provides a grant to repair the dam on Steve Creek.
3. Provides a grant to the City of Plymouth to remove and restore the dam on Mill Pond.
4. Provides a grant to the Lake Mallalieu Lake Association for Lake Mallalieu in St. Croix County.
5. Provides a grant to the Lake Altoona Rehabilitation and Protection District in Eau Claire County for costs related to the acquisition and transport of a bed load sediment collector and for sediment dredging activities.
6. Provides a grant to the Buffalo Lake Protection and Rehabilitation District to assist with permitting and study requirements in Buffalo Lake in Marquette County.
7. Extends the time during which funding for the Arcadia municipal flood control stewardship project is available and authorizes additional funding if the project is designed, authorized, approved, or supervised by the U.S. Army Corps of Engineers.

### PARKS, FORESTRY, AND RECREATION

**Act 19** (SB-70) does all of the following:

1. Increases the per-mile reimbursement rate for local utility terrain vehicle (UTV) trail aids from \$200 to \$400.
2. Eliminates the statutory 35 percent cap on the number of state park campsites that may be electrified.
3. Authorizes DNR to collect a transaction fee on online parks admission sticker and trail pass sales.
4. Increases the cap on nonresident overnight camping fees from \$35 to \$45.
5. Eliminates the 3 cent surcharge applied to each seedling sold by the state tree nursery.

6. Requires DNR to obligate lapsed funding from the Warren Knowles-Gaylord Nelson Stewardship program to projects such as drilling wells, facility improvements and renovations, and construction of new buildings.
7. Provides a grant to the Mirror Lake Management District to dredge Mirror Lake in Sauk County and rehabilitate a gully near Mirror Lake State Park.
8. Provides a grant to the Friends of Lapham Peak to build a ski lodge in the Lapham Peak Unit of the Kettle Moraine State Forest.

## Occupational Regulation

**Act 55** (SB-196) enters Wisconsin into the Counseling Compact, which allows professional counselors that 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 Counseling Compact Commission, which is charged with administering the compact and includes delegates from each member state's licensing board. The act also contains provisions to implement the compact in Wisconsin.

**Act 56** (SB-197) enters Wisconsin into the Audiology and Speech-Language Pathology Interstate Compact, which allows speech-language pathologists or audiologists that 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 Audiology and Speech-Language Pathology Compact Commission, which is charged with administering the compact and includes delegates from each member state's licensing board. The act also contains provisions to implement the compact in Wisconsin.

**Act 81** (SB-400) enters Wisconsin into the PA Licensure Compact, which allows physician 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 PA Licensure 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 to implement the compact in Wisconsin.

**Act 88** (SB-692) enters Wisconsin into the Dentist and Dental Hygienist Compact, which allows dentists and dental hygienists 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 Dentist and Dental Hygienist Compact Commission, which is charged with administering the compact and includes commissioners from each member state's licensing board. The act also contains provisions to implement the compact in Wisconsin.

## Public Utilities

**Act 121** (SB-791) exempts from regulation as a public utility a person who supplies electricity to electric vehicles through an electric vehicle charging station if all of the electricity supplied is provided by the person's electric utility or retail electric cooperative and the person charges a fee for use of the charging station that is based on the amount of kilowatt-hours of electricity that the user consumes.

## Real Estate

**Act 210** (SB-439) does the following:

1. Prohibits including discriminatory restrictions in instruments that affect real property.
2. Declares void and unenforceable discriminatory restrictions in such instruments.
3. Prohibits the filing or recording of instruments that contain discriminatory restrictions with the register of deeds.
4. Allows property owners to discharge and release discriminatory restrictions from their properties and creates a statutory form for that purpose.

## Shared Revenue

**Act 12** (AB-245) does the following regarding shared revenue payments to counties and municipalities:

1. Creates a trust fund designated as the local government fund.
2. Provides each county and municipality with an annual county and municipal aid payment from the local government fund.
3. Provides annual supplemental county and municipal aid payments from the local government fund to be used only for law enforcement, fire protection, emergency medical services, emergency response communications, public works, courts, and transportation. Generally, each county and municipality receives a payment equal to the greater of 20 percent of the amount of county and municipal aid received or the amount determined by a formula specified under the act.
4. Provides innovation grants to counties and municipalities from the local government fund for realizing savings from transferring services to another county, municipality, nonprofit organization, or private entity.
5. Provides annual payments to taxing jurisdictions from the local government fund to compensate for the elimination of the remaining personal property tax.

**Act 19** (SB-70) does the following regarding shared revenue payments to counties and municipalities:

1. Provides for the transfer of funds to the local government fund, including an

annual transfer of 20 percent of the revenues received from the state sales and use tax.

2. Provides payments to compensate certain local governments for not being able to impose property taxes on real property exempt from taxation under the 1854 Treaty of La Pointe.
3. Increases utility aid incentive payments for power production plants that generate energy from an alternative energy resource or that are built on or adjacent to a site of an existing or decommissioned power plant or brownfield.
4. Increases funding for the school levy property tax credit.

## State Government

### STATE BUILDING PROGRAM

**Act 19** (SB-70) does all of the following:

1. Transfers approximately \$1.2 billion from the general fund to the capital improvement fund for the purpose of funding projects specified in the 2023–25 Authorized State Building Program and certain projects authorized in previous state building programs in lieu of general fund supported borrowing.
2. Authorizes \$10.75 million in segregated revenue to assist the Marquette University School of Dentistry in carrying out construction and equipment upgrades to its main campus clinic and classrooms, affiliated clinics and classrooms statewide, and patient experience center.
3. Authorizes \$10 million in segregated revenue to assist the expansion of Versiti Wisconsin for purposes of blood research.
4. Authorizes \$7 million in segregated revenue to assist Marathon County in constructing a regional forensic science center.
5. Authorizes approximately \$4.79 million in segregated revenue to assist the Children's Hospital and Health System, Inc., to expand the dental clinic at its main Milwaukee campus.
6. Authorizes \$3 million in segregated revenue to assist Farming for the Future Foundation, Inc., with the construction of a Food and Farm Exploration Center.
7. Authorizes \$1 million in segregated revenue to assist Badgerland After School Enrichment Program, Inc., to purchase and renovate a building to serve as a facility to provide out-of-school care to youth.

**Act 102** (SB-895) transfers approximately \$423 million from the general fund to the capital improvement fund to provide funding for several UW System projects added by the act to the 2023–25 Authorized State Building Program, including the following:

1. A replacement engineering building at UW–Madison.

2. Additions and renovations to the Winther and Heide Residence Halls at UW–Whitewater.

The act also authorizes approximately \$69 million in borrowing for additions and renovations to the Kronshage, Humphrey, and Jorns Residence Halls at UW–Madison.

### GENERAL STATE GOVERNMENT

**Act 19** (SB-70) does the following:

1. Provides funding to the State Historical Society for the planning and operation of the Wisconsin History Center.
2. Provides up to \$10 million for a grant from DOA to the WisconsinEye Public Affairs Network, Inc., for the establishment of a WisconsinEye endowment fund. WisconsinEye must at least match the grant amount from nonstate funding sources, and the grant is conditioned on WisconsinEye not charging access fees.
3. Establishes the nonpartisan Legislative Human Resources Office. The office's duties include providing human resources services to the legislative branch and investigating all allegations of harassment, discrimination, retaliation, violence, or bullying in the legislative branch.
4. Requires DOA to award grants from tribal gaming revenues to the Oneida Nation of Wisconsin for purposes specified in the act and to award other grants from tribal gaming revenues to Wisconsin American Indian tribes or bands generally.
5. Requires DOA to award a grant to the Walter Schroeder Aquatic Center in the village of Brown Deer and increases the amount appropriated to DOA for that purpose.

**Acts 40 and 41** (AB-438 and AB-439) provide state grants of not more than \$386.5 million for improvements to professional baseball park facilities in the city of Milwaukee subject to a number of requirements.

### Taxation

**Act 12** (AB-245) does all of the following:

1. Repeals the personal property tax, including the tax on the personal property of a railroad company.
2. Allows Milwaukee County to impose sales and use taxes at the rate of 0.4 percent to pay the unfunded liability of its retirement system. The county may not impose the taxes unless the county elects to join the Wisconsin Retirement System for its new employees.
3. Allows the City of Milwaukee to impose sales and use taxes at the rate of 2

percent to pay the unfunded liability of its retirement system. The city may not impose the taxes unless the city elects to join the Wisconsin Retirement System for its new employees.

**Act 19** (SB-70) does all of the following:

1. Reduces from 4 percent to 3.5 percent the tax rate in the first individual income tax bracket beginning with the 2023 tax year.
2. Reduces from 5.21 percent to 4.4 percent the tax rate in the second individual income tax bracket beginning with the 2023 tax year.
3. Provides an income tax subtraction for the income of a financial institution derived from a commercial loan of no more than \$5 million and used primarily for a business or agricultural purpose.
4. Changes the administrative code related to the tax apportionment of trading assets.
5. Provides a sales and use tax exemption for materials used to develop or operate a qualified data center, as certified by WEDC. The exemption also applies to the electricity used at a qualified data center.
6. Increases the retailer's allowance for collecting and reporting sales taxes from 0.5 percent to 0.75 percent of those taxes collected during the reporting period. The act also increases the maximum amount of the allowance for any reporting period from \$1,000 to \$8,000.
7. Increases from 0.8 percent to 1.25 percent the discount allowed on the purchase of cigarette tax stamps paid by persons who manufacture, market, or distribute cigarettes in this state.
8. Exempts the Wisconsin Cranberry Research Station from property taxes.

**Act 101** (AB-1023) expands the child and dependent care income tax credit so that a taxpayer may claim an amount equal to 100 percent of the federal child and dependent care tax credit that the taxpayer may claim, notwithstanding certain expense limitations under federal law.

**Act 143** (AB-627) expands the business development tax credit to allow credits of up to 15 percent of the investments made in workforce housing and in establishing child care programs for employees.

**Act 148** (AB-793) modifies the tax treatment of college savings accounts and the employee college savings account contribution credit. The act increases the maximum individual contribution to \$5,000 for each beneficiary of a college savings account, adjusted annually for inflation. The act also increases the maximum credit for each employee to 50 percent of the amount the employer contributes to the account, not exceeding \$800, adjusted annually for inflation.

## Trade and Consumer Protection

**Act 73** (SB-268) requires a person who sells electronic vaping devices to obtain a cigarette and tobacco products retailer license.

**Act 243** (SB-531) prohibits caller ID spoofing. Under the act, no person may knowingly transmit misleading or inaccurate caller identification information through a telephone call or text message with the intent to defraud or wrongfully obtain anything of value, and the act prohibits telephone solicitors from knowingly transmitting misleading or inaccurate caller identification information for any purpose.

## Transportation

### DRIVERS AND MOTOR VEHICLES

**Act 19** (SB-70) does all of the following:

1. Increases the surcharge for registration of nonhybrid electric vehicles by \$75.
2. Requires that electric vehicles bear registration plate decals issued by the Department of Transportation indicating that the vehicle is an electric vehicle.

**Act 226** (SB-514) increases the felony classifications for violations involving fleeing an officer in a manner that endangers other vehicles or pedestrians.

### HIGHWAYS AND LOCAL ASSISTANCE

**Act 19** (SB-70) does all of the following:

1. Provides an additional \$352.8 million in bonding authority to fund major interstate bridge projects.
2. Provides \$150 million in funding for local agricultural roads.
3. Provides \$100 million in additional funding for local roads improvement discretionary supplemental grants.
4. Increases general transportation aids payments to political subdivisions.
5. Increases allocations for local roads improvement discretionary grants.
6. Increases connecting highway aids payments to municipalities.
7. Establishes a program for counties to inventory and assess the condition of local bridges and culverts that are between 6 and 20 feet in length.

### TRAFFIC AND PARKING REGULATION

**Act 1** (SB-92) allows a political subdivision to enact an ordinance authorizing law enforcement officers to impound vehicles used in reckless driving offenses if the person cited for reckless driving owns the vehicle and has a prior reckless driving conviction for which a forfeiture was imposed that has not been fully paid.

**Act 159** (SB-460) increases the penalties for certain traffic violations that are

committed where workers are present in a railroad construction or maintenance area and are at risk from traffic.

### **GENERAL TRANSPORTATION**

**Act 19** (SB-70) does all of the following:

1. Increases mass transit operating aids payments and changes the source of the payments from the transportation fund to the general fund.
2. Transfers \$555,523,900 from the general fund to the transportation fund.
3. Annually transfers the estimated amount of sales tax generated by the sale of electric vehicles from the general fund to the transportation fund.
4. Provides a \$10 million grant for the purpose of assisting in the construction of a fuel pipeline extension from Mitchell International Airport to the Port of Milwaukee.
5. Provides a \$7 million grant to the Appleton International Airport for the airport's terminal expansion project.
6. Provides a grant to the Harbor Commission of the Town of La Pointe for costs relating to the provision of ferry service.
7. Requires DOT to expend \$18.5 million from proceeds of transportation revenue bonds for administrative facility projects.

### **Veterans and Military Affairs**

**Act 47** (SB-166) makes a number of changes to the Wisconsin Code of Military Justice (WCMJ) and requires the adjutant general to implement a policy that ensures that a victim of an offense under the WCMJ is treated with dignity, respect, courtesy, sensitivity, and fairness. With respect to the WCMJ, the act does the following:

1. Clarifies the offenses over which courts-martial have primary jurisdiction.
2. Specifies the limits of punishment under the WCMJ.
3. Directs the adjutant general to prescribe rules of procedure for courts-martial arising under the WCMJ.
4. Codifies offenses related to retaliation, sexual harassment, and engagement in prohibited sexual activity with a recruit or trainee to reflect the inclusion of those offenses in the Uniform Code of Military Justice (UCMJ).
5. Modifies the elements of sexual assault to reflect changes to the elements of that offense under the UCMJ.
6. Removes certain gender-specific language from the WCMJ.

### **Constitutional Amendments**

#### **FIRST CONSIDERATION**

The below proposed amendments to the Wisconsin Constitution were passed

by the 2023 legislature on first consideration. With respect to each amendment, to become a part of the constitution, the 2025 legislature must concur in the amendment, and the amendment must then be ratified by the voters at a state-wide referendum.

**Assembly Joint Resolution 109** prohibits governmental entities from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in public employment, public education, public contracting, or public administration.

**Assembly Joint Resolution 112** restricts the governor from using the partial veto power to create or increase or authorize the creation or increase of any tax or fee.

**Senate Joint Resolution 54** provides that the state or a political subdivision of the state may not order the closure of or forbid gatherings in places of worship in response to a state of emergency, including a public health emergency.

**Senate Joint Resolution 73** provides that a person may not vote in any election without presenting photographic identification verifying the person's identity. Acceptable forms of photographic identification must be specified by law.

## SECOND CONSIDERATION

The below proposed amendments to the Wisconsin Constitution were concurred in by the 2023 legislature on second consideration after having been passed by the 2021 legislature on first consideration. Once a proposed constitutional amendment has been passed by two successive legislatures, the amendment becomes effective if it is ratified by the voters at a statewide referendum.

**Assembly Joint Resolution 6** 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. The amendment was not ratified by the voters at a referendum held on August 13, 2024, concurrent with the 2024 partisan primary.

**Senate Joint Resolution 2** 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. The amendment was ratified by the voters at a referendum held on April 4, 2023.

**Senate Joint Resolution 71** provides that only a United States citizen who is at least 18 years old and 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. The referendum to ratify the constitutional amendment is to be held on November 5, 2024, concurrent with the 2024 general election.

**Senate Joint Resolution 78** 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. The amendment was ratified by the voters at a referendum held on April 2, 2024. **BB**