

1 **"SECTION 3619k.** 560.031 (3) of the statutes, as created by 1997 Wisconsin Act
2 27, is renumbered 560.031 (3) (am).

3 **SECTION 3619m.** 560.031 (3) (bc) of the statutes is created to read:

4 560.031 (3) (bc) In awarding grants, loans, and manufacturing rebates under
5 this subsection, the board shall give priority to projects that involve recovered
6 materials that constitute a relatively high volume of solid waste generated in this
7 state or that are hazardous to human health or the environment.

8 **SECTION 3619n.** 560.031 (3) (cm) of the statutes is created to read:

9 560.031 (3) (cm) Annually, the board shall allocate up to \$200,000 in financial
10 assistance under this subsection for forgivable loans for projects that have
11 exceptional potential to meet one of the qualifying considerations under par. (am) 1.,
12 2., 3., or 4., but do not comply with the standard criteria established by the board or
13 department for meeting its fiduciary responsibilities in managing state resources.

14 **SECTION 3619s.** 560.031 (6m) of the statutes is created to read:

15 560.031 (6m) Annually, in consultation with the council on recycling, the board
16 shall establish a list of materials recovered from solid waste for which the board may
17 award financial assistance."

WLJ (L)

18 ✓ **1441.** Page 1162, line 8: delete lines 8 to 10.

DAK (M)

19 ✓ **1442.** Page 1162, line 10: after that line insert:

20 **"SECTION 3649m.** 560.16 (6) (a) 3. of the statutes is amended to read:

21 560.16 (6) (a) 3. A verified statement of the financial condition and business
22 operation of the existing business for the previous 3 years, certified by an
23 independent certified public accountant licensed or certified under ch. 442."

24 ✓ **1443.** Page 1162, line 11: delete lines 11 to 18 and substitute:

1 “SECTION 3650. 560.165 (title) of the statutes is amended to read:

2 **560.165** (title) ~~Division of international and export development~~
3 **International services; fees and assessments.**

4 SECTION 3651. 560.165 of the statutes is renumbered 560.165 (1) and amended
5 to read:

6 560.165 (1) The division of international and export development may charge
7 fees for services it provides to cover the costs incurred by the division in providing
8 the services. The division shall ~~deposit all fees~~ credit all moneys collected under this
9 ~~section in subsection~~ to the appropriation account under s. 20.143 (1) (g).

10 SECTION 3652. 560.165 (2) of the statutes is created to read:

11 560.165 (2) The department may assess a state agency on a premium basis for
12 the cost of services that are provided by the department’s international liaison and
13 that are requested by the state agency. Any premium charged by the department
14 under this section must be agreed to by the state agency paying the premium. The
15 department shall credit all moneys received from state agencies under this section
16 to the appropriation account under s. 20.143 (1) (k).”.

17 ✓ **1444.** Page 1164, line 22: after that line insert:

18 “SECTION 3664m. 560.172 of the statutes is created to read:

19 **560.172 Fire suppression grant program.** (1) GRANTS. (a) From the
20 appropriation under s. 20.143 (1) (n), the department of commerce shall award
21 grants to fire departments for up to 50% of the cost of acquiring fire suppression
22 equipment and materials.

23 (b) The department of commerce may not award more than \$250,000 in grants
24 per fiscal year under this section.

1 **(2) ELIGIBLE RECIPIENTS.** A fire department is eligible for grants under this
2 section if all of the following apply:

3 (a) The area in which the fire department provides fire protection and fire
4 prevention services has a population of less than 6,000 on the date on which the
5 application for the grant is submitted to the department of commerce.

6 (b) The fire department responds to all of the first alarms for structural fires
7 that are issued in the area described in par. (a).

8 (c) The fire department has entered into an agreement with at least one other
9 fire department to assist the latter fire department in the suppression of structural
10 fires.

11 **(3) ELIGIBLE EQUIPMENT AND MATERIALS.** (a) A recipient of a grant under this
12 section may use the grant proceeds to acquire, to the extent permitted under federal
13 law, any of the following fire suppression equipment or materials:

14 1. Protective equipment and fire resistant clothing.

15 2. Fire suppression tools and communication equipment.

16 3. Materials necessary for fire prevention training or information that is
17 provided by the recipient.

18 4. Fire suppression training equipment and materials.

19 5. Other equipment and materials as specified by rule by the department of
20 commerce.

21 (b) A recipient of a grant under this section may not use the grant proceeds to
22 acquire any of the following:

23 1. Buildings or vehicles.

24 2. Search and rescue or emergency medical equipment.

1 3. Equipment or materials that are used exclusively for suppressing forest
2 fires.

3 (4) RULES. The department of commerce shall promulgate rules establishing
4 criteria and procedures for awarding grants under this section. The rules shall
5 include a definition of “structural fire” for purposes of this section.”.

6 ✓ **1445.** Page 1171, line 13: delete lines 13 to 16 and substitute:

7 “560.25 (2) GRANTS. (intro.) Subject to ~~subs. sub. (4) and (5)~~, the department
8 may make a grant from the appropriation under s. 20.143 (1) (ko) and a grant of up
9 to \$500,000 in each fiscal year from the appropriation under s. 20.143 (1) (ie) to a
10 technology-based nonprofit organization to provide support for a manufacturing
11 extension center if all of the following apply:

12 **SECTION 3692c.** 560.25 (2) (intro.) of the statutes, as affected by 2001 Wisconsin
13 Act (this act), is amended to read:

14 560.25 (2) GRANTS. (intro.) Subject to sub. (4), the department may make a
15 grant from the appropriation under s. 20.143 (1) (ko) ~~and a grant of up to \$500,000~~
16 ~~in each fiscal year from the appropriation under s. 20.143 (1) (ie)~~ to a
17 technology-based nonprofit organization to provide support for a manufacturing
18 extension center if all of the following apply.”.

19 ✓ **1446.** Page 1173, line 1: delete “par. (b)” and substitute “pars. (b) and (c)”.

20 ✓ **1447.** Page 1173, line 7: after “(e)” insert “and (f)”.

21 ✓ **1448.** Page 1173, line 7: delete “zone” and substitute “zones”.

22 ✓ **1449.** Page 1173, line 8: after that line insert:

23 “**SECTION 3700d.** 560.70 (7) (c) of the statutes is created to read:

1 560.70 (7) (c) In s. 560.798, “tax benefits” means the development zones capital
2 investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm) and the
3 development zones credit under ss. 71.07 (2dx), 71.28 (1dx), and 71.47 (1dx).”.

4 ✓**1450.** Page 1173, line 11: after that line insert:

5 “**SECTION 3701m.** 560.795 (1) (f) of the statutes is created to read:

6 560.795 (1) (f) For the Gateway Project, an area in the city of Beloit, the legal
7 description of which is provided to the department by the local governing body of the
8 city of Beloit.”.

9 ✓**1451.** Page 1173, line 18: delete “and (e)” and substitute “, (e), and (f)”.

10 ✓**1452.** Page 1173, line 20: delete “designation of the area under sub. (1) (e)”
11 and substitute “designations of the areas under sub. (1) (e) and (f)”.

12 ✓**1453.** Page 1173, line 24: after that line insert:

13 “**SECTION 3703m.** 560.795 (2) (b) 6. of the statutes is created to read:

14 560.795 (2) (b) 6. The limit for tax benefits for the development opportunity
15 zone under sub. (1) (f) is \$4,700,000.

16 **SECTION 3703p.** 560.795 (2) (c) of the statutes is amended to read:

17 560.795 (2) (c) Annually, the department shall estimate the amount of forgone
18 state revenue because of tax benefits claimed by corporations or persons in each
19 development opportunity zone.”.

20 ✓**1454.** Page 1173, line 25: after that line insert:

21 “560.795 (3) (a) 4. Any person that is conducting or that intends to conduct
22 economic activity in a development opportunity zone under sub. (1) (e) and that, in
23 conjunction with the local governing body of the city in which the development
24 opportunity zone is located, submits a project plan as described in par. (b) to the

1 department shall be entitled to claim tax benefits while the area is designated as a
2 development opportunity zone.

3 **SECTION 3704c.** 560.795 (3) (a) 5. of the statutes is created to read:”

4 ✓ **1455.** Page 1174, line 1: delete “4.” and substitute “5.”

5 ✓ **1456.** Page 1174, line 2: delete “(e)” and substitute “(f)”.

6 ✓ **1457.** Page 1174, line 6: after that line insert:

7 **“SECTION 3704e.** 560.795 (3) (b) 1. of the statutes is amended to read:

8 560.795 (3) (b) 1. The name and address of the corporation’s or person’s
9 business for which tax benefits will be claimed.

10 **SECTION 3704f.** 560.795 (3) (b) 2. of the statutes is amended to read:

11 560.795 (3) (b) 2. The appropriate federal tax identification number of the
12 corporation or person.

13 **SECTION 3704g.** 560.795 (3) (b) 3. of the statutes is amended to read:

14 560.795 (3) (b) 3. The names and addresses of other locations outside of the
15 development opportunity zone where the corporation or person conducts business
16 and a description of the business activities conducted at those locations.

17 **SECTION 3704h.** 560.795 (3) (b) 4. of the statutes is amended to read:

18 560.795 (3) (b) 4. The amount that the corporation or person proposes to invest
19 in a business, or spend on the construction, rehabilitation, repair, or remodeling of
20 a building, located within the development opportunity zone.

21 **SECTION 3704i.** 560.795 (3) (b) 5. of the statutes is amended to read:

22 560.795 (3) (b) 5. The estimated total investment of the corporation or person
23 in the development opportunity zone.

24 **SECTION 3704j.** 560.795 (3) (b) 6. of the statutes is amended to read:

1 560.795 (3) (b) 6. The number of full-time jobs that will be created, retained,
2 or substantially upgraded as a result of the corporation's or person's economic
3 activity in relation to the amount of tax benefits estimated for the corporation or
4 person.

5 **SECTION 3704k.** 560.795 (3) (b) 7. of the statutes is amended to read:

6 560.795 (3) (b) 7. The corporation's or person's plans to make reasonable
7 attempts to hire employees from the targeted population.

8 **SECTION 3704L.** 560.795 (3) (b) 8. of the statutes is amended to read:

9 560.795 (3) (b) 8. A description of the commitment of the local governing body
10 of the city in which the development opportunity zone is located to the corporation's
11 or person's project."

12 ✓ **1458.** Page 1174, line 9: after "corporations" insert "or persons".

13 ✓ **1459.** Page 1174, line 16: delete "corporation to" and substitute "corporation
14 or person to".

15 ✓ **1460.** Page 1174, line 16: delete "corporation does" and substitute
16 "corporation or person does".

17 ✓ **1461.** Page 1174, line 21: after "(e)" insert "or (f)".

18 ✓ **1462.** Page 1174, line 24: after "(e)" insert "or (f)".

19 ✓ **1463.** Page 1175, line 20: after "(e)" insert "or (f)".

20 ✓ **1464.** Page 1175, line 24: after that line insert:

21 **"SECTION 3708m.** 560.798 of the statutes is created to read:

22 **560.798 Agricultural development zone.** (1) In this section, "rural
23 municipality" means any of the following:

1 (a) A city, town, or village that is located in a county with a population density
2 of less than 150 persons per square mile.

3 (b) A city, town, or village with a population of 6,000 or less.

4 (2) (a) The department may, with the approval of the joint committee on
5 finance, designate one area in the state as an agricultural development zone. The
6 area must be located in a rural municipality. An agricultural business that is located
7 in an agricultural development zone and that is certified by the department under
8 sub. (3) is eligible for tax benefits as provided in sub. (3).

9 (b) The designation of an area as an agricultural development zone shall be in
10 effect for 10 years from the time that the department first designates the area.
11 However, not more than \$5,000,000 in tax benefits may be claimed in an agricultural
12 development zone. The department may change the boundaries of an agricultural
13 development zone during the time that its designation is in effect. A change in the
14 boundaries of an agricultural development zone does not affect the duration of the
15 designation of the area or the maximum tax benefit amount that may be claimed in
16 the agricultural development zone.

17 (3) (a) The department may certify for tax benefits in an agricultural
18 development zone a new or expanding agricultural business that is located in the
19 agricultural development zone. In determining whether to certify a business under
20 this subsection, the department shall consider, among other things, the number of
21 jobs that will be created or retained by the business.

22 (b) When the department certifies an agricultural business under this
23 subsection, the department shall establish a limit on the amount of tax benefits that
24 the business may claim. The department shall enter into an agreement with the

1 business that specifies the limit on the amount of tax benefits that the business may
2 claim and reporting requirements with which the business must comply.

3 (4) (a) The department of commerce shall notify the department of revenue of
4 all the following:

5 1. An agricultural development zone's designation.

6 2. A business' certification and the limit on the amount of tax benefits that the
7 business may claim.

8 3. The revocation of a business' certification.

9 (b) The department shall annually verify information submitted to the
10 department under s. 71.07 (2dm) or (2dx), 71.28 (1dm) or (1dx), or 71.47 (1dm) or
11 (1dx).

12 (5) The department shall promulgate rules for the operation of this section,
13 including rules related to all the following:

14 (a) Criteria for designating an area as an agricultural development zone.

15 (b) Criteria for certifying a business for tax benefits.

16 (c) Standards for establishing the limit on the amount of tax benefits that a
17 business may claim.

18 (d) Reporting requirements for certified businesses.

19 (e) The exchange of information between the department of commerce and the
20 department of revenue.

21 (f) Reasons for revoking a business' certification.

22 (g) Standards for changing the boundaries of an agricultural development
23 zone.”.

24 ✓ **1465.** Page 1176, line 12: after that line insert:

1 **SECTION 3710j.** 560.80 (8) of the statutes is amended to read:

2 560.80 (8) “Minority business” means a ~~minority business, as defined in s.~~
3 560.036 (1) (e), business certified by the department under s. 560.036 (2) that has its
4 principal place of business in this state.”.

5 ✓ **1466.** Page 1176, line 20: delete that line and substitute “under s. 71.07 (2di),
6 (2dm), (2dx), or (3g), 71.28 (1di), (1dm), (1dx), or (3g), or 71.47 (1di), (1dm), (1dx), or
7 (3g).”.

8 ✓ **1467.** Page 1176, line 21: delete lines 21 to 23 and substitute:

9 “(2) (a) The department may, with the approval of the joint committee on
10 finance, designate up to 8 areas in the state as technology zones. A business that is
11 located in a technology zone and”.

12 ✓ **1468.** Page 1177, line 3: delete “\$3,000,000” and substitute “\$5,000,000”.

13 ✓ **1469.** Page 1178, line 17: delete that line and substitute “department under
14 ss. 71.07 (2di), (2dm), (2dx), and (3g), 71.28 (1di), (1dm), (1dx), and (3g), and 71.47
15 (1di), (1dm), (1dx), and (3g).”.

16 ✓ **1470.** Page 1179, line 19: after that line insert:

17 **SECTION 3713jm.** 562.065 (4) of the statutes is amended to read:

18 562.065 (4) UNCLAIMED PRIZES. Any A licensee under s. 562.05 (1) (b) shall pay
19 to the department 50% of any winnings on a race which that are not claimed within
20 90 days after the end of the period authorized for racing in that year under s. 562.05
21 (9) ~~shall be paid to the department.~~ The department shall credit moneys received
22 under this subsection to the appropriation accounts under ss. 20.455 (2) (g) and
23 20.505 (8) (g). The licensee may retain the remaining 50% of the winnings.”.

24 ✓ **1471.** Page 1180, line 21: after that line insert:

1 609.01 (3m) “Participating” means, with respect to a physician or other
2 provider, under contract with a ~~managed care~~ defined network plan, preferred
3 provider plan, or limited service health organization to provide health care services,
4 items or supplies to enrollees of the ~~managed care~~ defined network plan, preferred
5 provider plan, or limited service health organization.

6 **SECTION 3741bmg.** 609.01 (4) of the statutes is amended to read:

7 609.01 (4) “Preferred provider plan” means a health care plan offered by an
8 organization established under ch. 185, 611, 613, or 614 or issued a certificate of
9 authority under ch. 618 that makes available to its enrollees, without referral and
10 for consideration other than predetermined periodic fixed payments, coverage of
11 either comprehensive health care services or a limited range of health care services,
12 regardless of whether the health care services are performed by participating or
13 nonparticipating providers participating in the plan.

14 **SECTION 3741bmp.** 609.01 (5) of the statutes is amended to read:

15 609.01 (5) “Primary provider” means a participating primary care physician,
16 or other participating provider authorized by the ~~managed care~~ defined network
17 plan, preferred provider plan, or limited service health organization to serve as a
18 primary provider, who coordinates and may provide ongoing care to an enrollee.

19 **SECTION 3741bmt.** 609.05 (1) of the statutes is amended to read:

20 609.05 (1) Except as provided in subs. (2) and (3), a limited service health
21 organization, preferred provider plan, or ~~managed care~~ defined network plan shall
22 permit its enrollees to choose freely among participating providers.

23 **SECTION 3741cmg.** 609.05 (2) of the statutes is amended to read:

24 609.05 (2) Subject to s. 609.22 (4) and (4m), a limited service health
25 organization, preferred provider plan, or ~~managed care~~ defined network plan may

1 require an enrollee to designate a primary provider and to obtain health care services
2 from the primary provider when reasonably possible.

3 **SECTION 3741cmp.** 609.05 (3) of the statutes is amended to read:

4 609.05 (3) Except as provided in ss. 609.22 (4m), 609.65, and 609.655, a limited
5 service health organization, preferred provider plan, or ~~managed care~~ defined
6 network plan may require an enrollee to obtain a referral from the primary provider
7 designated under sub. (2) to another participating provider prior to obtaining health
8 care services from that participating provider.

9 **SECTION 3741cmr.** 609.10 (5) of the statutes is amended to read:

10 609.10 (5) The commissioner may establish by rule standards in addition to
11 ~~these~~ any established under s. 609.20 for what constitutes adequate notice and
12 complete and understandable information under sub. (1) (c).

13 **SECTION 3741cmt.** 609.17 of the statutes is amended to read:

14 **609.17 Reports of disciplinary action.** Every limited service health
15 organization, preferred provider plan, and ~~managed care~~ defined network plan shall
16 notify the medical examining board or appropriate affiliated credentialing board
17 attached to the medical examining board of any disciplinary action taken against a
18 participating provider who holds a license or certificate granted by the board or
19 affiliated credentialing board.

20 **SECTION 3741dmg.** 609.20 (title) of the statutes is amended to read:

21 **609.20 (title) Rules for preferred provider and ~~managed care~~ defined**
22 **network plans.**

23 **SECTION 3741dmp.** 609.20 (intro.) of the statutes is renumbered 609.20 (1m)
24 (intro.) and amended to read:

1 609.20 (1m) (intro.) The commissioner ~~shall~~ may promulgate rules relating to
2 preferred provider plans and ~~managed care~~ defined network plans for all any of the
3 following purposes, as appropriate:

4 **SECTION 3741dmt.** 609.20 (1) of the statutes is renumbered 609.20 (1m) (a).

5 **SECTION 3741emg.** 609.20 (2) of the statutes is renumbered 609.20 (1m) (b).

6 **SECTION 3741emp.** 609.20 (2m) of the statutes is created to read:

7 609.20 (2m) Any rule promulgated under this chapter shall recognize the
8 differences between preferred provider plans and other types of defined network
9 plans, take into account the fact that preferred provider plans provide coverage for
10 the services of nonparticipating providers, and be appropriate to the type of plan to
11 which the rule applies.

12 **SECTION 3741emt.** 609.20 (3) of the statutes, as affected by 1999 Wisconsin Act
13 9, is renumbered 609.20 (1m) (c).

14 **SECTION 3741fmg.** 609.20 (4) of the statutes, as affected by 2001 Wisconsin Act
15 9, is renumbered 609.20 (1m) (d).

16 **SECTION 3741fmp.** 609.22 (1) of the statutes is amended to read:

17 609.22 (1) PROVIDERS. A ~~managed care~~ defined network plan shall include a
18 sufficient number, and sufficient types, of qualified providers to meet the anticipated
19 needs of its enrollees, with respect to covered benefits, as appropriate to the type of
20 plan and consistent with normal practices and standards in the geographic area.

21 **SECTION 3741fmt.** 609.22 (2) of the statutes is amended to read:

22 609.22 (2) ADEQUATE CHOICE. A ~~managed care~~ defined network plan that is not
23 a preferred provider plan shall ensure that, with respect to covered benefits, each
24 enrollee has adequate choice among participating providers and that the providers
25 are accessible and qualified.

1 **SECTION 3741gmg.** 609.22 (3) of the statutes is amended to read:

2 609.22 (3) PRIMARY PROVIDER SELECTION. A ~~managed care~~ defined network plan
3 that is not a preferred provider plan shall permit each enrollee to select his or her
4 own primary provider from a list of participating primary care physicians and any
5 other participating providers that are authorized by the ~~managed care~~ defined
6 network plan to serve as primary providers. The list shall be updated on an ongoing
7 basis and shall include a sufficient number of primary care physicians and any other
8 participating providers authorized by the plan to serve as primary providers who are
9 accepting new enrollees.

10 **SECTION 3741gmp.** 609.22 (4) (a) 1. of the statutes is amended to read:

11 609.22 (4) (a) 1. If a ~~managed care~~ defined network plan that is not a preferred
12 provider plan requires a referral to a specialist for coverage of specialist services, the
13 ~~managed care~~ defined network plan that is not a preferred provider plan shall
14 establish a procedure by which an enrollee may apply for a standing referral to a
15 specialist. The procedure must specify the criteria and conditions that must be met
16 in order for an enrollee to obtain a standing referral.

17 **SECTION 3741gmt.** 609.22 (4) (a) 2. of the statutes is amended to read:

18 609.22 (4) (a) 2. A ~~managed care~~ defined network plan that is not a preferred
19 provider plan may require the enrollee's primary provider to remain responsible for
20 coordinating the care of an enrollee who receives a standing referral to a specialist.
21 A ~~managed care~~ defined network plan that is not a preferred provider plan may
22 restrict the specialist from making any secondary referrals without prior approval
23 by the enrollee's primary provider. If an enrollee requests primary care services from
24 a specialist to whom the enrollee has a standing referral, the specialist, in agreement
25 with the enrollee and the enrollee's primary provider, may provide primary care

1 services to the enrollee in accordance with procedures established by the ~~managed~~
2 ~~care~~ defined network plan that is not a preferred provider plan.

3 **SECTION 3741hmg.** 609.22 (4) (a) 3. of the statutes is amended to read:

4 609.22 (4) (a) 3. A ~~managed-care~~ defined network plan that is not a preferred
5 provider plan must include information regarding referral procedures in policies or
6 certificates provided to enrollees and must provide such information to an enrollee
7 or prospective enrollee upon request.

8 **SECTION 3741hmp.** 609.22 (4m) (a) of the statutes is amended to read:

9 609.22 (4m) (a) A ~~managed-care~~ defined network plan that provides coverage
10 of obstetric or gynecologic services may not require a female enrollee of the ~~managed~~
11 ~~care~~ defined network plan to obtain a referral for covered obstetric or gynecologic
12 benefits provided by a participating provider who is a physician licensed under ch.
13 448 and who specializes in obstetrics and gynecology, regardless of whether the
14 participating provider is the enrollee's primary provider. Notwithstanding sub. (4),
15 the ~~managed-care~~ defined network plan may not require the enrollee to obtain a
16 standing referral under the procedure established under sub. (4) (a) for covered
17 obstetric or gynecologic benefits.

18 **SECTION 3741hmt.** 609.22 (4m) (b) (intro.) of the statutes is amended to read:

19 609.22 (4m) (b) (intro.) A ~~managed-care~~ defined network plan under par. (a)
20 may not do any of the following:

21 **SECTION 3741img.** 609.22 (4m) (c) of the statutes is amended to read:

22 609.22 (4m) (c) A ~~managed-care~~ defined network plan under par. (a) shall
23 provide written notice of the requirement under par. (a) in every policy or group
24 certificate issued by the ~~managed-care~~ defined network plan.

25 **SECTION 3741imp.** 609.22 (5) of the statutes is amended to read:

1 609.22 (5) SECOND OPINIONS. A ~~managed care~~ defined network plan shall
2 provide an enrollee with coverage for a 2nd opinion from another participating
3 provider.

4 **SECTION 3741imt.** 609.22 (6) (intro.) of the statutes is amended to read:

5 609.22 (6) EMERGENCY CARE. (intro.) Notwithstanding s. 632.85, if a ~~managed~~
6 ~~care~~ defined network plan provides coverage of emergency services, with respect to
7 covered benefits, the ~~managed care~~ defined network plan shall do all of the following:

8 **SECTION 3741jmg.** 609.22 (7) of the statutes is amended to read:

9 609.22 (7) TELEPHONE ACCESS. A ~~managed care~~ defined network plan that is not
10 a preferred provider plan shall provide telephone access for sufficient time during
11 business and evening hours to ensure that enrollees have adequate access to routine
12 health care services for which coverage is provided under the plan. A ~~managed care~~
13 defined network plan that is not a preferred provider plan shall provide 24-hour
14 telephone access to the plan or to a participating provider for emergency care, or
15 authorization for care, for which coverage is provided under the plan.

16 **SECTION 3741jmp.** 609.22 (8) of the statutes is amended to read:

17 609.22 (8) ACCESS PLAN FOR CERTAIN ENROLLEES. A ~~managed care~~ defined
18 network plan shall develop an access plan to meet the needs, with respect to covered
19 benefits, of its enrollees who are members of underserved populations. If a
20 significant number of enrollees of the plan customarily use languages other than
21 English, the ~~managed care~~ defined network plan shall provide access to translation
22 services fluent in those languages to the greatest extent possible.

23 **SECTION 3741jmt.** 609.24 (1) (a) (intro.) of the statutes is amended to read:

24 609.24 (1) (a) (intro.) Subject to pars. (b) and (c) and except as provided in par.
25 (d), a managed care defined network plan shall, with respect to covered benefits,

1 provide coverage to an enrollee for the services of a provider, regardless of whether
2 the provider is a participating provider at the time the services are provided, if the
3 ~~managed care~~ defined network plan represented that the provider was, or would be,
4 a participating provider in marketing materials that were provided or available to
5 the enrollee at any of the following times:

6 **SECTION 3741kmg.** 609.24 (1) (b) (intro.) of the statutes is amended to read:

7 609.24 (1) (b) (intro.) Except as provided in par. (d), a ~~managed care~~ defined
8 network plan shall provide the coverage required under par. (a) with respect to the
9 services of a provider who is a primary care physician for the following period of time:

10 **SECTION 3741kmp.** 609.24 (1) (c) (intro.) of the statutes is amended to read:

11 609.24 (1) (c) (intro.) Except as provided in par. (d), if an enrollee is undergoing
12 a course of treatment with a participating provider who is not a primary care
13 physician and whose participation with the plan terminates, the ~~managed care~~
14 defined network plan shall provide the coverage under par. (a) with respect to the
15 services of the provider for the following period of time:

16 **SECTION 3741kmt.** 609.24 (1) (d) 1. of the statutes is amended to read:

17 609.24 (1) (d) 1. The provider no longer practices in the ~~managed care~~ defined
18 network plan's geographic service area.

19 **SECTION 3741Lmg.** 609.24 (1) (d) 2. of the statutes is amended to read:

20 609.24 (1) (d) 2. The insurer issuing the ~~managed care~~ defined network plan
21 terminates or terminated the provider's contract for misconduct on the part of the
22 provider.

23 **SECTION 3471Lmp.** 609.24 (1) (e) 1. of the statutes is amended to read:

1 609.24 (1) (e) 1. An insurer issuing a ~~managed care~~ defined network plan shall
2 include in its provider contracts provisions addressing reimbursement to providers
3 for services rendered under this section.

4 **SECTION 3741Lmt.** 609.24 (1) (e) 2. of the statutes is amended to read:

5 609.24 (1) (e) 2. If a contract between a ~~managed care~~ defined network plan and
6 a provider does not address reimbursement for services rendered under this section,
7 the insurer shall reimburse the provider according to the most recent contracted
8 rate.

9 **SECTION 3741mmb.** 609.24 (4) of the statutes is created to read:

10 609.24 (4) NOTICE OF PROVISIONS. A defined network plan shall notify all plan
11 enrollees of the provisions under this section whenever a participating provider's
12 participation with the plan terminates, or shall, by contract, require a participating
13 provider to notify all plan enrollees of the provisions under this section if the
14 participating provider's participation with the plan terminates.

15 **SECTION 3741mmd.** 609.30 (1) of the statutes is amended to read:

16 609.30 (1) PLAN MAY NOT CONTRACT. A ~~managed care~~ defined network plan may
17 not contract with a participating provider to limit the provider's disclosure of
18 information, to or on behalf of an enrollee, about the enrollee's medical condition or
19 treatment options.

20 **SECTION 3741mmf.** 609.30 (2) of the statutes is amended to read:

21 609.30 (2) PLAN MAY NOT PENALIZE OR TERMINATE. A participating provider may
22 discuss, with or on behalf of an enrollee, all treatment options and any other
23 information that the provider determines to be in the best interest of the enrollee.
24 A ~~managed care~~ defined network plan may not penalize or terminate the contract of
25 a participating provider because the provider makes referrals to other participating

1 providers or discusses medically necessary or appropriate care with or on behalf of
2 an enrollee.

3 **SECTION 3741mmh.** 609.32 (1) (intro.) of the statutes is amended to read:

4 609.32 (1) STANDARDS; OTHER THAN PREFERRED PROVIDER PLANS. (intro.) A
5 ~~managed care~~ defined network plan ~~that is not a preferred provider plan~~ shall
6 develop comprehensive quality assurance standards that are adequate to identify,
7 evaluate, and remedy problems related to access to, and continuity and quality of,
8 care. The standards shall include at least all of the following:

9 **SECTION 3741mmj.** 609.32 (1m) of the statutes is created to read:

10 609.32 (1m) PROCEDURE FOR REMEDIAL ACTION; PREFERRED PROVIDER PLANS. A
11 preferred provider plan shall develop a procedure for remedial action to address
12 quality problems, including written procedures for taking appropriate corrective
13 action.

14 **SECTION 3741mmn.** 609.32 (2) (a) of the statutes is amended to read:

15 609.32 (2) (a) A ~~managed care~~ defined network plan shall develop a process for
16 selecting participating providers, including written policies and procedures that the
17 plan uses for review and approval of providers. After consulting with appropriately
18 qualified providers, the plan shall establish minimum professional requirements for
19 its participating providers. The process for selection shall include verification of a
20 provider's license or certificate, including the history of any suspensions or
21 revocations, and the history of any liability claims made against the provider.

22 **SECTION 3741mmp.** 609.32 (2) (b) (intro.) of the statutes is amended to read:

23 609.32 (2) (b) (intro.) A ~~managed care~~ defined network plan shall establish in
24 writing a formal, ongoing process for reevaluating each participating provider

1 within a specified number of years after the provider's initial acceptance for
2 participation. The reevaluation shall include all of the following:

3 **SECTION 3741mmr.** 609.32 (2) (c) of the statutes is amended to read:

4 609.32 (2) (c) A ~~managed-care~~ defined network plan may not require a
5 participating provider to provide services that are outside the scope of his or her
6 license or certificate.

7 **SECTION 3741mmt.** 609.34 of the statutes is renumbered 609.34 (1) and
8 amended to read:

9 609.34 (1) A ~~managed-care~~ defined network plan that is not a preferred
10 provider plan shall appoint a physician as medical director. The medical director
11 shall be responsible for clinical protocols, quality assurance activities, and
12 utilization management policies of the plan.

13 **SECTION 3741mmx.** 609.34 (2) of the statutes is created to read:

14 609.34 (2) A preferred provider plan may contract for services related to clinical
15 protocols and utilization management. A preferred provider plan or its designee is
16 required to appoint a medical director only to the extent that the preferred provider
17 plan or its designee assumes direct responsibility for clinical protocols and
18 utilization management policies of the plan. The medical director, who shall be a
19 physician, shall be responsible for such protocols and policies of the plan.

20 **SECTION 3741mmy.** 609.35 of the statutes is created to read:

21 **609.35 Applicability of requirements to preferred provider plans.**

22 Notwithstanding ss. 609.22 (2), (3), (4), and (7), 609.32 (1), and 609.34 (1), a preferred
23 provider plan that does not cover the same services when performed by a
24 nonparticipating provider that it covers when those services are performed by a

1 participating provider is subject to the requirements under ss. 609.22 (2), (3), (4), and
2 (7), 609.32 (1), and 609.34 (1).

3 **SECTION 3741mmz.** 609.36 (1) (a) (intro.) of the statutes is amended to read:

4 609.36 (1) (a) (intro.) A ~~managed-care~~ defined network plan shall provide to the
5 commissioner information related to all of the following:

6 **SECTION 3741nmg.** 609.36 (2) of the statutes is amended to read:

7 609.36 (2) CONFIDENTIALITY. A ~~managed-care~~ defined network plan shall
8 establish written policies and procedures, consistent with ss. 51.30, 146.82, and
9 252.15, for the handling of medical records and enrollee communications to ensure
10 confidentiality.

11 **SECTION 3741nmp.** 609.38 of the statutes is amended to read:

12 **609.38 Oversight.** The office shall perform examinations of insurers that
13 issue ~~managed-care~~ defined network plans consistent with ss. 601.43 and 601.44.
14 The commissioner shall by rule develop standards for ~~managed-care~~ defined network
15 plans for compliance with the requirements under this chapter.

16 **SECTION 3741nmt.** 609.65 (1) (intro.) of the statutes is amended to read:

17 609.65 (1) (intro.) If an enrollee of a limited service health organization,
18 preferred provider plan, or ~~managed-care~~ defined network plan is examined,
19 evaluated, or treated for a nervous or mental disorder pursuant to an emergency
20 detention under s. 51.15, a commitment or a court order under s. 51.20 or 880.33 (4m)
21 or (4r) or ch. 980, then, notwithstanding the limitations regarding participating
22 providers, primary providers, and referrals under ss. 609.01 (2) to (4) and 609.05 (3),
23 the limited service health organization, preferred provider plan, or ~~managed-care~~
24 defined network plan shall do all of the following:

25 **SECTION 3741omg.** 609.65 (1) (a) of the statutes is amended to read:

1 609.65 (1) (a) If the provider performing the examination, evaluation, or
2 treatment has a provider agreement with the limited service health organization,
3 preferred provider plan, or ~~managed-care~~ defined network plan which covers the
4 provision of that service to the enrollee, make the service available to the enrollee in
5 accordance with the terms of the limited service health organization, preferred
6 provider plan, or ~~managed-care~~ defined network plan and the provider agreement.

7 **SECTION 3741omp.** 609.65 (1) (b) (intro.) of the statutes is amended to read:

8 609.65 (1) (b) (intro.) If the provider performing the examination, evaluation
9 or treatment does not have a provider agreement with the limited service health
10 organization, preferred provider plan, or ~~managed-care~~ defined network plan which
11 covers the provision of that service to the enrollee, reimburse the provider for the
12 examination, evaluation, or treatment of the enrollee in an amount not to exceed the
13 maximum reimbursement for the service under the medical assistance program
14 under subch. IV of ch. 49, if any of the following applies:

15 **SECTION 3741omt.** 609.65 (1) (b) 1. of the statutes is amended to read:

16 609.65 (1) (b) 1. The service is provided pursuant to a commitment or a court
17 order, except that reimbursement is not required under this subdivision if the limited
18 service health organization, preferred provider plan, or ~~managed-care~~ defined
19 network plan could have provided the service through a provider with whom it has
20 a provider agreement.

21 **SECTION 3741pmg.** 609.65 (1) (b) 2. of the statutes is amended to read:

22 609.65 (1) (b) 2. The service is provided pursuant to an emergency detention
23 under s. 51.15 or on an emergency basis to a person who is committed under s. 51.20
24 and the provider notifies the limited service health organization, preferred provider

1 plan, or ~~managed-care~~ defined network plan within 72 hours after the initial
2 provision of the service.

3 **SECTION 3741pmp.** 609.65 (2) of the statutes is amended to read:

4 609.65 (2) If after receiving notice under sub. (1) (b) 2. the limited service health
5 organization, preferred provider plan, or ~~managed-care~~ defined network plan
6 arranges for services to be provided by a provider with whom it has a provider
7 agreement, the limited service health organization, preferred provider plan, or
8 ~~managed-care~~ plan is not required to reimburse a provider under sub. (1) (b) 2. for
9 any services provided after arrangements are made under this subsection.

10 **SECTION 3741pmt.** 609.65 (3) of the statutes is amended to read:

11 609.65 (3) A limited service health organization, preferred provider plan, or
12 ~~managed-care~~ defined network plan is only required to make available, or make
13 reimbursement for, an examination, evaluation, or treatment under sub. (1) to the
14 extent that the limited service health organization, preferred provider plan, or
15 ~~managed-care~~ defined network plan would have made the medically necessary
16 service available to the enrollee or reimbursed the provider for the service if any
17 referrals required under s. 609.05 (3) had been made and the service had been
18 performed by a participating provider.

19 **SECTION 3741qmg.** 609.655 (1) (a) 1. of the statutes is amended to read:

20 609.655 (1) (a) 1. Is covered as a dependent child under the terms of a policy
21 or certificate issued by a ~~managed-care~~ defined network plan insurer.

22 **SECTION 3741qmp.** 609.655 (1) (a) 2. of the statutes is amended to read:

23 609.655 (1) (a) 2. Is enrolled in a school located in this state but outside the
24 geographical service area of the ~~managed-care~~ defined network plan.

25 **SECTION 3741qmt.** 609.655 (2) of the statutes is amended to read:

1 609.655 (2) If a policy or certificate issued by a ~~managed-care~~ defined network
2 plan insurer provides coverage of outpatient services provided to a dependent
3 student, the policy or certificate shall provide coverage of outpatient services, to the
4 extent and in the manner required under sub. (3), that are provided to the dependent
5 student while he or she is attending a school located in this state but outside the
6 geographical service area of the ~~managed-care~~ defined network plan,
7 notwithstanding the limitations regarding participating providers, primary
8 providers, and referrals under ss. 609.01 (2) and 609.05 (3).

9 **SECTION 3741rmg.** 609.655 (3) (intro.) of the statutes is amended to read:

10 609.655 (3) (intro.) Except as provided in sub. (5), a ~~managed-care~~ defined
11 network plan shall provide coverage for all of the following services:

12 **SECTION 3741rmp.** 609.655 (3) (a) of the statutes is amended to read:

13 609.655 (3) (a) A clinical assessment of the dependent student's nervous or
14 mental disorders or alcoholism or other drug abuse problems, conducted by a
15 provider described in s. 632.89 (1) (e) 2. or 3. who is located in this state and in
16 reasonably close proximity to the school in which the dependent student is enrolled
17 and who may be designated by the ~~managed-care~~ defined network plan.

18 **SECTION 3741smg.** 609.655 (3) (b) (intro.) of the statutes is amended to read:

19 609.655 (3) (b) (intro.) If outpatient services are recommended in the clinical
20 assessment conducted under par. (a), the recommended outpatient services
21 consisting of not more than 5 visits to an outpatient treatment facility or other
22 provider that is located in this state and in reasonably close proximity to the school
23 in which the dependent student is enrolled and that may be designated by the
24 ~~managed-care~~ defined network plan, except as follows:

25 **SECTION 3741smp.** 609.655 (3) (b) 1. of the statutes is amended to read:

1 609.655 (3) (b) 1. Coverage is not required under this paragraph if the medical
2 director of the ~~managed care~~ defined network plan determines that the nature of the
3 treatment recommended in the clinical assessment will prohibit the dependent
4 student from attending school on a regular basis.

5 **SECTION 3741smt.** 609.655 (4) (a) of the statutes is amended to read:

6 609.655 (4) (a) Upon completion of the 5 visits for outpatient services covered
7 under sub. (3) (b), the medical director of the ~~managed care~~ defined network plan and
8 the clinician treating the dependent student shall review the dependent student's
9 condition and determine whether it is appropriate to continue treatment of the
10 dependent student's nervous or mental disorders or alcoholism or other drug abuse
11 problems in reasonably close proximity to the school in which the student is enrolled.
12 The review is not required if the dependent student is no longer enrolled in the school
13 or if the coverage limits under the policy or certificate for treatment of nervous or
14 mental disorders or alcoholism or other drug abuse problems have been exhausted.

15 **SECTION 3741tmg.** 609.655 (4) (b) of the statutes is amended to read:

16 609.655 (4) (b) Upon completion of the review under par. (a), the medical
17 director of the ~~managed care~~ defined network plan shall determine whether the
18 policy or certificate will provide coverage of any further treatment for the dependent
19 student's nervous or mental disorder or alcoholism or other drug abuse problems that
20 is provided by a provider located in reasonably close proximity to the school in which
21 the student is enrolled. If the dependent student disputes the medical director's
22 determination, the dependent student may submit a written grievance under the
23 ~~managed care~~ defined network plan's internal grievance procedure established
24 under s. 632.83.

25 **SECTION 3741tmp.** 609.655 (5) (a) of the statutes is amended to read:

1 609.655 (5) (a) A policy or certificate issued by a ~~managed-care~~ defined network
2 plan insurer is required to provide coverage for the services specified in sub. (3) only
3 to the extent that the policy or certificate would have covered the service if it had been
4 provided to the dependent student by a participating provider within the
5 geographical service area of the ~~managed-care~~ defined network plan.

6 **SECTION 3741tmt.** 609.655 (5) (b) of the statutes is amended to read:

7 609.655 (5) (b) Paragraph (a) does not permit a ~~managed-care~~ defined network
8 plan to reimburse a provider for less than the full cost of the services provided or an
9 amount negotiated with the provider, solely because the reimbursement rate for the
10 service would have been less if provided by a participating provider within the
11 geographical service area of the ~~managed-care~~ defined network plan.

12 **SECTION 3741umg.** 609.70 of the statutes is amended to read:

13 **609.70 Chiropractic coverage.** Limited service health organizations,
14 preferred provider plans, and ~~managed-care~~ defined network plans are subject to s.
15 632.87 (3).

16 **SECTION 3741ump.** 609.75 of the statutes is amended to read:

17 **609.75 Adopted children coverage.** Limited service health organizations,
18 preferred provider plans, and ~~managed-care~~ defined network plans are subject to s.
19 632.896. Coverage of health care services obtained by adopted children and children
20 placed for adoption may be subject to any requirements that the limited service
21 health organization, preferred provider plan, or ~~managed-care~~ defined network plan
22 imposes under s. 609.05 (2) and (3) on the coverage of health care services obtained
23 by other enrollees.

24 **SECTION 3741umt.** 609.77 of the statutes is amended to read:

1 **609.77 Coverage of breast reconstruction.** Limited service health
2 organizations, preferred provider plans, and ~~managed-care~~ defined network plans
3 are subject to s. 632.895 (13).

4 **SECTION 3741vmg.** 609.78 of the statutes is amended to read:

5 **609.78 Coverage of treatment for the correction of**
6 **temporomandibular disorders.** Limited service health organizations, preferred
7 provider plans, and ~~managed-care~~ defined network plans are subject to s. 632.895
8 (11).

9 **SECTION 3741vmp.** 609.79 of the statutes is amended to read:

10 **609.79 Coverage of hospital and ambulatory surgery center charges**
11 **and anesthetics for dental care.** Limited service health organizations, preferred
12 provider plans, and ~~managed-care~~ defined network plans are subject to s. 632.895
13 (12).

14 **SECTION 3741vmt.** 609.80 of the statutes is amended to read:

15 **609.80 Coverage of mammograms.** ~~Managed-care~~ Defined network plans
16 are subject to s. 632.895 (8). Coverage of mammograms under s. 632.895 (8) may be
17 subject to any requirements that the ~~managed-care~~ defined network plan imposes
18 under s. 609.05 (2) and (3) on the coverage of other health care services obtained by
19 enrollees.

20 **SECTION 3741wmg.** 609.81 of the statutes is amended to read:

21 **609.81 Coverage related to HIV infection.** Limited service health
22 organizations, preferred provider plans, and ~~managed-care~~ defined network plans
23 are subject to s. 631.93. ~~Managed-care~~ Defined network plans are subject to s.
24 632.895 (9).

25 **SECTION 3741wmp.** 609.82 of the statutes is amended to read:

1 **609.82 Coverage without prior authorization for emergency medical**
2 **condition treatment.** Limited service health organizations, preferred provider
3 plans, and ~~managed care~~ defined network plans are subject to s. 632.85.

4 **SECTION 3741wmt.** 609.83 of the statutes is amended to read:

5 **609.83 Coverage of drugs and devices.** Limited service health
6 organizations, preferred provider plans, and ~~managed care~~ defined network plans
7 are subject to s. 632.853.

8 **SECTION 3741xmg.** 609.84 of the statutes is amended to read:

9 **609.84 Experimental treatment.** Limited service health organizations,
10 preferred provider plans, and ~~managed care~~ defined network plans are subject to s.
11 632.855.

12 **SECTION 3741xmp.** 609.88 of the statutes is amended to read:

13 **609.88 Coverage of immunizations.** ~~Managed care~~ Defined network plans
14 are subject to s. 632.895 (14).

15 **SECTION 3741xmr.** 609.89 of the statutes is amended to read:

16 **609.89 Written reason for coverage denial.** Limited service health
17 organizations, preferred provider plans, and ~~managed care~~ defined network plans
18 are subject to s. 631.17.

19 **SECTION 3741xmt.** 609.90 of the statutes is amended to read:

20 **609.90 Restrictions related to domestic abuse.** Limited service health
21 organizations, preferred provider plans, and ~~managed care~~ defined network plans
22 are subject to s. 631.95.”.

23 ✓ **1473.** Page 1180, line 21: after that line insert:

24 **“SECTION 3741d.** 607.25 of the statutes is created to read:

1 **607.25 Loan to general fund.** No later than the first day of the 2nd month
2 after the effective date of this section [revisor inserts date], the life fund shall
3 make a loan of \$850,000 to the general fund. Notwithstanding s. 604.03 (2), no
4 interest shall be charged on the loan during the period of the loan. The general fund
5 shall repay the loan from moneys lapsed to the general fund from the appropriation
6 under s. 20.515 (2) (a) at the end of the 2001–03 fiscal biennium, if any, and from
7 moneys lapsed to the general fund from the appropriation under s. 20.515 (2) (g) in
8 the amounts specified in s. 40.98 (6m). If the secretary of administration determines
9 that the moneys lapsed from these appropriations will not be sufficient to repay the
10 loan within a reasonable period of time, as determined by the secretary and the
11 commissioner, the secretary shall transfer from the general fund to the life fund an
12 amount sufficient to repay the loan.”.

13 ✓ **1474.** Page 1181, line 3: after that line insert:

14 **“SECTION 3755g.** 628.46 (2m) of the statutes is created to read:

15 628.46 (2m) Notwithstanding subs. (1) and (2), a claim for payment for
16 chiropractic services is overdue if not paid within 30 days after the insurer receives
17 clinical documentation from the chiropractor that the services were provided unless,
18 within those 30 days, the insurer provides to the insured and to the chiropractor the
19 written statement under s. 632.875 (2).

20 **SECTION 3760m.** 632.875 (2) (intro.) of the statutes is amended to read:

21 632.875 (2) (intro.) If, on the basis of an independent evaluation, an insurer
22 restricts or terminates a patient’s coverage for the treatment of a condition or
23 complaint by a chiropractor acting within the scope of his or her license and the
24 restriction or termination of coverage results in the patient becoming liable for

1 payment for his or her treatment, the insurer shall, within the time required under
2 s. 628.46 (2m), provide to the patient and to the treating chiropractor a written
3 statement that contains all of the following:”.

4 ✓ **1475.** Page 1181, line 12: after that line insert:

5 “SECTION 3766r. 635.19 (6) of the statutes is repealed.”.

6 ✓ **1476.** Page 1181, line 12: after that line insert:

7 “SECTION 3763f. 632.895 (14) (c) of the statutes is amended to read:

8 632.895 (14) (c) The coverage required under par. (b) may not be subject to any
9 deductibles, copayments, or coinsurance under the policy or plan. This paragraph
10 applies to a ~~managed care~~ defined network plan, as defined in s. 609.01 ~~(3e)~~ (1b), only
11 with respect to appropriate and necessary immunizations provided by providers
12 participating, as defined in s. 609.01 (3m), in the plan.

13 SECTION 3763g. 632.895 (14) (d) 3. of the statutes is amended to read:

14 632.895 (14) (d) 3. A health care plan offered by a limited service health
15 organization, as defined in s. 609.01 (3), or by a preferred provider plan, as defined
16 in s. 609.01 (4), that is not a ~~managed care~~ defined network plan, as defined in s.
17 609.01 ~~(3e)~~ (1b).”.

18 ✓ **1477.** Page 1181, line 12: after that line insert:

19 “SECTION 3766e. 635.02 (2) of the statutes is amended to read:

20 635.02 (2) “Case characteristics” means the demographic, actuarially based
21 characteristics of the employees of a small employer, and the employer, if covered,
22 such as age, sex, and geographic location ~~and occupation~~, used by a small employer
23 insurer to determine premium rates for a small employer. “Case characteristics”

1 does not include loss or claim history, health status, occupation, duration of coverage,
2 or other factors related to claim experience.

3 **SECTION 3766ec.** 635.02 (3e) of the statutes is created to read:

4 635.02 (3e) “Eligible employee” has the meaning given in s. 632.745 (5) (a).

5 **SECTION 3766ef.** 635.02 (7) of the statutes is amended to read:

6 635.02 (7) “Small employer” means, with respect to a calendar year and a plan
7 year, an employer that employed an average of at least 2 but not more than 50 eligible
8 employees on business days during the preceding calendar year, or that is reasonably
9 expected to employ an average of at least 2 but not more than 50 eligible employees
10 on business days during the current calendar year if the employer was not in
11 existence during the preceding calendar year, and that employs at least 2 eligible
12 employees on the first day of the plan year.

13 **SECTION 3766em.** 635.05 (1) of the statutes is amended to read:

14 635.05 (1) Establishing restrictions on premium rates that a small employer
15 insurer may charge a small employer such that the premium rates charged to small
16 employers with similar case characteristics for the same or similar benefit design
17 characteristics do not vary from the midpoint rate for those small employers by more
18 than ~~35%~~ 10% of that midpoint rate.

19 **SECTION 3766f.** 635.05 (2) (a) 2. of the statutes is amended to read:

20 635.05 (2) (a) 2. An adjustment, not to exceed 15% per year, adjusted
21 proportionally for rating periods of less than one year, for such rating factors as claim
22 experience, health status, occupation, and duration of coverage, determined in
23 accordance with the small employer insurer’s rate manual or rating procedures.

24 **SECTION 3766g.** 635.05 (7) of the statutes is created to read:

1 635.05 (7) Specifying the manner in which rates must be published under s.
2 635.12.

3 **SECTION 3766j.** 635.12 of the statutes is created to read:

4 **635.12 Annual publication of rates.** Every small employer insurer shall
5 annually publish the small employer insurer's current new business premium rates.
6 The rates shall be published in the manner and according to categories required by
7 rule under s. 635.05 (7). New business premium rates for coverage under the health
8 care coverage program under subch. X of ch. 40 shall be published as required under
9 s. 40.98 (2) (d).”.

10 ✓**1478.** Page 1182, line 24: delete “13%” and substitute “24%”.

11 ✓**1479.** Page 1184, line 3: after that line insert:

12 **“SECTION 3780c.** 757.54 of the statutes is renumbered 757.54 (1) and amended
13 to read:

14 757.54 (1) ~~The Except as provided in sub. (2), the~~ retention and disposal of all
15 court records and exhibits in any civil or criminal action or proceeding or probate
16 proceeding of any nature in a court of record shall be determined by the supreme
17 court by rule.

18 **SECTION 3780d.** 757.54 (2) of the statutes is created to read:

19 757.54 (2) (a) In this subsection:

20 1. “Custody” has the meaning given in s. 968.205 (1) (a).

21 2. “Discharge date” has the meaning given in s. 968.205 (1) (b).

22 (b) Except as provided in par. (c), if an exhibit in a criminal action or a
23 delinquency proceeding under ch. 938 includes any biological material that was
24 collected in connection with the action or proceeding, the court presiding over the

1 action or proceeding shall ensure that the exhibit is preserved until every person in
2 custody as a result of the action or proceeding, or as a result of commitment under
3 s. 980.06 that is based on a judgment of guilty or not guilty by reason of mental
4 disease or defect in the action or proceeding, has reached his or her discharge date.

5 (c) Subject to par. (e), the court may destroy biological material before the
6 expiration of the time period specified in par. (b) if all of the following apply:

7 1. The court sends a notice of its intent to destroy the biological material to all
8 persons who remain in custody as a result of the criminal action, delinquency
9 proceeding, or commitment under s. 980.06 and to either the attorney of record for
10 each person in custody or the state public defender.

11 2. No person who is notified under subd. 1. does either of the following within
12 90 days after the date on which the person received the notice:

13 a. Files a motion for testing of the biological material under s. 974.07 (2).

14 b. Submits a written request to preserve the biological material to the court.

15 3. No other provision of federal or state law requires the court to preserve the
16 biological material.

17 (d) A notice provided under par. (c) 1. shall clearly inform the recipient that the
18 biological material will be destroyed unless, within 90 days after the date on which
19 the person receives the notice, either a motion for testing of the material is filed
20 under s. 974.07 (2) or a written request to preserve the material is submitted to the
21 court.

22 (c) If, after providing notice under par. (c) 1. of its intent to destroy biological
23 material, a court receives a written request to preserve the material, the court shall
24 preserve the material until the discharge date of the person who made the request
25 or on whose behalf the request was made, subject to a court order issued under s.

1 974.07 (7), (9) (a), or (10) (a) 5., unless the court orders destruction or transfer of the
2 biological material under s. 974.07 (9) (b) or (10) (a) 5.”.

3 ✓ **1480.** Page 1185, line 6: after that line insert:

4 “**SECTION 3781d.** 758.19 (8) of the statutes is created to read:

5 758.19 (8) (a) From the appropriation under s. 20.625 (1) (c), the director of
6 state courts shall reimburse counties up to 4 times each year for the actual expenses
7 paid for interpreters required by circuit courts to assist persons with limited English
8 proficiency under s. 885.38 (8) (a) 1. The amount of the reimbursement for mileage
9 shall be 20 cents per mile going and returning from his or her residence if within the
10 state; or, if without the state, from the point where he or she crosses the state
11 boundary to the place of attendance, and returning by the usually traveled route
12 between such points. The amount of the maximum hourly reimbursement for court
13 interpreters shall be as follows:

14 1. Forty dollars for the first hour and \$20 for each additional 0.5 hour for
15 qualified interpreters certified under the requirements and procedures approved by
16 the supreme court.

17 2. Thirty dollars for the first hour and \$15 for each additional 0.5 hour for
18 qualified interpreters, as defined in s. 885.38 (1) (c).

19 (b) To receive reimbursement under par. (a), a county must submit, on forms
20 provided by the director of state courts, an accounting of the amount paid for
21 expenses related to court interpreters that are eligible for reimbursement under par.

22 (a). The forms must include expenses for the preceding 3-month period and must
23 be submitted within 90 days after that 3-month period has ended. The director of
24 state courts may not reimburse a county for any expenses related to court

1 interpreters that are submitted after the 90-day period has ended. Reimbursement
2 under par. (a) first applies to court interpreter expenses incurred on the effective date
3 of this paragraph [revisor inserts date].”

4 ✓ **1481.** Page 1190, line 16: after that line insert:

5 “**SECTION 3788m.** 767.27 (2) of the statutes is amended to read:

6 767.27 (2) ~~Except as provided in sub. (2m), disclosure~~ Disclosure forms
7 required under this section shall be filed within 90 days after the service of summons
8 or the filing of a joint petition or at such other time as ordered by the court or family
9 court commissioner. Information contained on such forms shall be updated on the
10 record to the date of hearing.

11 **SECTION 3788p.** 767.27 (2m) of the statutes is amended to read:

12 767.27 (2m) In every action in which the court has ordered a party to pay child
13 support under s. 767.25, 767.51 or 767.62 (4) or family support under s. 767.261 and
14 the circumstances specified in s. 767.075 (1) apply this chapter, including an action
15 to revise a judgment or order under s. 767.32, the court shall require the party who
16 is ordered to pay the support to annually furnish the disclosure form required under
17 this section and may require that party to annually furnish a copy of his or her most
18 recently filed state and federal income tax returns to the county child support agency
19 under s. 59.53 (5) for the county in which the order was entered. In any action in
20 which the court has ordered a party to pay child support under s. 767.25, 767.51 or
21 767.62 (4) or family support under s. 767.261, the court may require the party who
22 is ordered to pay the support to annually furnish the disclosure form required under
23 this section and a copy of his or her most recently filed state and federal income tax
24 returns to the party for whom the support has been awarded parties annually to

1 exchange financial information. A party who fails to furnish the information as
2 required by the court under this subsection may be proceeded against for contempt
3 of court under ch. 785. If the court finds that a party has failed to furnish the
4 information required under this subsection, the court may award to the party
5 bringing the action costs and, notwithstanding s. 814.04 (1), reasonable attorney
6 fees.”.

7 ✓ **1482.** Page 1195, line 22: delete lines 22 to 24 and substitute:

8 “(5) (a) Nothing in this section affects a party’s right to file at any time a motion,
9 petition, or order to show cause under s. 767.32 for revision of a judgment or order
10 with respect to an amount of child or family support.

11 (b) Nothing in this section affects a party’s right to move the court for a finding
12 of contempt of court or for remedial sanctions under ch. 785 if the other party
13 unreasonably fails to provide or disclose information required under this section or
14 unreasonably fails or refuses to sign a stipulation for an annual adjustment.”.

15 ✓ **1483.** Page 1195, line 24: after that line insert:

16 “SECTION 3793m. 767.51 (3m) of the statutes is created to read:

17 767.51 (3m) (a) Upon the request of both parents, the court shall include in the
18 judgment or order determining paternity an order changing the name of the child to
19 a name agreed upon by the parents.

20 (b) Except as provided in par. (a), the court may include in the judgment or order
21 determining paternity an order changing the surname of the child to a surname that
22 consists of the surnames of both parents separated by a hyphen or, if one or both
23 parents have more than one surname, of one of the surnames of each parent
24 separated by a hyphen, if all of the following apply:

1 1. Only one parent requests that the child's name be changed, or both parents
2 request that the child's name be changed but each parent requests a different name
3 change.

4 2. The court finds that such a name change is in the child's best interest.

5 (c) Section 786.36 does not apply to a name change under this subsection.”.

6 ✓ **1484.** Page 1200, line 8: after that line insert:

7 “**SECTION 3816m.** 779.41 (2) of the statutes is amended to read:

8 779.41 (2) Every keeper of a garage or repair shop who alters, repairs or does
9 any work on any detached accessory, fitting or part of an automobile, truck,
10 motorcycle, moped, low-speed vehicle, motor bicycle or similar motor vehicle or
11 bicycle at the request of the owner or legal possessor thereof, shall have a lien upon
12 and may retain possession of any such accessory, fitting or part until the charges for
13 such alteration, repairing or other work have been paid. If the detached article
14 becomes attached to such motor vehicle or bicycle while in the possession of the
15 keeper, the keeper has a lien on the motor vehicle or bicycle under sub. (1).”.

16 ✓ **1485.** Page 1200, line 8: after that line insert:

17 “**SECTION 3815m.** 800.02 (2) (a) (intro.) of the statutes is amended to read:

18 800.02 (2) (a) (intro.) The citation shall be signed by a peace officer or endorsed
19 by a municipal attorney or, if applicable, signed by a conservation warden or a state
20 forest ranger. In addition, the governing body of a municipality authorized to adopt
21 the use of citations may designate by ordinance or resolution other municipal
22 officials who may issue citations with respect to ordinances which are directly
23 related to the official responsibilities of the officials. Officials granted the authority
24 to issue citations may delegate, with the approval of the governing body, the

1 C. D.
 2 Address (Case Classification Type): (Code No.)
 3 City, State Zip Code
 4 , Defendant

6 THE STATE OF WISCONSIN, To each person named above as a Defendant:
 7 You are hereby notified that the Plaintiff named above has filed a lawsuit or
 8 other legal action against you. The complaint, which is attached, states the nature
 9 and basis of the legal action.

10 Within ~~45~~ (20) (45) days of receiving this summons, you must respond with a
 11 written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the
 12 complaint. The court may reject or disregard an answer that does not follow the
 13 requirements of the statutes. The answer must be sent or delivered to the court,
 14 whose address is, and to, Plaintiff’s attorney, whose address is, You may
 15 have an attorney help or represent you.

16 If you do not provide a proper answer within ~~45~~ (20) (45) days, the court may
 17 grant judgment against you for the award of money or other legal action requested
 18 in the complaint, and you may lose your right to object to anything that is or may be
 19 incorrect in the complaint. A judgment may be enforced as provided by law. A
 20 judgment awarding money may become a lien against any real estate you own now
 21 or in the future, and may also be enforced by garnishment or seizure of property.

22 Dated:, (year)

23 Signed:

24 A. B., Plaintiff

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or

E. F., Plaintiff's Attorney

State Bar No.:

Address:

City, State Zip Code:

Phone No:

SECTION 3828je. 801.095 (2) of the statutes is amended to read:

801.095 (2) PERSONAL SERVICE; NO COMPLAINT ATTACHED.

STATE OF WISCONSIN

CIRCUIT COURT : COUNTY

A. B.

Address

City, State Zip Cod

File No.

, Plaintiff

vs.

S U M M O N S

C. D.

Address (Case Classification Type): (Code No.)

City, State Zip Code

, Defendant

THE STATE OF WISCONSIN, To each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you.

1 STATE OF WISCONSIN CIRCUIT COURT : ... COUNTY

2

3 A. B.

4 Address

5 City, State Zip Code

File No.

6 , Plaintiff

7 vs.

S U M M O N S

8 C. D.

9 Address (Case Classification Type): (Code No.)

10 City, State Zip Code

11 , Defendant

12

13 THE STATE OF WISCONSIN, To each person named above as a Defendant:

14 You are hereby notified that the Plaintiff named above has filed a lawsuit or
15 other legal action against you. The complaint, which is also served upon you, states
16 the nature and basis of the legal action.

17 Within ~~45~~ (20) (45) days after, (year), you must respond with a written
18 answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the
19 complaint. The court may reject or disregard an answer that does not follow the
20 requirements of the statutes. The answer must be sent or delivered to the court,
21 whose address is, and to, Plaintiff's attorney, whose address is, You may
22 have an attorney help or represent you.

23 If you do not provide a proper answer within ~~45~~ (20) (45) days, the court may
24 grant judgment against you for the award of money or other legal action requested

1 in the complaint, and you may lose your right to object to anything that is or may be
2 incorrect in the complaint. A judgment may be enforced as provided by law. A
3 judgment awarding money may become a lien against any real estate you own now
4 or in the future, and may also be enforced by garnishment or seizure of property.

5 Dated:, (year)

6 Signed:

7 A. B., Plaintiff

8 or

9 E. F., Plaintiff's Attorney

10 State Bar No.:

11 Address:

12 City, State Zip Code:

13 Phone No:

14 **SECTION 3828jm.** 801.095 (4) of the statutes is amended to read:

15 801.095 (4) NO PERSONAL SERVICE; COMPLAINT NOT SERVED AT THE SAME TIME.

16 STATE OF WISCONSIN

CIRCUIT COURT : COUNTY

17 _____

18 A. B.

19 Address

20 City, State Zip Code

File No.

21 , Plaintiff

22 vs.

S U M M O N S

23 C. D.

24 Address (Case Classification Type): (Code No.)

1 City, State Zip Code
2 , Defendant

3

4 THE STATE OF WISCONSIN, To each person named above as a Defendant:
5 You are hereby notified that the plaintiff named above has filed a lawsuit or
6 other legal action against you.

7 Within ~~45~~ (20) (45) days after, (year), you must respond with a written
8 demand for a copy of the complaint. The demand must be sent or delivered to the
9 court, whose address is, and to, Plaintiff’s attorney, whose address is, You
10 may have an attorney help or represent you.

11 If you do not demand a copy of the complaint within ~~45~~ (20) (45) days, the court
12 may grant judgment against you for the award of money or other legal action
13 requested in the complaint, and you may lose your right to object to anything that
14 is or may be incorrect in the complaint. A judgment may be enforced as provided by
15 law. A judgment awarding money may become a lien against any real estate you own
16 now or in the future, and may also be enforced by garnishment or seizure of property.

17 Dated:, (year)

18

Signed:

19

A. B., Plaintiff

20

or

21

E. F., Plaintiff’s Attorney

22

State Bar No.:

23

Address:

24

City, State Zip Code:

1 Phone No:

2 **SECTION 3828jr.** 802.06 (1) of the statutes is amended to read:

3 802.06 (1) WHEN PRESENTED. Except as provided in sub. (1m) or when a court
4 dismisses an action or special proceeding under s. 802.05 (3), a defendant shall serve
5 an answer within 45 days after the service of the complaint upon the defendant. ~~If~~
6 Except as provided in sub. (1m), if a guardian ad litem is appointed for a defendant,
7 the guardian ad litem shall have 45 days after appointment to serve the answer. A
8 party served with a pleading stating a cross-claim against the party shall serve an
9 answer thereto within 45 days after the service upon the party. The plaintiff shall
10 serve a reply to a counterclaim in the answer within 45 days after service of the
11 answer. The state or an agency of the state or an officer, employee or agent of the
12 state shall serve an answer to the complaint or to a cross-claim or a reply to a
13 counterclaim within 45 days after service of the pleading in which the claim is
14 asserted. If any pleading is ordered by the court, it shall be served within 45 days
15 after service of the order, unless the order otherwise directs. The service of a motion
16 permitted under sub. (2) alters these periods of time as follows, unless a different
17 time is fixed by order of the court: if the court denies the motion or postpones its
18 disposition until the trial on the merits, the responsive pleading shall be served
19 within 10 days after notice of the court's action; or if the court grants a motion for a
20 more definite statement, the responsive pleading shall be served within 10 days after
21 the service of the more definite statement.

22 **SECTION 3828js.** 802.06 (1m) of the statutes is created to read:

23 802.06 (1m) ENFORCEMENT OF LIEN OR SECURITY INTEREST. If the proceeding is
24 to foreclose or otherwise enforce a lien or security interest, the defendant or guardian

1 ad litem shall serve an answer within 20 days after the service of the complaint upon
2 the defendant or 20 days after appointment of the guardian ad litem.

3 **SECTION 3828jt.** 802.06 (6) of the statutes is amended to read:

4 802.06 (6) MOTION TO STRIKE. Upon motion made by a party before responding
5 to a pleading or, if no responsive pleading is permitted upon motion made by a party
6 within 45 days after the service of the pleading upon the party, or within 20 days after
7 the service if the proceeding is to foreclose or otherwise enforce a lien or security
8 interest, or upon the court's own initiative at any time, the court may order stricken
9 from any pleading any insufficient defense or any redundant, immaterial,
10 impertinent, scandalous or indecent matter.

11 **SECTION 3828jv.** 802.09 (1) of the statutes is amended to read:

12 802.09 (1) AMENDMENTS. A party may amend the party's pleading once as a
13 matter of course at any time within 6 months after the summons and complaint are
14 filed or within the time set in a scheduling order under s. 802.10. Otherwise a party
15 may amend the pleading only by leave of court or by written consent of the adverse
16 party; and leave shall be freely given at any stage of the action when justice so
17 requires. A party shall plead in response to an amended pleading within 45 days
18 after service of the amended pleading, or within 20 days after the service if the
19 proceeding is to foreclose or otherwise enforce a lien or security interest, unless (a)
20 the court otherwise orders or (b) no responsive pleading is required or permitted
21 under s. 802.01 (1).”.

22 ✓**1488.** Page 1205, line 21: after that line insert:

23 **“SECTION 3828c.** 801.02 (7) (a) 2. c. of the statutes is amended to read:

1 801.02 (7) (a) 2. c. A person bringing an action seeking relief from a judgment
2 of conviction or a sentence of a court, including an action for an extraordinary writ
3 or a supervisory writ seeking relief from a judgment of conviction or a sentence of a
4 court or an action under s. 809.30, 809.40, 973.19 ~~or~~, 974.06 or 974.07.

5 **SECTION 3828f.** 805.15 (3) (intro.) of the statutes is amended to read:

6 805.15 (3) (intro.) ~~A~~ Except as provided in ss. 974.07 (10) (b) and 980.101 (2)
7 (b), a new trial shall be ordered on the grounds of newly-discovered evidence if the
8 court finds that:

9 **SECTION 3828i.** 805.16 (5) of the statutes is created to read:

10 805.16 (5) The time limits in this section for filing motions do not apply to a
11 motion for a new trial based on newly discovered evidence that is brought under s.
12 974.06.”.

13 ✓ **1489.** Page 1206, line 2: delete lines 2 to 4.

14 ✓ **1490.** Page 1206, line 4: after that line insert:

15 “**SECTION 3829d.** 808.075 (4) (h) of the statutes is amended to read:

16 808.075 (4) (h) Commitment, supervised release, recommitment ~~and~~,
17 discharge, and postcommitment relief under ss. 980.06, 980.08, 980.09 ~~and~~, 980.10,
18 and 980.101 of a person found to be a sexually violent person under ch. 980.

19 **SECTION 3829n.** 809.30 (1) (a) of the statutes is amended to read:

20 809.30 (1) (a) “Postconviction relief” means, in a felony or misdemeanor case,
21 an appeal or a motion for postconviction relief other than a motion under s. 973.19
22 ~~or~~, 974.06, or 974.07 (2). In a ch. 48, 51, 55 or 938 case, other than a termination of
23 parental rights case under s. 48.43, it means an appeal or a motion for
24 reconsideration by the trial court of its final judgment or order; in such cases a notice

1 of intent to pursue such relief or a motion for such relief need not be styled as seeking
2 “postconviction” relief.

3 **SECTION 3829p.** 809.30 (2) (L) of the statutes is amended to read:

4 809.30 (2) (L) An appeal under s. 974.06 or 974.07 is governed by the
5 procedures for civil appeals.”.

6 ✓ **1491.** Page 1206, line 5: delete lines 5 to 12.

7 ✓ **1492.** Page 1208, line 13: after that line insert:

8 **“SECTION 3835g.** 814.66 (1) (a) 2. of the statutes is amended to read:

9 814.66 (1) (a) 2. For filing a petition whereby any proceeding in estates of
10 deceased persons is commenced, if the value of the property subject to
11 administration, less encumbrances, liens or charges, is \$10,000 or less, a fee of \$10
12 \$20 and, if more than \$10,000, a fee of ~~0.1%~~ 0.2% of the value of the property subject
13 to administration, less encumbrances, liens or charges. The register in probate may
14 not base a fee under this subdivision upon the value of property that is not subject
15 to administration.

16 **SECTION 3835h.** 814.66 (1) (b) 2. of the statutes is amended to read:

17 814.66 (1) (b) 2. For filing a petition for guardianship of the estate under ch.
18 880 or an application for conservatorship under ch. 880, if the value of the property,
19 less encumbrances, liens or charges, is \$10,000 or less, a fee of ~~\$10~~ \$20 and, if more
20 than \$10,000, a fee of ~~0.1%~~ 0.2% of the value of the property, less encumbrances, liens
21 or charges.

22 **SECTION 3835i.** 814.66 (3) of the statutes is amended to read:

23 814.66 (3) The register in probate shall, on the first Monday of each month, pay
24 into the office of the county treasurer all fees collected by him or her and in his or her

1 hands and still unclaimed as of that day. Each county treasurer shall make a report
2 under oath to the state treasurer on or before the 5th day of January, April, July and
3 October of all fees received by him or her under sub. (1) (a) to (f) up to the first day
4 of each of those months and shall at the same time pay ~~50%~~ 66.67% of the fees to the
5 state treasurer for deposit in the general fund. Each county treasurer shall retain
6 the balance of fees received by him or her under this section for the use of the county.”.

7 ✓ **1493.** Page 1208, line 14: delete lines 14 and 15 and substitute:

8 “**SECTION 3836dd.** 814.67 (1) (am) of the statutes is created to read:

9 814.67 (1) (am) For witnesses attending before a circuit court, \$16 per day.

10 **SECTION 3836f.** 814.67 (1) (b) (intro.) of the statutes is amended to read:

11 814.67 (1) (b) (intro.) For attending before ~~any other court~~ the court of appeals
12 or the supreme court:

13 **SECTION 3836g.** 814.67 (1) (b) 2. of the statutes is amended to read:

14 814.67 (1) (b) 2. For interpreters, ~~\$35 per one-half day~~ a fee determined by the
15 supreme court.”.

16 ✓ **1494.** Page 1209, line 3: after that line insert:

17 “**SECTION 3836t.** 818.05 of the statutes is amended to read:

18 **818.05 Bond, liability of plaintiff for support.** Before making the order for
19 arrest the court or judge shall require a bond of the plaintiff, with or without sureties,
20 to the effect that if the plaintiff fails to recover, the plaintiff will pay all costs that may
21 be awarded to the defendant and all damages which the defendant may sustain by
22 reason of the arrest, not exceeding the sum specified in the bond, which shall be at
23 least \$100. If the bond be executed by the plaintiff without sureties the plaintiff shall
24 annex thereto an affidavit that the plaintiff is a resident and householder or

1 freeholder within the state and worth double the sum specified in the bond above all
2 of the plaintiff's debts and liabilities in property in this state not exempt from
3 execution. ~~The plaintiff shall be liable for support of the defendant while the~~
4 ~~defendant is in jail, as specified in s. 898.14 (1).~~ This section does not apply to an
5 order for arrest in an action to determine paternity or to any action under ch. 767
6 brought by the state or its designee.”

7 / **1495.** Page 1211, line 9: delete the material beginning with that line and
8 ending with page 1214, line 15, and substitute:

9 “SECTION 3852d. 885.37 (title) of the statutes is amended to read:

10 **885.37 (title) Interpreters for persons with language difficulties or**
11 **hearing or speaking impairments in municipal courts and administrative**
12 **agency contested cases.**

13 SECTION 3852g. 885.37 (1) (a) of the statutes is repealed.

14 SECTION 3852m. 885.37 (1) (b) of the statutes is amended to read:

15 885.37 (1) (b) If a municipal court has notice that a person who ~~fits any of the~~
16 ~~criteria under par. (a) is a juvenile or parent subject to ch. 938, or who is a witness~~
17 in a proceeding under ch. 938, has a language difficulty because of the inability to
18 speak or understand English, has a hearing impairment, is unable to speak or has
19 a speech defect, the court shall make a factual determination of whether the
20 language difficulty or the hearing or speaking impairment is sufficient to prevent the
21 individual from communicating with his or her attorney, reasonably understanding
22 the English testimony or reasonably being understood in English. If the court
23 determines that an interpreter is necessary, the court shall advise the person that
24 he or she has a right to a qualified interpreter and that, if the person cannot afford

1 one, an interpreter will be provided for him or her at the public's expense. Any waiver
2 of the right to an interpreter is effective only if made voluntarily in person, in open
3 court and on the record.

4 **SECTION 3852r.** 885.37 (2) of the statutes is amended to read:

5 885.37 (2) A municipal court may authorize the use of an interpreter in actions
6 or proceedings in addition to those specified in sub. (1) (b).

7 **SECTION 3853g.** 885.37 (4) (a) of the statutes is repealed and recreated to read:

8 885.37 (4) (a) The necessary expense of furnishing an interpreter for an
9 indigent person in a municipal court shall be paid by the municipality.

10 **SECTION 3853m.** 885.37 (5) (a) of the statutes is amended to read:

11 885.37 (5) (a) If a municipal court under sub. (1) (b) or (2) or an agency under
12 sub. (3) decides to appoint an interpreter, the court or agency shall follow the
13 applicable procedure under par. (b) or (c).

14 **SECTION 3860m.** 885.38 of the statutes is created to read:

15 **885.38 Interpreters in circuit and appellate courts.** (1) In this section:

16 (a) "Court proceeding" means any proceeding before a court of record.

17 (b) "Limited English proficiency" means any of the following:

18 1. The inability, because of the use of a language other than English, to
19 adequately understand or communicate effectively in English in a court proceeding.

20 2. The inability, due to a speech impairment, hearing loss, deafness,
21 deaf-blindness, or other disability, to adequately hear, understand, or communicate
22 effectively in English in a court proceeding.

23 (c) "Qualified interpreter" means a person who is able to do all of the following:

24 1. Readily communicate with a person who has limited English proficiency.

1 2. Orally transfer the meaning of statements to and from English and the
2 language spoken by a person who has limited English proficiency in the context of
3 a court proceeding.

4 3. Readily and accurately interpret for a person who has limited English
5 proficiency, without omissions or additions, in a manner that conserves the meaning,
6 tone, and style of the original statement, including dialect, slang, and specialized
7 vocabulary.

8 (2) The supreme court shall establish the procedures and policies for the
9 recruitment, training, and certification of persons to act as qualified interpreters in
10 a court proceeding and for the coordination, discipline, retention, and training of
11 those interpreters.

12 (3) (a) In criminal proceedings and in proceedings under ch. 48, 51, 55, or 938,
13 if the court determines that the person has limited English proficiency and that an
14 interpreter is necessary, the court shall advise the person that he or she has the right
15 to a qualified interpreter and that, if the person cannot afford one, an interpreter will
16 be provided at the public's expense if the person is one of the following:

- 17 1. A party in interest.
- 18 2. A witness, while testifying in a court proceeding.
- 19 3. An alleged victim, as defined in s. 950.02 (4).
- 20 4. A parent or legal guardian of a minor party in interest or the legal guardian
21 of a party in interest.
- 22 5. Another person affected by the proceedings, if the court determines that the
23 appointment is necessary and appropriate.

24 (b) The court may appoint more than one qualified interpreter in a court
25 proceeding when necessary.

1 (c) If a person with limited English proficiency, as defined in sub. (1) (b) 2., is
2 part of a jury panel in a court proceeding, the court shall appoint a qualified
3 interpreter for that person.

4 (d) If a person with limited English proficiency requests the assistance of the
5 clerk of circuit courts regarding a legal proceeding, the clerk may provide the
6 assistance of a qualified interpreter to respond to the person's inquiry.

7 (e) A qualified interpreter appointed under this subsection may, with the
8 approval of the court, provide interpreter services outside the court room that are
9 related to the court proceedings, including during court-ordered psychiatric or
10 medical exams or mediation.

11 (f) A court may authorize the use of a qualified interpreter in actions or
12 proceedings in addition to those specified in par. (a).

13 (4) (a) The court may accept the waiver of the right to a qualified interpreter
14 by a person with limited English proficiency at any point in the court proceeding if
15 the court advises the person of the nature and effect of the waiver and determines
16 on the record that the waiver has been made knowingly, intelligently, and
17 voluntarily.

18 (b) At any point in the court proceeding, for good cause, the person with limited
19 English proficiency may retract his or her waiver and request that a qualified
20 interpreter be appointed.

21 (5) Every qualified interpreter, before commencing his or her duties in a court
22 proceeding, shall take a sworn oath that he or she will make a true and impartial
23 interpretation. The supreme court may approve a uniform oath for qualified
24 interpreters.

1 (6) Any party to a court proceeding may object to the use of any qualified
2 interpreter for good cause. The court may remove a qualified interpreter for good
3 cause.

4 (7) The delay resulting from the need to locate and appoint a qualified
5 interpreter may constitute good cause for the court to toll the time limitations in the
6 court proceeding.

7 (8) (a) Except as provided in par. (b), the necessary expenses of providing
8 qualified interpreters to indigent persons with limited English proficiency under
9 this section shall be paid as follows:

10 1. The county in which the circuit court is located shall pay the expenses in all
11 proceedings before a circuit court and when the clerk of circuit court uses a qualified
12 interpreter under sub. (3) (d). The county shall be reimbursed as provided in s.
13 758.19 (8) for expenses paid under this subdivision.

14 2. The court of appeals shall pay the expenses in all proceedings before the court
15 of appeals.

16 3. The supreme court shall pay the expenses in all proceedings before the
17 supreme court.

18 (b) The state public defender shall pay the expenses for interpreters assisting
19 the state public defender in representing an indigent person in preparing for court
20 proceedings.”.

21 ✓ **1496.** Page 1217, line 8: delete “3 years” and substitute “one year”.

22 ✓ **1497.** Page 1217, line 19: delete lines 19 and 20.

23 ✓ **1498.** Page 1217, line 21: delete “or the department of justice under sub. (3)”.

24 ✓ **1499.** Page 1218, line 8: after that line insert:

1 “SECTION 3862yg. 893.66 (title) of the statutes is amended to read:

2 **893.66** (title) ~~Accountants~~ **Certified public accountants; limitations of**
3 **actions.**

4 **SECTION 3862yr.** 893.66 (1) of the statutes is amended to read:

5 893.66 (1) Except as provided in subs. (1m) to (4), an action to recover damages,
6 based on tort, contract or other legal theory, against any certified public accountant
7 licensed or certified under ch. 442 for an act or omission in the performance of
8 professional accounting services shall be commenced within 6 years from the date
9 of the act or omission or be barred.”.

10 ✓ **1500.** Page 1219, line 4: after that line insert:

11 “SECTION 3871t. 895.80 (1) of the statutes is amended to read:

12 895.80 (1) Any person who suffers damage or loss by reason of intentional
13 conduct that occurs on or after November 1, 1995, and that is prohibited under s.
14 943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50 ~~or~~, 943.61, or
15 943.76, or by reason of intentional conduct that occurs on or after April 28, 1998, and
16 that is prohibited under s. 943.201, has a cause of action against the person who
17 caused the damage or loss.

18 **SECTION 3871u.** 895.80 (3m) of the statutes is created to read:

19 895.80 (3m) (a) In this subsection, “plant” includes the material taken,
20 extracted, or harvested from a plant, or a seed or other plant material that is being
21 used or that will be used to grow or develop a plant.

22 (b) If the violation of s. 943.01 (1) involves the circumstances under s. 943.01
23 (2d), the court may award a prevailing plaintiff the reasonable attorney fees incurred
24 in litigating the action and, when determining the damages recoverable under sub.

1 (3), shall include the market value of the plant before the damage or destruction, and
2 the costs of production, research, testing, replacement, and plant development
3 directly related to the plant that has been damaged or destroyed.

4 **SECTION 3871w.** 895.80 (5) of the statutes is amended to read:

5 895.80 (5) No person may bring a cause of action under both this section and
6 s. 95.195, 943.212, 943.245 or 943.51 regarding the same incident or occurrence. If
7 the plaintiff has a cause of action under both this section and s. 943.212, 943.245 or
8 943.51 regarding the same incident or occurrence, the plaintiff may choose which
9 action to bring. If the plaintiff has a cause of action under both this section and s.
10 95.195, the plaintiff must bring the action under s. 95.195.”

11 ✓ **1501.** Page 1219, line 4: after that line insert:

12 “**SECTION 3871m.** 898.14 of the statutes is repealed.”

13 ✓ **1502.** Page 1219, line 4: after that line insert:

14 “**SECTION 3871m.** 895.81 of the statutes is created to read:

15 **895.81 Civil action for domestic abuse or sexual assault.** (1) Any person
16 who suffers damages as the result of intentional conduct that is prohibited under s.
17 940.225, or as the result of domestic abuse, as defined in s. 813.12 (1) (a), has a cause
18 of action against the person who caused the damage.

19 (2) The burden of proof in a civil action under sub. (1) is with the person who
20 suffers damage or loss to prove his or her case by a preponderance of the credible
21 evidence.

22 (3) If the plaintiff prevails in a civil action under sub. (1), he or she may recover
23 all of the following:

24 (a) Treble damages.

1 (b) All costs of investigation and litigation that were reasonably incurred.

2 (4) A person may bring a civil action under sub. (1) regardless of whether there
3 has been a criminal action related to the loss or damage under sub. (1) and regardless
4 of the outcome of any such criminal action.”.

5 ✓ **1503.** Page 1219, line 4: after that line insert:

6 “SECTION 3866d. 895.52 (2) (a) 2. of the statutes is amended to read:

7 895.52 (2) (a) 2. A duty to inspect the property, except as provided under s. ss.
8 23.115 (2) and 28.045 (3).

9 SECTION 3866h. 895.52 (3) (b) of the statutes is amended to read:

10 895.52 (3) (b) A death or injury caused by a malicious act or by a malicious
11 failure to warn against an unsafe condition of which an officer, employee or agent
12 knew, which occurs on property designated by the department of natural resources
13 under s. 23.115, designated by the department of forestry under s. 28.045 or
14 designated by another state agency for a recreational activity.

15 SECTION 3866p. 895.53 (1) (am) of the statutes is created to read:

16 895.53 (1) (am) “State forest ranger” means a person appointed as a state forest
17 ranger by the department of forestry under s. 28.92.

18 SECTION 3866t. 895.53 (2) of the statutes is amended to read:

19 895.53 (2) Any person withdrawing blood at the request of a traffic officer, law
20 enforcement officer, state forest ranger, or conservation warden for the purpose of
21 determining the presence or quantity of alcohol, controlled substances, controlled
22 substance analogs or any combination of alcohol, controlled substances and
23 controlled substance analogs is immune from any civil or criminal liability for the
24 act, except for civil liability for negligence in the performance of the act.”.

1 ✓ **1504.** Page 1219, line 9: substitute “885.38 (1) (b).” for “885.37 (1g).”.

2 ✓ **1505.** Page 1219, line 15: after that line insert:

3 “**SECTION 3872v.** 908.03 (6m) (b) (intro.) of the statutes is amended to read:

4 908.03 (6m) (b) *Authentication witness unnecessary.* (intro.) ~~A~~ The testimony
5 of a custodian or other qualified witness required by sub. (6) is unnecessary if the
6 party who intends to offer health care provider records into evidence at a trial or
7 hearing does one of the following at least 40 20 days before the trial or hearing.”.

8 ✓ **1506.** Page 1219, line 15: after that line insert:

9 “**SECTION 3872x.** 908.03 (6m) (d) of the statutes is amended to read:

10 908.03 (6m) (d) *Fees.* The Before January 1, 2003, the department of health
11 and family services shall, by rule, prescribe uniform fees that are based on an
12 approximation of ~~the~~ actual costs. The fees, plus applicable tax, are the maximum
13 amount that a health care provider may charge under par. (c) 3. for certified duplicate
14 patient health care records. The rule shall also allow the health care provider to
15 charge for actual postage or other actual delivery costs. The commencement of an
16 action is not a prerequisite for the application of this paragraph.

17 **SECTION 3872y.** 908.03 (6m) (d) of the statutes, as affected by 2001 Wisconsin
18 Act (this act), is amended to read:

19 908.03 (6m) (d) *Fees.* ~~Before January 1, 2003~~ After December 31, 2002, the
20 department of health and family services shall, by rule, prescribe uniform fees that
21 are based on an approximation of actual costs. The fees, plus applicable tax, are the
22 maximum amount that a health care provider may charge for certified duplicate
23 patient health care records. The rule shall also allow the health care provider to
24 charge for actual postage or other actual delivery costs. The commencement of an

1 ~~action is not a prerequisite for the application of this paragraph~~ For duplicate patient
2 health care records and duplicate X-ray reports or the referral of X-rays to another
3 health care provider that are requested before commencement of an action, s. 146.83
4 (1) (b) and (c) and (3m) applies.”.

5 ✓ **1507.** Page 1219, line 16: delete lines 16 to 21.

6 ✓ **1508.** Page 1219, line 21: after that line insert:

7 “**SECTION 3878e.** 938.17 (2) (h) 1. of the statutes is amended to read:

8 938.17 (2) (h) 1. If a juvenile who has violated a municipal ordinance, other
9 than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition of his or
10 her dispositional order, the municipal court may impose on the juvenile any of the
11 sanctions specified in s. 938.355 (6) (d) 2. to 4- 5. that are authorized under par. (cm)
12 except for monitoring by an electronic monitoring system or may petition the court
13 assigned to exercise jurisdiction under this chapter and ch. 48 to impose on the
14 juvenile the sanction specified in s. 938.355 (6) (d) 1. or home detention with
15 monitoring by an electronic monitoring system as specified in s. 938.355 (6) (d) 3., if
16 authorized under par. (cm), if at the time of judgment the court explained the
17 conditions to the juvenile and informed the juvenile of the possible sanctions under
18 s. 938.355 (6) (d) that are authorized under par. (cm) for a violation or if before the
19 violation the juvenile has acknowledged in writing that he or she has read, or has had
20 read to him or her, those conditions and possible sanctions and that he or she
21 understands those conditions and possible sanctions.”.

22 ✓ **1509.** Page 1219, line 21: after that line insert:

23 “**SECTION 3878.** 938.17 (2) (d) of the statutes is amended to read:

1 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
2 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
3 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
4 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
5 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
6 imposed by the municipal court, the court may not impose a jail sentence but may
7 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
8 years, or, ~~unless the forfeiture was imposed for violating an ordinance unrelated to~~
9 ~~the juvenile's operation of a motor vehicle, may suspend the juvenile's operating~~
10 ~~privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years~~
11 ~~more than 2 years.~~ If a court suspends a license or privilege under this section, the
12 court shall immediately take possession of the applicable license and forward it to
13 the department that issued the license, together with the notice of suspension clearly
14 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
15 the forfeiture is paid during the period of suspension, the court shall immediately
16 notify the department, which shall thereupon return the license to the person.”.

17 ✓ **1510.** Page 1219, line 21: after that line insert:

18 “SECTION 3876x. 938.02 (15) of the statutes is amended to read:

19 938.02 (15) “Relative” means a parent, grandparent, greatgrandparent,
20 stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt, whether by
21 blood, marriage, or adoption.”.

22 ✓ **1511.** Page 1219, line 22: delete lines 22 to 25.

23 ✓ **1512.** Page 1220, line 1: delete lines 1 to 7 and substitute:

24 “SECTION 3879d. 938.183 (3) of the statutes is amended to read:

1 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.
2 (1m) or (2) attains the age of 17 years, the department may place the juvenile in a
3 state prison named in s. 302.01, except that the department may not place any person
4 under the age of 18 years in the correctional institution authorized in s. 301.16 (1n).

5 If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15 years
6 of age or over, the department may transfer the juvenile to the Racine youthful
7 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). A
8 juvenile who is subject to a criminal penalty under sub. (1m) or (2) for an act
9 committed before December 31, 1999, is eligible for parole under s. 304.06.”

10 ✓ **1513.** Page 1220, line 8: delete lines 8 to 14.

11 ✓ **1514.** Page 1223, line 4: after that line insert:

12 “SECTION 3889e. 938.245 (2) (a) 9m. of the statutes is created to read:

13 938.245 (2) (a) 9m. That the juvenile report to a youth report center after
14 school, in the evening, on weekends, on other nonschool days, or at any other time
15 that the juvenile is not under immediate adult supervision, for participation in the
16 social, behavioral, academic, community service, and other programming of the
17 center. Section 938.34 (5g) applies to any community service work performed by a
18 juvenile under this subdivision.

19 SECTION 3889g. 938.245 (5) of the statutes is amended to read:

20 938.245 (5) A deferred prosecution agreement ~~under sub. (2) (a) 1. to 8., (2g)~~
21 ~~or (2v).~~ may be terminated upon the request of the juvenile, parent, guardian, or legal
22 custodian.”.

23 ✓ **1515.** Page 1223, line 4: after that line insert:

1 “**SECTION 3887.** 938.21 (5) (b) of the statutes is renumbered 938.21 (5) (b)
2 (intro.) and amended to read:

3 938.21 (5) (b) (intro.) An order relating to a juvenile held in custody outside of
4 his or her home shall also ~~describe~~ include all of the following:

5 1. A description of any efforts that were made to permit the juvenile to remain
6 at home and the services that are needed to ensure the juvenile’s well-being, to
7 enable the juvenile to return safely to his or her home, and to involve the parents in
8 planning for the juvenile.

9 **SECTION 3888.** 938.21 (5) (b) 2. of the statutes is created to read:

10 938.21 (5) (b) 2. If the juvenile is held in custody outside the home in a
11 placement recommended by the intake worker, a statement that the court approves
12 the placement recommended by the intake worker or, if the juvenile is placed outside
13 the home in a placement other than a placement recommended by the intake worker,
14 a statement that the court has given bona fide consideration to the recommendations
15 made by the intake worker and all parties relating to the placement of the juvenile.”.

16 ✓ **1516.** Page 1223, line 4: after that line insert:

17 “**SECTION 3889p.** 938.293 (2) of the statutes is amended to read:

18 938.293 (2) All records relating to a juvenile which are relevant to the subject
19 matter of a proceeding under this chapter shall be open to inspection by a guardian
20 ad litem or counsel for any party, upon demand and upon presentation of releases
21 where necessary, at least 48 hours before the proceeding. Persons entitled to inspect
22 the records may obtain copies of the records with the permission of the custodian of
23 the records or with the permission of the court. The court may instruct counsel not
24 to disclose specified items in the materials to the juvenile or the parent if the court

1 reasonably believes that the disclosure would be harmful to the interests of the
2 juvenile. ~~Sections~~ Section 971.23 and 972.11 (5) shall be applicable in all delinquency
3 proceedings under this chapter, except that the court shall establish the timetable
4 for the disclosures required under ss. s. 971.23 (1), (2m) and, (8), and 972.11 (5) (9).

5 **SECTION 3889r.** 938.299 (4) (a) of the statutes is amended to read:

6 938.299 (4) (a) Chapters 901 to 911 govern the presentation of evidence at the
7 fact-finding hearing under s. 938.31. ~~Section 972.11 (5) applies at fact-finding~~
8 ~~proceedings in all delinquency proceedings under this chapter.”.~~

9 ✓ **1517.** Page 1223, line 7: after that line insert:

10 **“SECTION 3890e.** 938.32 (1) (a) of the statutes is amended to read:

11 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
12 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
13 commissioner may suspend the proceedings and place the juvenile under
14 supervision in the juvenile’s own home or present placement. The court may
15 establish terms and conditions applicable to the parent, guardian, or legal custodian,
16 and to the juvenile, including any of the conditions specified in subs. (1d), (1g), (1m),
17 (1p), (1t), (1v), and (1x). The order under this section shall be known as a consent
18 decree and must be agreed to by the juvenile; the parent, guardian, or legal
19 custodian; and the person filing the petition under s. 938.25. If the consent decree
20 includes any conditions specified in sub. (1g), the consent decree shall include
21 provisions for payment of the services as specified in s. 938.361. The consent decree
22 shall be reduced to writing and given to the parties.

23 **SECTION 3890g.** 938.32 (1p) of the statutes is created to read:

1 **938.32 (1p)** The judge or juvenile court commissioner may establish as a
2 condition under sub. (1) that the juvenile report to a youth report center after school,
3 in the evening, on weekends, on other nonschool days, or at any other time that the
4 juvenile is not under immediate adult supervision, for participation in the social,
5 behavioral, academic, community service, and other programming of the center.
6 Section 938.34 (5g) applies to any community service work performed by a juvenile
7 under this subsection.

8 **SECTION 3893t.** 938.34 (7j) of the statutes is created to read:

9 **938.34 (7j) YOUTH REPORT CENTER.** Order the juvenile to report to a youth report
10 center after school, in the evening, on weekends, on other nonschool days, or at any
11 other time that the juvenile is not under immediate adult supervision, for
12 participation in the social, behavioral, academic, community service, and other
13 programming of the center. Subsection (5g) applies to any community service work
14 performed by a juvenile under this subsection.

15 **SECTION 3894s.** 938.342 (1d) (c) of the statutes is created to read:

16 **938.342 (1d) (c)** Order the person to report to a youth report center after school,
17 in the evening, on weekends, on other nonschool days, or at any other time that the
18 person is not under immediate adult supervision, for participation in the social,
19 behavioral, academic, community service, and other programming of the center.
20 Section 938.34 (5g) applies to any community service work performed by a person
21 under this paragraph.

22 **SECTION 3894t.** 938.342 (1g) (k) of the statutes is created to read:

23 **938.342 (1g) (k)** Order the person to report to a youth report center after school,
24 in the evening, on weekends, on other nonschool days, or at any other time that the
25 juvenile is not under immediate adult supervision, for participation in the social,

1 behavioral, academic, community service, and other programming of the center.
2 Section 938.34 (5g) applies to any community service work performed by a person
3 under this paragraph.

4 **SECTION 3895f.** 938.343 (3m) of the statutes is created to read:

5 938.343 (3m) Order the juvenile to report to a youth report center after school,
6 in the evening, on weekends, on other nonschool days, or at any other time that the
7 juvenile is not under immediate adult supervision, for participation in the social,
8 behavioral, academic, community service, and other programming of the center.
9 Section 938.34 (5g) applies to any community service work performed by a juvenile
10 under this subsection.

11 **SECTION 3895j.** 938.344 (2g) (a) 5. of the statutes is created to read:

12 938.344 (2g) (a) 5. Report to a youth report center after school, in the evening,
13 on weekends, on other nonschool days, or at any other time that the juvenile is not
14 under immediate adult supervision, for participation in the social, behavioral,
15 academic, community service, and other programming of the center. Section 938.34
16 (5g) applies to any community service work performed by a juvenile under this
17 subdivision.

18 **SECTION 3897v.** 938.355 (6) (d) 5. of the statutes is created to read:

19 938.355 (6) (d) 5. Participation after school, in the evening, on weekends, on
20 other nonschool days, or at any other time that the juvenile is not under immediate
21 adult supervision, in the social, behavioral, academic, community service, and other
22 programming of a youth report center. Subdivision 4. and s. 938.34 (5g) apply to any
23 community service work performed by a juvenile under this subdivision.”.

24 ✓ **1518.** Page 1223, line 7: after that line insert:

1 “**SECTION 3894.** 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act
2 185, is amended to read:

3 **938.34 (8) FORFEITURE.** Impose a forfeiture based upon a determination that
4 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
5 maximum forfeiture that the court may impose under this subsection for a violation
6 by a juvenile is the maximum amount of the fine that may be imposed on an adult
7 for committing that violation or, if the violation is applicable only to a person under
8 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
9 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
10 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
11 other alternatives under this section, in accordance with the conditions specified in
12 this chapter; or the court may suspend any license issued under ch. 29 for not less
13 than 30 days nor more than 5 years, ~~or, unless the forfeiture was imposed for~~
14 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~
15 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more
16 than 2 years. If the court suspends any license under this subsection, the clerk of the
17 court shall immediately take possession of the suspended license and forward it to
18 the department which issued the license, together with a notice of suspension clearly
19 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
20 the forfeiture is paid during the period of suspension, the suspension shall be reduced
21 to the time period which has already elapsed and the court shall immediately notify
22 the department which shall then return the license to the juvenile. Any recovery
23 under this subsection shall be reduced by the amount recovered as a forfeiture for
24 the same act under s. 938.45 (1r) (b).

1 **SECTION 3895.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act
2 185, is amended to read:

3 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
4 be imposed on an adult for committing that violation or, if the violation is only
5 applicable to a person under 18 years of age, \$50. Any such order shall include a
6 finding that the juvenile alone is financially able to pay and shall allow up to 12
7 months for the payment. If a juvenile fails to pay the forfeiture, the court may
8 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~
9 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~
10 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less
11 more than 2 years. The court shall immediately take possession of the suspended
12 license and forward it to the department which issued the license, together with the
13 notice of suspension clearly stating that the suspension is for failure to pay a
14 forfeiture imposed by the court. If the forfeiture is paid during the period of
15 suspension, the court shall immediately notify the department, which will thereupon
16 return the license to the person. Any recovery under this subsection shall be reduced
17 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).”.

18 ✓ **1519.** Page 1223, line 7: after that line insert:

19 **SECTION 3897.** 938.355 (2) (b) 6m. of the statutes is created to read:

20 938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement
21 recommended by the agency designated under s. 938.33 (1), a statement that the
22 court approves the placement recommended by the agency or, if the juvenile is placed
23 outside the home in a placement other than a placement recommended by that
24 agency, a statement that the court has given bona fide consideration to the

1 recommendations made by the agency and all parties relating to the juvenile's
2 placement.”.

3 ✓ **1520.** Page 1223, line 20: after that line insert:

4 “**SECTION 3900k.** 938.355 (6m) (a) (intro.) of the statutes is amended to read:

5 938.355 (**6m**) (a) (intro.) If the court finds by a preponderance of the evidence
6 that a juvenile who has been found to have violated a municipal ordinance enacted
7 under s. 118.163 (2) or who has been found to be in need of protection or services
8 under s. 938.13 (6) has violated a condition specified under sub. (2) (b) 7., the court
9 may order as a sanction any combination of the sanctions specified in subds. 1g. to
10 ~~3.~~ 4. and the dispositions specified in s. 938.342 (1g) (d) to (j) and (1m), regardless of
11 whether the disposition was imposed in the order violated by the juvenile, if at the
12 dispositional hearing under s. 938.335 the court explained those conditions to the
13 juvenile and informed the juvenile of the possible sanctions under this paragraph for
14 a violation or if before the violation the juvenile has acknowledged in writing that
15 he or she has read, or has had read to him or her, those conditions and possible
16 sanctions and that he or she understands those conditions and possible sanctions.
17 The court may order as a sanction under this paragraph any of the following:

18 **SECTION 3900n.** 938.355 (6m) (a) 4. of the statutes is created to read:

19 938.355 (**6m**) (a) 4. Participation after school, in the evening, on weekends, on
20 other nonschool days, or at any other time that the juvenile is not under immediate
21 adult supervision, in the social, behavioral, academic, community service, and other
22 programming of a youth report center. Subdivision 2. and s. 938.34 (5g) apply to any
23 community service work performed by a juvenile under this subdivision.

24 **SECTION 3900p.** 938.355 (6m) (ag) of the statutes is amended to read:

1 938.355 (6m) (ag) If the court finds by a preponderance of the evidence that a
2 juvenile who has been found to have violated a municipal ordinance enacted under
3 s. 118.163 (1m) has violated a condition specified under sub. (2) (b) 7., the court may
4 order as a sanction any combination of the operating privilege suspension specified
5 in par. (a) and the dispositions specified in s. 938.342 (1g) (b) to (j) (k) and (1m),
6 regardless of whether the disposition was imposed in the order violated by the
7 juvenile, if at the dispositional hearing under s. 938.335 the court explained those
8 conditions to the juvenile and informed the juvenile of the possible sanctions under
9 this paragraph for a violation or if before the violation the juvenile has acknowledged
10 in writing that he or she has read, or has had read to him or her, those conditions and
11 possible sanctions and that he or she understands those conditions and possible
12 sanctions.”.

13 ✓ **1521.** Page 1223, line 20: after that line insert:

14 “SECTION 3901. 938.357 (2v) of the statutes is created to read:

15 938.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in
16 placement would place the juvenile outside the home in a placement recommended
17 by the person or agency primarily responsible for implementing the dispositional
18 order, the change in placement order shall include a statement that the court
19 approves the placement recommended by the person or agency or, if the juvenile is
20 placed outside the home in a placement other than a placement recommended by that
21 person or agency, a statement that the court has given bona fide consideration to the
22 recommendations made by that person or agency and all parties relating to the
23 juvenile’s placement.”.

24 ✓ **1522.** Page 1224, line 14: before that line insert:

1 **“SECTION 3908g.** 938.46 of the statutes is amended to read:

2 **938.46 New evidence.** A juvenile whose status is adjudicated by the court
3 under this chapter, or the juvenile’s parent, guardian or legal custodian, may at any
4 time within one year after the entering of the court’s order petition the court for a
5 rehearing on the ground that new evidence has been discovered affecting the
6 advisability of the court’s original adjudication. Upon a showing that such evidence
7 does exist, the court shall order a new hearing. This section does not apply to motions
8 made under s. 974.07 (2).”.

9 ✓**1523.** Page 1224, line 13: delete that line.

10 ✓**1524.** Page 1226, line 12: delete lines 12 to 25.

11 ✓**1525.** Page 1227, line 1: delete lines 1 to 25.

12 ✓**1526.** Page 1228, line 1: delete lines 1 to 24.

13 ✓**1527.** Page 1229, line 1: delete lines 1 to 25.

14 ✓**1528.** Page 1230, line 1: delete lines 1 to 21 and substitute:

15 **“SECTION 3921d.** 938.538 (4) (a) of the statutes is amended to read:

16 938.538 (4) (a) A participant in the serious juvenile offender program is under
17 the supervision and control of the department, is subject to the rules and discipline
18 of the department and is considered to be in custody, as defined in s. 946.42 (1) (a).
19 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or
20 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2
21 secured correctional facility the department may, without a hearing, take the
22 participant into custody and return him or her to placement in a Type 1 secured
23 correctional facility, a secured child caring institution or, if the participant is 17 years
24 of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any intentional failure of

1 a participant to remain within the extended limits of his or her placement while
2 participating in the serious juvenile offender program or to return within the time
3 prescribed by the administrator of the division of intensive sanctions in the
4 department is considered an escape under s. 946.42 (3) (c). This paragraph does not
5 preclude a juvenile who has violated a condition of the juvenile's participation in the
6 program under sub. (3) (a) 2. to 9. from being taken into and held in custody under
7 ss. 938.19 to 938.21.”

8 ✓ **1529.** Page 1231, line 7: delete lines 7 to 11.

9 ✓ **1530.** Page 1231, line 12: delete the material beginning with that line and
10 ending with page 1232, line 7.

11 ✓ **1531.** Page 1232, line 19: delete the material beginning with that line and
12 ending with page 1233, line 13, and substitute:

13 “**SECTION 3936c.** 939.74 (2d) of the statutes is created to read:

14 939.74 (2d) (a) In this subsection, “deoxyribonucleic acid profile” means an
15 individual’s patterned chemical structure of genetic information identified by
16 analyzing biological material that contains the individual’s deoxyribonucleic acid.

17 (b) If before the time limitation under sub. (1) expired, the state collected
18 biological material that is evidence of the identity of the person who committed a
19 violation of s. 940.225 (1) or (2), the state identified a deoxyribonucleic acid profile
20 from the biological material, and comparisons of that deoxyribonucleic acid profile
21 to deoxyribonucleic acid profiles of known persons did not result in a probable
22 identification of the person who is the source of the biological material, the state may
23 commence prosecution of the person who is the source of the biological material for
24 violation of s. 940.225 (1) or (2) within 12 months after comparison of the

1 deoxyribonucleic acid profile relating to the violation results in a probable
2 identification of the person.

3 (c) If before the time limitation under sub. (2) (c) expired, the state collected
4 biological material that is evidence of the identity of the person who committed a
5 violation of s. 948.02 (1) or (2) or 948.025, the state identified a deoxyribonucleic acid
6 profile from the biological material, and comparisons of that deoxyribonucleic acid
7 profile to deoxyribonucleic acid profiles of known persons did not result in a probable
8 identification of the person who is the source of the biological material, the state may
9 commence prosecution of the person who is the source of the biological material for
10 violation of s. 948.02 (1) or (2) or 948.025 within 12 months after comparison of the
11 deoxyribonucleic acid profile relating to the violation results in a probable
12 identification of the person.”

(M)

13 **1532.** Page 1236, line 12: after that line insert:

(N)

14 “SECTION 3938r. 942.06 (2m) (b) of the statutes is amended to read:

15 942.06 (2m) (b) An employee or agent of the department of health and family
16 services who conducts a lie detector test of a person under the rules promulgated
17 under s. 51.375.

18 SECTION 3938s. 942.06 (2q) (b) (intro.) of the statutes is amended to read:

19 942.06 (2q) (b) (intro.) An employee or agent of the department of health and
20 family services who discloses, to any of the following, the fact that a person has had
21 a lie detector test under the rules promulgated under s. 51.375 or the results of such
22 a lie detector test:

23 SECTION 3938t. 942.06 (2q) (b) 1. of the statutes is amended to read: