

**CONFERENCE AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55**

July 26, 2001 – Offered by COMMITTEE OF CONFERENCE.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 3: before that line insert:

3 “**SECTION 1bg.** 1.055 (1) of the statutes is amended to read:

4 1.055 (1) Consent of this state is given to the acquisition by the United States  
5 by purchase, gift, lease or condemnation, with adequate compensation therefor, of  
6 such areas of land not exceeding 2,000,000 acres as the United States deems  
7 necessary for the establishment of national forests in the state, in accordance with  
8 the act of congress approved June 7, 1924, and the board of commissioners of public  
9 lands are authorized to sell and convey for a fair consideration to the United States  
10 any state lands included within such areas; provided, that this state shall retain  
11 concurrent jurisdiction with the United States in and over such areas so far that civil  
12 process, in all cases, and such criminal process as may issue under the authority of

1 this state against any persons charged with the commission of any crime within or  
2 without said areas, may be executed thereon in like manner as if this consent had  
3 not been given. Provided, further, that the boundaries of any areas so selected shall  
4 be first approved by the governor, the board of commissioners of public lands, the  
5 department of natural resources, the department of forestry, and the county board  
6 of each county in which any such area is located.

7 **SECTION 1br.** 1.056 of the statutes is amended to read:

8 **1.056 State conservation areas.** Consent of this state is given to the United  
9 States to acquire by purchase, gift, lease, or condemnation, with adequate  
10 compensation therefor, areas of land and water within boundaries approved by the  
11 governor and the county board of the county in which the land is located, for the  
12 establishment of state forests, state parks or other state conservation areas to be  
13 administered by the state under long-term leases, treaties or cooperative  
14 agreements, ~~which the~~ The department of natural resources is hereby authorized,  
15 on behalf of the state, to enter into ~~on behalf of the state,~~ with the federal  
16 government, such leases, treaties, or cooperative agreements covering land under its  
17 jurisdiction. The department of forestry is authorized, on behalf of the state, to enter  
18 into, with the federal government, such leases, treaties, or cooperative agreements  
19 covering land under its jurisdiction.”

20 **2.** Page 2, line 25: after that line insert:

21 **“SECTION 72m.** 7.03 (1) (a) of the statutes is amended to read:

22 7.03 **(1)** (a) A reasonable daily compensation shall be paid to each inspector,  
23 voting machine custodian, automatic tabulating equipment technician, member of  
24 a board of canvassers, messenger and tabulator who is employed and performing

1 duties under chs. 5 to 12. Daily compensation shall also be provided for attendance  
2 at training sessions and examinations required by the board under s. 7.31.  
3 Alternatively, such officials may be paid by the hour at a proportionate rate for each  
4 hour actually worked.

5 **SECTION 81aa.** 7.15 (1) (e) of the statutes is amended to read:

6 7.15 (1) (e) ~~Instruct~~ In coordination with the board, instruct election officials  
7 in their duties, calling them together whenever advisable, advise them of changes  
8 in laws, rules and procedures affecting the performance of their duties, and  
9 administer examinations as authorized under s. 7.30 (2) (c). The clerk shall assure  
10 that officials who serve at polling places where an electronic voting system is used  
11 are familiar with the system and competent to instruct electors in its proper use. The  
12 clerk shall inspect systematically and thoroughly the conduct of elections in the  
13 municipality so that elections are honestly, efficiently and uniformly conducted.

14 **SECTION 83ab.** 7.30 (1) of the statutes is amended to read:

15 7.30 (1) NUMBER. There shall be 7 inspectors for each polling place at each  
16 election. In municipalities where voting machines are used, the municipal governing  
17 body may reduce the number of inspectors to 5. A municipal governing body may  
18 provide for the appointment of additional inspectors whenever more than one voting  
19 machine is used or wards are combined under s. 5.15 (6) (b). A municipal governing  
20 body may provide by ordinance for the selection of alternate officials or the selection  
21 of 2 or more sets of officials to work at different times on election day, and may permit  
22 the municipal clerk or board of election commissioners to establish different working  
23 hours for different officials assigned to the same polling place. Alternate officials  
24 shall also be appointed in a number sufficient to maintain adequate staffing of  
25 polling places. Unless officials are appointed without regard to party affiliation

1 under sub. (4) (c), additional officials shall be appointed in such a manner that the  
2 total number of officials is an odd number and the predominant party under sub. (2)  
3 is represented by one more official than the other party.

4 **SECTION 85m.** 7.30 (6) (b) of the statutes is amended to read:

5 7.30 **(6)** (b) Prior to the first election following the appointment of the  
6 inspectors, the inspectors at each polling place shall elect one of their number to act  
7 as chief inspector. No person may serve as chief inspector at any election who is not  
8 certified by the board under s. 7.31 at the time of the election. The chief inspector  
9 shall hold the position for the remainder of the term unless the inspector ceases to  
10 be certified under s. 7.31, except that whenever wards are combined or separated  
11 under s. 5.15 (6) (b), the inspectors shall elect a new chief inspector who is certified  
12 under s. 7.31. If a vacancy occurs in the position of chief inspector, the municipal  
13 clerk shall appoint one of the other inspectors who is certified under s. 7.31 to fill the  
14 vacancy.

15 **SECTION 85s.** 7.31 of the statutes is created to read:

16 **7.31 Training and certification of chief inspectors.** **(1)** The board shall,  
17 by rule, prescribe requirements for certification of individuals to serve as chief  
18 inspectors.

19 **(2)** No individual may serve as a chief inspector at a polling place in an election  
20 unless the individual is certified by the board to hold that office on the date of the  
21 election at which the individual serves.

22 **(3)** The board shall, upon application, issue certificates to qualified individuals  
23 who meet the requirements to be certified as chief inspectors. Each certificate shall  
24 carry an expiration date.

1           **(4)** The board shall require each individual to whom a certificate is issued  
2 under this section to meet requirements to maintain that certification. The board  
3 shall renew the certificate of any individual who requests renewal and who meets the  
4 requirements prescribed under this subsection.

5           **(5)** The board shall conduct regular training and administer examinations to  
6 ensure that individuals who are certified by the board under this section are  
7 knowledgeable concerning their authority and responsibilities. The board shall pay  
8 all costs required to conduct the training and to administer the examinations from  
9 the appropriation under s. 20.510 (1) (b).”.

10           **3.** Page 2, line 25: after that line insert:

11           “**SECTION 2m.** 5.02 (1e) of the statutes is amended to read:

12           5.02 **(1e)** “Ballot” means a ~~tabulating card~~, ballot label, sheet of paper or  
13 envelope on which votes are recorded. The term also includes a sheet or card,  
14 filmstrip or other device listing or containing information relative to offices,  
15 candidates and referenda which is placed, projected or composed on the board or  
16 screen inside a voting machine.

17           **SECTION 2p.** 5.02 (1m) of the statutes is repealed.

18           **SECTION 8m.** 5.35 (2) of the statutes is amended to read:

19           5.35 **(2)** VOTING BOOTHS. There shall be one voting booth for every 200 electors  
20 who voted at the last general election. The booths shall have a surface on which to  
21 write or work and be sufficiently enclosed to assure privacy for the elector and anyone  
22 lawfully assisting the elector while marking ~~or punching~~ the elector’s ballot.

23           **SECTION 8p.** 5.35 (6) (b) of the statutes is amended to read:

1           5.35 (6) (b) At each polling place in the state where a consolidated ballot under  
2 s. 5.655 is used or an electronic voting system is utilized at a partisan primary  
3 election incorporating a ballot upon which electors may mark ~~or punch~~ votes for  
4 candidates of more than one recognized political party or for candidates of a  
5 recognized political party and independent candidates, the municipal clerk or board  
6 of election commissioners shall prominently post a sign in the form prescribed by the  
7 board warning electors in substance that on any ballot with votes cast for candidates  
8 of more than one recognized political party or any ballot with votes cast for  
9 candidates of a recognized political party and independent candidates, no votes cast  
10 for any candidates for partisan office will be counted unless a preference for a party  
11 or for the independent candidates is made. If the elector designates a preference,  
12 only votes cast for candidates of that preference will be counted.

13           **SECTION 9e.** 5.54 of the statutes is amended to read:

14           **5.54 Notice to electors.** Every ballot, except a ~~ballot label~~ or voting machine  
15 ballot, shall bear substantially the following information on the face: “NOTICE TO  
16 ELECTORS: This ballot may be invalid unless initialed by 2 election inspectors. If cast  
17 as an absentee ballot, the ballot must bear the initials of the municipal clerk or  
18 deputy clerk.

19           **SECTION 9g.** 5.55 of the statutes is amended to read:

20           **5.55 Ballot identification.** On every ballot, except a ~~ballot label~~ or voting  
21 machine ballot, shall be printed “Official .... Ballot” or “Official .... Ballot for ....”  
22 followed by the designation of the polling place for which the ballot has been  
23 prepared, the date of the election, and the official endorsement and blank  
24 certificates. The number of the ward or wards or aldermanic district, if any, and the  
25 name of the municipality may be omitted in printing and stamped or written on the

1 ballots at any location which is clearly visible at the option of the county clerk.  
2 Printed information and initials shall appear on the back and outside of the ballot.  
3 ~~When a ballot card is employed with an electronic voting system, the date of the~~  
4 ~~election may be printed or stamped on the back of the ballot card in such a manner~~  
5 ~~that the card is not reusable, at the option of the county clerk.~~

6 **SECTION 9i.** 5.66 (2) of the statutes is amended to read:

7 5.66 (2) The county clerk or board of election commissioners shall print a  
8 sufficient number of sample ballots. The municipal clerk or board of election  
9 commissioners shall print sample ballots whenever the municipality prepares  
10 ballots under s. 7.15 (2) (b) or (c). Sample ballots shall be printed on nonwhite colored  
11 paper and shall be overprinted "SAMPLE". Voting machine sample ballots shall be  
12 a reduced size diagram of the face of the board or screen inside the voting machine  
13 with all candidates, issues and voting instructions as they will appear on the official  
14 ballot. Sample ballots to be used with an electronic voting system in which ~~ballot~~  
15 ~~labels and ballot cards~~ ballots that are distributed to electors are used shall be an  
16 actual size copy of the ballot ~~label and ballot card~~. The clerk or board of election  
17 commissioners printing the ballots shall distribute the samples approximately as  
18 follows: 45% shall be kept in the clerk's or board's office and distributed to electors  
19 requesting them; 45% shall be sent to the municipalities, or, if the municipality  
20 prints ballots, 45% shall be sent to the county for distribution to the electors; and 10%  
21 shall be reserved to be sent to the polling places by municipalities in proportion to  
22 the number certified in sub. (1) and made available to electors at the polls on election  
23 day.

24 **SECTION 9k.** 5.68 (3) of the statutes is amended to read:

1           5.68 (3) If voting machines are used or if an electronic voting system is used  
2 in which all candidates and referenda appear on the same ballot card, the ballots for  
3 all national, state and county offices and for county and state referenda shall be  
4 prepared and paid for by the county wherein they are used. If the voting machine  
5 or electronic voting system ballot includes a municipal or school, technical college,  
6 sewerage or sanitary district ballot, the cost of that portion of the ballot shall be  
7 reimbursed to the county or paid for by the municipality or district, except as  
8 provided in a 1st class city school district under sub. (2).

9           **SECTION 9m.** 5.79 of the statutes is amended to read:

10           **5.79 Instruction of electors.** At polling places where an electronic voting  
11 system employing the use of ~~ballot cards or ballot labels~~ ballots and voting devices  
12 is used, the election officials shall offer each elector instruction in the operation of  
13 the voting device and ~~ballot label or ballot card~~ before the elector enters the voting  
14 booth. No instructions may be given after the elector has entered the voting booth,  
15 except as authorized under s. 6.82 (2). All instructions shall be given by election  
16 officials in such a manner that they may be observed by other persons in the polling  
17 place.

18           **SECTION 9n.** 5.81 (1) of the statutes is amended to read:

19           **5.81 (1)** Whenever the statutes provide for the use of separate ballots or  
20 columns or rows for offices, parties or referenda, and an electronic voting system  
21 ~~employing a ballot label or ballot card~~ in which ballots are distributed to electors is  
22 used at a polling place, a single ballot may be used for all offices, referenda and  
23 parties. The ballot information, whether placed on the ballot or on the voting device,  
24 shall, as far as practicable, be grouped and ordered in the same manner as provided  
25 for other ballots under this chapter, except that the information on the ~~ballot card~~



1 need not be in separate columns or rows ~~and the information in the ballot label~~  
2 ~~booklet may appear on a number of pages.~~

3 **SECTION 9p.** 5.81 (2) of the statutes is repealed.

4 **SECTION 9r.** 5.81 (3) of the statutes is amended to read:

5 5.81 (3) If a municipality utilizes an electronic voting system in which ballots  
6 distributed to electors are employed, absentee ballots may consist of ballots utilized  
7 with the system or paper ballots and envelopes voted in person in the office of the  
8 municipal clerk or voted by mail. ~~If a ballot card is used for voting by mail it shall~~  
9 ~~be accompanied by a punching tool or marking device, elector instructions and a~~  
10 ~~sample ballot showing the proper positions to vote on the ballot card for each party,~~  
11 ~~candidate or referendum and, if the ballot card is to be punched, shall be mounted~~  
12 ~~on a suitable material.~~

13 **SECTION 9t.** 5.82 of the statutes is amended to read:

14 **5.82 Write-in ballots.** If the ballot card employed by a municipality does not  
15 provide a space for write-in votes, the municipality shall provide a separate write-in  
16 ballot, which may be in the form of a paper ballot, to permit electors to write in the  
17 names of persons whose names are not on the ballot whenever write-in votes are  
18 authorized.

19 **SECTION 9tm.** 5.84 (1) of the statutes is amended to read:

20 5.84 (1) Where any municipality employs an electronic voting system which  
21 utilizes automatic tabulating equipment, either at the polling place or at a central  
22 counting location, the municipal clerk shall, on any day not more than 10 days prior  
23 to the election day on which the equipment is to be utilized, have the equipment  
24 tested to ascertain that it will correctly count the votes cast for all offices and on all  
25 measures. Public notice of the time and place of the test shall be given by the clerk

1 at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in  
2 one or more newspapers published within the municipality if a newspaper is  
3 published therein, otherwise in a newspaper of general circulation therein. The test  
4 shall be open to the public. The test shall be conducted by processing a preaudited  
5 group of ballots so ~~punched or~~ marked as to record a predetermined number of valid  
6 votes for each candidate and on each referendum. The test shall include for each  
7 office one or more ballots which have votes in excess of the number allowed by law  
8 and, for a partisan primary election, one or more ballots which have votes cast for  
9 candidates of more than one recognized political party, in order to test the ability of  
10 the automatic tabulating equipment to reject such votes. If any error is detected, the  
11 municipal clerk shall ascertain the cause and correct the error. The clerk shall make  
12 an errorless count before the automatic tabulating equipment is approved by the  
13 clerk for use in the election.

14 **SECTION 9w.** 5.85 (2) and (3) of the statutes are amended to read:

15 5.85 (2) The election officials shall examine the ballots or record of votes cast  
16 for write-in votes and shall count and tabulate the write-in votes. When an  
17 electronic voting system is used which utilizes a ballot which is distributed to  
18 electors, before separating the remaining ballot cards ballots from their respective  
19 covering envelopes, the election officials shall examine the ballots for write-in votes.  
20 When an elector has cast a write-in vote, the election officials shall compare the  
21 write-in vote with the votes on the ballot to determine whether the write-in vote  
22 results in an overvote for any office. In case of an overvote for any office, the election  
23 officials shall make a true duplicate ballot of all votes on the ballot card except for  
24 the office which is overvoted, by using the an official ballot label booklet and voting  
25 device for the ward, if any of that kind used by the elector who voted the original

1 ballot, and one of the ~~punching or~~ marking devices so as to transfer all votes of the  
2 elector except for the office overvoted, to an official ballot of that kind used in the  
3 ward at that election. Unless election officials are selected under s. 7.30 (4) (c)  
4 without regard to party affiliation, the election officials shall consist in each case of  
5 at least one election official of each of the 2 major political parties, whenever officials  
6 of both parties are present. Write-in votes shall be counted as provided in s. 7.50 (2)  
7 (d). The original ballot upon which there is an overvote shall be clearly labeled  
8 “Overvoted Ballot” and the ballot so produced “Duplicate Overvoted Ballot”, and  
9 each shall bear the same serial number which shall be placed thereon by the election  
10 officials, commencing with number “1” and continuing consecutively for each of the  
11 ballots of that kind in that ward or election district. The election officials shall initial  
12 the “Duplicate Overvoted Ballot” ballots and shall place them in the container for  
13 return of the ballots. The “Overvoted Ballot” ballots and their envelopes shall be  
14 placed in the “Original Ballots” envelope. Ballots bearing write-in votes marked in  
15 the place designated therefor and bearing the initials of an election official and not  
16 resulting in an overvote and otherwise complying with the election laws as to  
17 marking shall be counted, tallied, and their votes recorded on a tally sheet provided  
18 by the municipal clerk. ~~Ballot cards~~ Ballots and ballot card envelopes shall be  
19 separated and all ballots except any which are defective or overvoted shall be placed  
20 separately in the container for return of the ballots, along with the ballots marked  
21 “Duplicate Overvoted Ballots”.

22 **(3)** The election officials shall examine the ballots to determine if any is  
23 damaged or defective so that it cannot be counted by the automatic tabulating  
24 equipment. If any ballot is damaged or defective so that it cannot be properly counted  
25 by the automatic tabulating equipment, the election officials, in the presence of

1 witnesses, shall make a true duplicate ballot of all votes on that ballot by using the  
2 ~~ballot label booklet and voting device for the ward, if any, and one of the punching~~  
3 ~~or marking devices so as to transfer all votes of the elector to an official ballot of that~~  
4 ~~kind used in the ward by the elector who voted the original ballot~~ in that election.

5 Unless election officials are selected under s. 7.30 (4) (c) without regard to party  
6 affiliation, the election officials shall consist in each case of at least one election  
7 official of each of the 2 major political parties, whenever officials of both parties are  
8 present. The original ballot shall be clearly labeled “Damaged Ballot” and the ballot  
9 so produced “Duplicate Damaged Ballot”, and each shall bear the same number  
10 which shall be placed thereon by the election officials, commencing with number “1”  
11 and continuing consecutively for the ballots of that kind in the ward. The election  
12 officials shall initial the “Duplicate Damaged Ballot” ballots, and shall place them  
13 in the container for return of the ballots. The officials shall place “Damaged Ballot”  
14 ballots and their envelopes in the “Original Ballots” envelope.

15 **SECTION 9x.** 5.91 (14) of the statutes is created to read:

16 5.91 (14) It does not employ any mechanism by which a ballot is punched or  
17 punctured to record the votes cast by an elector.

18 **SECTION 9y.** 5.94 of the statutes is amended to read:

19 **5.94 Sample ballot labels and cards ballots; publication.** When an  
20 electronic voting system employing a ballot label and ballot card that is distributed  
21 to electors is used, the county and municipal clerk of the county and municipality in  
22 which the polling place designated for use of the system is located shall cause to be  
23 published, in the type B notices, a true actual-size copy of the ballot label and ballot  
24 card containing the names of offices and candidates and statements of measures to  
25 be voted on, as nearly as possible, in the form in which they will appear on the official

1     ~~ballot label and ballot card~~ on election day. The notice may be published as a  
2     newspaper insert. Municipal clerks may post the notice if the remainder of the type  
3     B notice is posted.

4             **SECTION 16ab.** 6.15 (3) (a) 1. of the statutes is amended to read:

5             6.15 (3) (a) 1. Upon proper completion of the application and cancellation card,  
6     the municipal clerk shall inform the elector that he or she may vote for the  
7     presidential electors not sooner than 9 days nor later than 5 p.m. on the day before  
8     the election at the office of the municipal clerk, or at a specified polling place on  
9     election day. When voting at the municipal clerk's office, the applicant shall provide  
10    identification and shall mark ~~or punch~~ the ballot in the clerk's presence in a manner  
11    that will not disclose his or her vote. Unless the ballot is utilized with an electronic  
12    voting system, the applicant shall fold the ballot so as to conceal his or her vote. The  
13    applicant shall then deposit the ballot and seal it in an envelope furnished by the  
14    clerk.

15            **SECTION 17ab.** 6.15 (3) (b) of the statutes is amended to read:

16            6.15 (3) (b) *Election day.* An eligible elector may appear at the polling place for  
17    the ward or election district where he or she resides and make application for a ballot  
18    under sub. (2). In such case, the inspector or special registration deputy shall  
19    perform the duties of the municipal clerk. The elector shall provide identification.  
20    If the elector is qualified, he or she shall be permitted to vote. The elector shall mark  
21    ~~or punch~~ the ballot and, unless the ballot is utilized with an electronic voting system,  
22    the elector shall fold the ballot, and shall deposit the ballot into the ballot box or give  
23    it to the inspector. The inspector shall deposit it directly into the ballot box. Voting  
24    machines or ballots utilized with electronic voting systems may only be used by

1 electors voting under this section if they permit voting for president and vice  
2 president only.

3 **SECTION 19m.** 6.22 (4) and (5) of the statutes are amended to read:

4 **6.22 (4) INSTRUCTIONS AND HANDLING.** An individual who qualifies as a military  
5 elector may request an absentee ballot for any election, or for all elections until the  
6 individual otherwise requests or until the individual no longer qualifies as a military  
7 elector. A military elector's application may be received at any time. The municipal  
8 clerk shall not send a ballot for an election if the application is received later than  
9 5 p.m. on the Friday preceding that election. The municipal clerk shall send a ballot,  
10 as soon as available, to each military elector who requests a ballot. The board shall  
11 prescribe the instructions for marking ~~or punching~~ and returning ballots and the  
12 municipal clerk shall enclose instructions with each ballot and shall also enclose  
13 supplemental instructions for local elections. The envelope, return envelope and  
14 instructions may not contain the name of any candidate appearing on the enclosed  
15 ballots other than that of the municipal clerk affixed in the fulfillment of his or her  
16 duties. Whenever the material is mailed, the material shall be prepared and mailed  
17 to make use of the federal free postage laws. The mailing list established under this  
18 subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

19 **(5) VOTING PROCEDURE.** Except as authorized in s. 6.25, the ballot shall be  
20 marked ~~or punched~~ and returned, deposited and recorded in the same manner as  
21 other absentee ballots. In addition, the certification under s. 6.87 (2) shall have a  
22 statement of the elector's birth date. Failure to return any unused ballots in a  
23 primary election does not invalidate the ballot on which the elector casts his or her  
24 votes.

25 **SECTION 22m.** 6.24 (6) and (7) of the statutes are amended to read:

1           **6.24 (6) INSTRUCTIONS AND HANDLING.** The municipal clerk shall send a ballot,  
2 as soon as available, to each overseas elector by whom a request has been made. The  
3 board shall prescribe the instructions for marking ~~or punching~~ and returning ballots  
4 and the municipal clerk shall enclose such instructions with each ballot. The  
5 envelope, return envelope and instructions may not contain the name of any  
6 candidate appearing on the enclosed ballots other than that of the municipal clerk  
7 affixed in the fulfillment of his or her duties. Except as authorized in s. 6.87 (3), the  
8 municipal clerk shall mail the material postage prepaid to any place in the world.  
9 The overseas elector shall provide return postage.

10           **(7) VOTING PROCEDURE.** Except as authorized under s. 6.25, the ballot shall be  
11 marked ~~or punched~~ and returned, deposited and recorded in the same manner as  
12 other absentee ballots. In addition, the certificate shall have a statement of the  
13 elector's birth date. Failure to return the unused ballots in a primary election does  
14 not invalidate the ballot on which the elector casts his or her votes.

15           **SECTION 68ab.** 6.82 (1) (a) and (2) (a) and (b) of the statutes are amended to  
16 read:

17           **6.82 (1) (a)** When any inspectors are informed that an elector is at the entrance  
18 to the polling place who as a result of disability is unable to enter the polling place,  
19 they shall permit the elector to be assisted in marking ~~or punching~~ a ballot by any  
20 individual selected by the elector, except the elector's employer or an agent of that  
21 employer or an officer or agent of a labor organization which represents the elector.  
22 The inspectors shall issue a ballot to the individual selected by the elector and shall  
23 accompany the individual to the polling place entrance where the assistance is to be  
24 given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after  
25 the ballot is marked ~~or punched~~ by the assisting individual. The assisting individual

1 shall then immediately take the ballot into the polling place and give the ballot to an  
2 inspector. The inspector shall distinctly announce that he or she has “a ballot offered  
3 by ... (stating person’s name), an elector who, as a result of disability, is unable to  
4 enter the polling place without assistance”. The inspector shall then ask, “Does  
5 anyone object to the reception of this ballot?” If no objection is made, the inspectors  
6 shall record the elector’s name under s. 6.79 and deposit the ballot in the ballot box,  
7 and shall make a notation on the registration or poll list: “Ballot received at poll  
8 entrance”.

9 (2) (a) If an elector declares to the presiding election official that he or she  
10 cannot read or write, or has difficulty in reading, writing or understanding English  
11 or that due to disability is unable to mark ~~or punch~~ a ballot or depress a button or  
12 lever on a voting machine, the elector shall be informed by the officials that he or she  
13 may have assistance. When assistance is requested, the elector may select any  
14 individual to assist in casting his or her vote. The selected individual rendering  
15 assistance may not be the elector’s employer or an agent of that employer or an officer  
16 or agent of a labor organization which represents the elector. The selected individual  
17 shall certify on the back of the ballot that it was marked ~~or punched~~ with his or her  
18 assistance. Where voting machines are used, certification shall be made on the  
19 registration list.

20 (b) The individual chosen shall enter the voting booth or machine with the  
21 elector and shall read the names of all candidates on the ballot for each office, and  
22 ask, “For which one do you vote?”. The ballot shall be marked ~~or punched~~ or the lever  
23 or button depressed according to the elector’s expressed preference. The individual  
24 selected to assist may not disclose to anyone how the elector voted.”.

25 **SECTION 69e.** 6.87 (3) (d) of the statutes is amended to read:



1           6.87 (3) (d) ~~Unless a municipality uses an electronic voting system that~~  
2 ~~requires an elector to punch a ballot in order to record the elector's votes, a~~ A  
3 municipal clerk of a municipality may, if the clerk is reliably informed by an absent  
4 elector of a facsimile transmission number or electronic mail address where the  
5 elector can receive an absentee ballot, transmit a facsimile or electronic copy of the  
6 absent elector's ballot to that elector in lieu of mailing under this subsection if, in the  
7 judgment of the clerk, the time required to send the ballot through the mail may not  
8 be sufficient to enable return of the ballot by the time provided under sub. (6). An  
9 elector may receive an absentee ballot under this subsection only if the elector has  
10 filed a valid application for the ballot under sub. (1). If the clerk transmits an  
11 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or  
12 electronic copy of the text of the material that appears on the certificate envelope  
13 prescribed in sub. (2), together with instructions prescribed by the board. The  
14 instructions shall require the absent elector to make and subscribe to the  
15 certification as required under sub. (4) and to enclose the absentee ballot in a  
16 separate envelope contained within a larger envelope, that shall include the  
17 completed certificate. The elector shall then mail the absentee ballot with postage  
18 prepaid to the municipal clerk. An absentee ballot received under this paragraph  
19 shall not be counted unless it is cast in the manner prescribed in this paragraph and  
20 in accordance with the instructions provided by the board.

21           **SECTION 69m.** 6.87 (4) and (5) of the statutes are amended to read:

22           6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee  
23 shall make and subscribe to the certification before one witness. The absent elector,  
24 in the presence of the witness, shall mark ~~or punch~~ the ballot in a manner that will  
25 not disclose how the elector's vote is cast. The elector shall then, still in the presence

1 of the witness, fold the ballots if they are paper ballots so each is separate and so that  
2 the elector conceals the markings thereon and deposit them in the proper envelope.  
3 If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot if it is  
4 a paper ballot so that the elector conceals the markings thereon and deposit the ballot  
5 in the proper envelope. The elector may receive assistance under sub. (5). The return  
6 envelope shall then be sealed. The witness may not be a candidate. The envelope  
7 shall be mailed by the elector, postage prepaid, or delivered in person, to the  
8 municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in  
9 a primary does not invalidate the ballot on which the elector's votes are cast. Return  
10 of more than one marked ~~or punched~~ ballot in a primary or return of a ballot prepared  
11 under s. 5.655 or a ballot used with an electronic voting system in a primary which  
12 is marked ~~or punched~~ for candidates of more than one party invalidates all votes cast  
13 by the elector for candidates in the primary.

14 (5) If the absent elector declares that he or she is unable to read, has difficulty  
15 in reading, writing or understanding English or due to disability is unable to mark  
16 ~~or punch~~ his or her ballot, the elector may select any individual, except the elector's  
17 employer or an agent of that employer or an officer or agent of a labor organization  
18 which represents the elector, to assist in marking ~~or punching~~ the ballot, and the  
19 assistant shall then sign his or her name to a certification on the back of the ballot,  
20 as provided under s. 5.55.

21 **SECTION 69s.** 6.875 (6) of the statutes is amended to read:

22 6.875 (6) Special voting deputies in each municipality shall, not later than 5  
23 p.m. on the Friday preceding an election, arrange one or more convenient times with  
24 the administrator of each nursing home or qualified retirement home and qualified  
25 community-based residential facility in the municipality from which one or more

1 occupants have filed an application under s. 6.86 to conduct absentee voting for the  
2 election. The time may be no earlier than the 4th Monday preceding the election and  
3 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative  
4 of an occupant of a nursing home or qualified retirement home or qualified  
5 community-based residential facility, the administrator may notify the relative of  
6 the time or times at which special voting deputies will conduct absentee voting at the  
7 home or facility, and permit the relative to be present in the room where the voting  
8 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit  
9 the nursing home or qualified retirement home or qualified community-based  
10 residential facility. The municipal clerk or executive director of the board of election  
11 commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
12 provide for the number of valid applications received by the clerk, and a reasonable  
13 additional number of ballots. The municipal clerk or executive director shall keep  
14 a careful record of all ballots issued to the deputies and shall require the deputies to  
15 return every ballot issued to them. The deputies shall personally offer each elector  
16 who has filed a proper application the opportunity to cast his or her absentee ballot.  
17 If an elector is present who has not filed a proper application, the 2 deputies may  
18 accept an application from the elector and shall issue a ballot to the elector if the  
19 elector is qualified and the application is proper. The deputies shall administer the  
20 oath and may, upon request of the elector, assist the elector in marking or punching  
21 the elector's ballot. Upon request of the elector, a relative of the elector who is present  
22 in the room may assist the elector in marking or punching the elector's ballot. All  
23 voting shall be conducted in the presence of the deputies. No individual other than  
24 a deputy may administer the oath and no individual other than a deputy or relative  
25 of an elector may render voting assistance to the elector. Upon completion of the

1 voting, the deputies shall promptly deliver, either personally or by 1st class mail, any  
2 absentee ballot applications and the sealed certificate envelope containing each  
3 ballot to the clerk or board of election commissioners of the municipality in which the  
4 elector casting the ballot resides, within such time as will permit delivery to the  
5 polling place serving the elector’s residence on election day. Personal delivery may  
6 be made by the deputies no later than noon on election day. If a qualified elector is  
7 not able to cast his or her ballot on 2 separate visits by the deputies to the nursing  
8 home or qualified retirement home, they shall so inform the municipal clerk or  
9 executive director of the board of election commissioners, who may then send the  
10 ballot to the elector no later than 5 p.m. on the Friday preceding the election.

11 **SECTION 76ab.** 7.08 (7) of the statutes is created to read:

12 7.08 (7) VOTING SYSTEM TRANSITIONAL ASSISTANCE. From the appropriation under  
13 s. 20.510 (1) (c), provide assistance to municipalities that used punch card electronic  
14 voting systems at the 2001 spring election to enable the municipalities to employ  
15 another type of electronic voting system, and provide training for election officials  
16 in the use of replacement systems.

17 **SECTION 76ac.** 7.08 (7) of the statutes, as created by 2001 Wisconsin Act .... (this  
18 act), is repealed.

19 **SECTION 81m.** 7.15 (3) (b) of the statutes is amended to read:

20 7.15 (3) (b) Sample ballots, and voting machine ballots ~~and ballot labels for~~  
21 ~~electronic voting systems, whenever the labels are affixed to the voting devices,~~ shall  
22 be furnished to the officials in the ward or election district at least one day before each  
23 election.”.

24 **4.** Page 2, line 25: after that line insert:

1           **“SECTION 29n.** 6.10 (7m) of the statutes is created to read:

2           **6.10 (7m) (a)** The residence of a person who is detained, or committed and  
3 institutionalized, under s. 51.20, 971.14, or 971.17 or ch. 980 shall be determined by  
4 applying the standards under sub. (1) to whichever of the following dates is  
5 applicable to the circumstances of the person:

6           1. For a person detained or committed under s. 51.20, the date that the person  
7 was detained under s. 51.20 (2) or, if the person was not detained under s. 51.20 (2),  
8 the date that the person was committed under s. 51.20 (13).

9           2. For a person committed under s. 971.14 or 971.17, the date of the offense or  
10 alleged offense that resulted in the person’s commitment.

11           3. For a person detained or committed under ch. 980, the date that the person  
12 committed the sexually violent offense that resulted in the sentence, placement, or  
13 commitment that was in effect when the state filed a petition under s. 980.02 against  
14 the person.

15           (b) That the person’s habitation was fixed at the place established under par.  
16 (a) before he or she was detained or committed shall be considered prima facie  
17 evidence that the person intends to return to that place. The prima facie evidence  
18 of intent to return to the place determined under par. (a) may be rebutted by  
19 presenting information that indicates that the person is not likely to return to that  
20 place if the person’s detention or commitment is terminated.”.

21           **5.** Page 3, line 3: after that line insert:

22           **“SECTION 87f.** 7.33 (4) of the statutes is amended to read:

23           **7.33 (4)** ~~Each~~ Except as otherwise provided in this subsection, each local  
24 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon

1 proper application under sub. (3), permit each of its employees to serve as an election  
2 official without loss of fringe benefits or seniority privileges earned for scheduled  
3 working hours during the period specified in sub. (3), ~~and~~ without loss of pay for  
4 scheduled working hours during the period specified in sub. (3) except as provided  
5 in sub. (5), and ~~shall not impose~~ without any other penalty ~~upon an employee who~~  
6 ~~serves as an election official.~~ For employees who are included in a collective  
7 bargaining unit for which a representative is recognized or certified under subch. V  
8 of ch. 111, this subsection shall apply unless otherwise provided in a collective  
9 bargaining agreement.

10 **SECTION 87m.** 7.33 (5) of the statutes is amended to read:

11 7.33 (5) Any employee of ~~the state~~ a local governmental unit, as defined in s.  
12 16.97 (7), or state agency who obtains a paid leave of absence under sub. (4) in order  
13 to serve as an election official under s. 7.30 shall certify in writing to the head of the  
14 local governmental unit or state agency by which he or she is employed the amount  
15 of compensation that the employee receives for such service. Upon receipt of the  
16 certification, the head of the local governmental unit or state agency shall deduct  
17 that amount from the employee's pay earned for scheduled working hours during the  
18 period specified in sub. (2) when the employee is on a paid leave of absence.”.

19 **6.** Page 3, line 3: after that line insert:

20 **SECTION 93m.** 9.01 (1) (a) of the statutes is amended to read:

21 9.01 (1) (a) Any candidate voted for at any election or any elector who voted  
22 upon any referendum question at any election may request a recount. The petitioner  
23 shall file a verified petition or petitions ~~accompanied by the fee prescribed in par.~~  
24 ~~(ag), if any,~~ with the proper clerk or body under par. (ar) not earlier than the time of

1 completion of the canvass and not later than 5 p.m. on the 3rd business day following  
2 the last meeting day of the municipal or county board of canvassers determining the  
3 election for that office or on that referendum question or, if more than one board of  
4 canvassers makes the determination not later than 5 p.m. on the 3rd business day  
5 following the last meeting day of the last board of canvassers which makes a  
6 determination. If the chairperson of the board or chairperson's designee makes the  
7 determination for the office or the referendum question, the petitioner shall file the  
8 petition not earlier than the last meeting day of the last county board of canvassers  
9 to make a statement in the election or referendum and not later than 5 p.m. on the  
10 3rd business day following the day on which the elections board receives the last  
11 statement from a county board of canvassers for the election or referendum. Each  
12 verified petition shall state that at the election the petitioner was a candidate for the  
13 office in question or that he or she voted on the referendum question in issue; that  
14 the petitioner is informed and believes that a mistake or fraud has been committed  
15 in a specified ward or municipality in the counting and return of the votes cast for  
16 the office or upon the question; or shall specify any other defect, irregularity or  
17 illegality in the conduct of the election. The petition shall specify each ward, or each  
18 municipality where no wards exist, in which a recount is desired. If a recount is  
19 requested for all wards within a jurisdiction, each ward need not be specified. The  
20 petition may be amended to include information discovered as a result of the  
21 investigation of the board of canvassers or the chairperson of the board or  
22 chairperson's designee after the filing of the petition, if the petitioner moves to  
23 amend the petition as soon as possible after the petitioner discovered or reasonably  
24 should have discovered the information which is the subject of the amendment and  
25 the petitioner was unable to include information in the original petition.

1           **SECTION 93n.** 9.01 (1) (ad) of the statutes is created to read:

2           9.01 (1) (ad) Upon receiving a petition for a recount, the clerk or body receiving  
3 the petition shall calculate any fee due under par. (ag) 1m. or reasonably estimate  
4 any fee due under par. (ag) 2. The clerk or body shall provide the petitioner promptly  
5 with the total due or estimate.

6           **SECTION 93o.** 9.01 (1) (ag) 1. of the statutes is amended to read:

7           9.01 (1) (ag) 1. ~~Each petition for a recount shall be accompanied by the fee~~  
8 ~~prescribed in this paragraph.~~ If the difference between the votes cast for the leading  
9 candidate and those cast for the petitioner or the difference between the affirmative  
10 and negative votes cast upon any referendum question is less than 10 if 1,000 or less  
11 votes are cast or ~~less not more than .5%~~ 0.5% of the total votes cast for the office or  
12 on the question if more than 1,000 votes are cast, the petitioner is not required to pay  
13 a fee.

14           **SECTION 93p.** 9.01 (1) (ag) 1m. of the statutes is created to read:

15           9.01 (1) (ag) 1m. If the difference between the votes cast for the leading  
16 candidate and those cast for the petitioner or the difference between the affirmative  
17 and negative votes cast upon any referendum question is at least 10 if 1,000 or less  
18 votes are cast or is more than 0.5% but not more than 2% if more than 1,000 votes  
19 are cast, the petitioner shall pay a fee of \$5 for each ward for which the petition  
20 requests a ballot recount, or \$5 for each municipality for which the petition requests  
21 a recount where no wards exist.

22           **SECTION 93q.** 9.01 (1) (ag) 2. of the statutes is amended to read:

23           9.01 (1) (ag) 2. If the difference between the votes cast for the leading candidate  
24 and those cast for the petitioner or the difference between the affirmative and  
25 negative votes cast upon any referendum question is ~~at least 10 if 1,000 or less votes~~



1 are cast or at least ~~.5%~~ more than 2% if more than 1,000 votes are cast, the petitioner  
2 shall pay a fee of \$5 ~~for~~ equal to the actual cost of performing the recount in each ward  
3 for which the petition requests a ~~ballot~~ recount, or \$5 ~~for~~ in each municipality for  
4 which the petition request a recount where no wards exist.

5 **SECTION 93r.** 9.01 (1) (ag) 3. of the statutes is amended to read:

6 9.01 (1) (ag) 3. All fees calculated or estimated under par. (ad) shall be prepaid  
7 in cash or another form of payment which is acceptable to the officer to whom they  
8 are paid. No petition for which a fee is required is valid unless the proper calculated  
9 or estimated fee is paid at the time of filing.

10 **SECTION 93s.** 9.01 (1) (ag) 3m. of the statutes is created to read:

11 9.01 (1) (ag) 3m. The petitioner shall pay any balance owing toward the fee due  
12 under subd. 2. within 30 days after the clerk or body receiving the petition provides  
13 the petitioner with a written statement of the amount due. If the petitioner has  
14 overpaid the fee due under subd. 2. the clerk or body receiving the petition shall  
15 refund the amount overpaid within 30 days after the board of canvassers makes its  
16 determination in the recount.

17 **SECTION 93t.** 9.01 (1) (ar) 3. of the statutes is amended to read:

18 9.01 (1) (ar) 3. Upon receipt of Whenever a clerk receives a valid petition and  
19 any payment under par. (ag) 3., the clerk shall thereupon notify the proper board of  
20 canvassers. ~~Upon receipt of~~ Whenever the board receives a valid petition ~~by the~~  
21 ~~board~~ and any payment under par. (ag) 3., the board shall promptly by certified mail  
22 or other expeditious means order the proper county boards of canvassers to  
23 commence the recount. County boards of canvassers shall convene no later than 9  
24 a.m. on the second day ~~following~~ after receipt of an order and may adjourn for not  
25 more than one day at a time until the recount is completed in the county, except that

1 the board may permit extension of the time for adjournment. Returns from a recount  
2 ordered by the board shall be transmitted to the office of the board as soon as possible,  
3 but in no case later than 13 days from the date of the order of the board directing the  
4 recount. The chairperson of the board or the chairperson's designee may not make  
5 a determination in any election if a recount is pending before any county board of  
6 canvassers in that election. The chairperson of the board or the chairperson's  
7 designee need not recount actual ballots, but shall verify the returns of the county  
8 boards of canvassers in making his or her determinations.”.

9 **7.** Page 3, line 3: after that line insert:

10 “**SECTION 87e.** 7.37 (4) of the statutes is amended to read:

11 **7.37 (4) BALLOTING PROCEDURE.** At polling places which utilize paper ballots or  
12 electronic voting systems in which ballots are distributed to electors, 2 inspectors  
13 shall be assigned to take charge of the official ballots. They shall write their initials  
14 on the back of each ballot and deliver to each elector as he or she enters the voting  
15 booth one ballot properly endorsed by each of them. Where paper ballots are used,  
16 the inspectors shall fold each ballot in the proper manner to be deposited before  
17 delivering it to the elector. If asked, inspectors may instruct any elector as to the  
18 proper manner of marking ~~or punching~~ the ballot, but they may not give advice,  
19 suggestions, express any preferences or make any requests as to the person for  
20 whom, the question on which or the ballot on which the elector shall vote.

21 **SECTION 87m.** 7.37 (8) of the statutes is amended to read:

22 **7.37 (8) ELECTRONIC VOTING SYSTEMS.** Prior to the opening of the polling place,  
23 wherever electronic voting systems employing voting devices are used, the  
24 inspectors shall place the voting devices in position for voting and examine them to

1 see that they are in proper working order and that they have the correct ballot labels  
2 by comparing them with the sample ballots.

3 **SECTION 87s.** 7.50 (1) (d) and (2) (a), (b) and (d) of the statutes are amended to  
4 read:

5 7.50 (1) (d) Whenever an electronic voting system is used at a polling place in  
6 a partisan primary, and the same ballot is utilized to cast votes for candidates of more  
7 than one recognized political party or candidates of a party and independent  
8 candidates, if an elector designates a preference for a party or for independent  
9 candidates, only votes cast within that preference category may be counted. If an  
10 elector does not designate a preference and makes a mark ~~or punch~~ or affixes a  
11 sticker opposite candidates of more than one recognized political party or opposite  
12 a candidate in the independent candidates' column and a candidate of a recognized  
13 political party, no votes cast by the elector for any candidate for partisan office are  
14 valid. Votes for other candidates and votes on ballot questions, if any, shall be  
15 counted if otherwise valid.

16 (2) (a) At a general election, if the elector places a mark, symbol or sticker ~~or~~  
17 ~~punches a hole~~ under a party designation at the head of a column in or near the space  
18 indicated for that purpose, it is a vote for all the candidates whose names appear in  
19 the marked ~~or punched~~ column except as otherwise provided in this paragraph. If  
20 a name is stricken, it is not a vote for that candidate. If a name is written in, it is a  
21 vote for the write-in candidate. If a sticker is attached it is a vote for the candidate  
22 whose name appears on the sticker. If in some other column there is a mark ~~or punch~~  
23 in the square to the right of a specific candidate's name or at the place designated on  
24 the ballot for marking ~~or punching~~ a vote for a specific candidate for the same office,

1 it is a vote for that specific candidate and no vote may be counted for the candidate  
2 for the same office in the column marked ~~or punched~~ for a straight party vote.

3 (b) A ballot cast without any marks, or stickers ~~or punches~~ may not be counted.  
4 A ballot without a mark ~~or punch~~ at the top of a party column may be counted only  
5 for persons for whom marks ~~or punches~~ are applicable.

6 (d) If an elector writes a person's name in the proper space for write-in  
7 candidates for an office, it is a vote for the person written in for the office indicated,  
8 regardless of whether the elector strikes the names appearing in the same column  
9 for the same office, or places a mark ~~or punch~~ by the same or any other name for the  
10 same office, or omits placing a mark ~~or punch~~ to the right of the name written in. If  
11 an elector is permitted to vote for more than one candidate for the same office in an  
12 election and casts one or more write-in votes which, when added to the votes cast for  
13 candidates whose names appear on the ballot, exceed the number of votes authorized  
14 to be cast for the office, the write-in votes shall be counted and the votes for  
15 candidates whose names appear on the ballot may not be counted, unless there are  
16 more write-in votes than votes authorized to be cast, in which case no votes may be  
17 counted for the office.”.

18 **8.** Page 7, line 4: after that line insert:

19 “**SECTION 94w.** 13.093 (2) (c) of the statutes is repealed.”.

20 **9.** Page 7, line 4: after that line insert:

21 “**SECTION 94sm.** 10.01 (2) (b) of the statutes is amended to read:

22 10.01 (2) (b) Type B—The type B notice shall include the relevant facsimile  
23 ballots and the relevant portions of voting instructions to electors under s. 10.02 for  
24 each office or referendum and shall specify the date of the election. In counties or

1 municipalities where an electronic voting system ~~employing a ballot label and ballot~~  
2 ~~card~~ in which ballots are distributed to electors is used, the notice shall include the  
3 information specified in s. 5.94. The type B notice shall be published once by the  
4 county clerks, and for primaries and other elections in municipalities or special  
5 purpose districts, once by the clerk of the municipality or special purpose district on  
6 the day preceding each primary and other election.

7 **SECTION 95m.** 10.06 (3) (e) of the statutes is amended to read:

8 10.06 **(3)** (e) When electronic or mechanical voting machines or electronic  
9 voting systems ~~employing a ballot card or label~~ in which ballots are distributed to  
10 electors are used in a municipality at a municipal election, the municipal clerk shall  
11 publish a type B notice on the Monday before the election. The notice shall include  
12 all offices and questions to be voted on at the election. The cost of this notice shall  
13 be shared under s. 5.68 (2) and (3).

14 **SECTION 95ms.** 12.13 (1) (f) of the statutes is amended to read:

15 12.13 **(1)** (f) Shows his or her marked ~~or punched~~ ballot to any person or places  
16 a mark upon the ballot so it is identifiable as his or her ballot.

17 **SECTION 96m.** 12.13 (3) (e) and (j) of the statutes are amended to read:

18 12.13 **(3)** (e) Prepare or cause to be prepared an official ballot with intent to  
19 change the result of the election as to any candidate or referendum; prepare an  
20 official ballot which is premarked ~~or prepunched~~ or which has an unauthorized  
21 sticker affixed prior to delivery to an elector; or deliver to an elector an official ballot  
22 bearing a mark ~~or punch~~ opposite the name of a candidate or referendum question  
23 that might be counted as a vote for or against a candidate or question.

24 (j) When called upon to assist an elector who cannot read or write, has difficulty  
25 in reading, writing or understanding English, or is unable to mark ~~or punch~~ a ballot

1 or depress a lever or button on a voting machine, inform the elector that a ballot  
2 contains names or words different than are printed or displayed on the ballot with  
3 the intent of inducing the elector to vote contrary to his or her inclination,  
4 intentionally fail to cast a vote in accordance with the elector's instructions or reveal  
5 the elector's vote to any 3rd person.”.

6 **10.** Page 7, line 4: after that line insert:

7 “**SECTION 97m.** 13.0975 of the statutes is created to read:

8 **13.0975 Prison impact assessments. (1)** In this section:

9 (a) “Bureau” means the legislative fiscal bureau.

10 (b) “Prison” means a state prison described under s. 302.01.

11 **(2)** The bureau shall prepare a prison impact assessment for any bill or, if  
12 requested, for any bill draft that creates a felony or modifies the period of  
13 imprisonment for a felony. Except as otherwise provided by the joint rules of the  
14 legislature, the bureau shall prepare the assessment within 21 days after the date  
15 on which the bureau receives a copy of a bill under sub. (4) or the date on which the  
16 bureau receives a request to prepare the assessment from the requester of the bill  
17 draft, whichever occurs first. The assessment shall contain all of the following:

18 (a) Projections of the impact on statewide populations of prisoners,  
19 probationers, parolees, and persons on extended supervision.

20 (b) An estimate of the fiscal impact of population changes under par. (a) on state  
21 expenditures, including expenditures for the construction and operation of state  
22 prisons for the current fiscal year and on an annualized basis.

23 (c) A statement of the methodologies and assumptions that the bureau used in  
24 preparing the assessment.

1           **(3)** The legislature shall reproduce and distribute assessments under sub. (2)  
2 in the same manner as it reproduces and distributes amendments.

3           **(4)** A bill draft that requires an assessment by the bureau under this section  
4 shall have that requirement noted on its jacket when the jacket is prepared. When  
5 a bill that requires an assessment under this section is introduced, the legislative  
6 reference bureau shall submit a copy of the bill to the legislative fiscal bureau.

7           **(5)** No public hearing before a standing committee may be held and no  
8 committee vote may be taken regarding any bill or bill draft described in sub. (2)  
9 unless the assessment under sub. (2) has been prepared.

10          **(6)** The department of corrections shall provide the bureau with information  
11 on current and past admissions and on length of time served and any other  
12 information needed by the bureau in order to prepare assessments under sub. (2).

13          **(7)** The circuit courts and the office of justice assistance in the department of  
14 administration shall provide the bureau any information needed by the bureau in  
15 order to prepare assessments under sub. (2).

16          **(8)** This section applies to bills introduced or requests for assessments for bill  
17 drafts made on or after July 1, 2002.”.

18          **11.** Page 8, line 3: delete “~~(eq) to (ex) (fq) to (fx).~~” and substitute “(eq) to (ex)”.

19          **12.** Page 8, line 15: after that line insert:

20          “**SECTION 99m.** 13.101 (6) (a) of the statutes, as affected by 2001 Wisconsin Act  
21 .... (this act), is amended to read:

22           13.101 **(6)** (a) As an emergency measure necessitated by decreased state  
23 revenues and to prevent the necessity for a state tax on general property, the  
24 committee may reduce any appropriation made to any board, commission,

1 department, or the University of Wisconsin System, or to any other state agency or  
2 activity by such amount as it deems feasible, not exceeding 25% of the  
3 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and  
4 (cr), 20.395 (1), (2) (cq), (fq) to (fx), and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (aq) and  
5 (ar), 20.435 (6) (a) and (7) (da), and 20.445 (3) (a) and (dz) or for forestry purposes  
6 under s. ~~20.370 (1)~~ 20.375 (2), or any other moneys distributed to any county, city,  
7 village, town, or school district. Appropriations of receipts and of a sum sufficient  
8 shall for the purposes of this section be regarded as equivalent to the amounts  
9 expended under such appropriations in the prior fiscal year which ended June 30.  
10 All functions of said state agencies shall be continued in an efficient manner, but  
11 because of the uncertainties of the existing situation no public funds should be  
12 expended or obligations incurred unless there shall be adequate revenues to meet the  
13 expenditures therefor. For such reason the committee may make reductions of such  
14 appropriations as in its judgment will secure sound financial operations of the  
15 administration for said state agencies and at the same time interfere least with their  
16 services and activities.”

17 **13.** Page 8, line 22: after “**(16)**” insert “(a)”.

18 **14.** Page 8, line 24: after that line insert:

19 “(b) Annually, on June 15, beginning in 2004, the committee shall transfer from  
20 the permanent endowment fund to the tobacco control fund the lesser of \$25,000,000  
21 or 8.5% of the market value of the investments in the permanent endowment fund  
22 on June 1 in that year.”.

23 **15.** Page 9, line 19: after that line insert:

24 “**SECTION 102m.** 13.123 (3) (a) of the statutes is amended to read:



1           13.123 **(3)** (a) Any senator authorized by the committee on senate organization  
2 to attend a meeting outside the state capital, any representative to the assembly  
3 authorized by the committee on assembly organization to attend an out-of-state  
4 meeting or authorized by the speaker to attend a meeting within this state outside  
5 the state capital, and all members of the legislature required by law, legislative rule,  
6 resolution or joint resolution to attend such meetings, shall be paid no additional  
7 compensation for such services but shall be reimbursed for actual and necessary  
8 expenses from the appropriation under s. 20.765 (1) (a) or (b), but no legislator may  
9 be reimbursed under this subsection for expenses on any day for which the legislator  
10 submits a claim under sub. (1). ~~Any expenses incurred by a legislator under s. 14.82~~  
11 ~~shall be reimbursed from the appropriation under s. 20.315 (1) (q).~~

12           **16.** Page 9, line 19: after that line insert:

13           “**SECTION 102p.** 13.205 of the statutes is created to read:

14           **13.205 Legislative hotline prohibited.** **(1)** Except as provided in sub. (2),  
15 the joint committee on legislative organization, the assembly committee on  
16 organization, and the senate committee on organization may not maintain a toll-free  
17 telephone service for the use of members of the public to contact members of the  
18 legislature or for the use of members of the legislature to contact members of the  
19 public.

20           **(2)** An organization committee under sub. (1) may maintain or allow the  
21 maintenance of one toll-free telephone service per member of the legislature for the  
22 use of members of the public to contact the member of the legislature. The senate  
23 committee on organization and the assembly committee on organization shall  
24 publish the number of the toll-free telephone service of each member of its house.”.

1           **17.** Page 10, line 3: delete the material beginning with that line and ending  
2 with page 11, line 9, and substitute:

3           “(2) Except as provided in sub. (3), the amount appropriated from general  
4 purpose revenue for each fiscal biennium, excluding any amount under an  
5 appropriation specified in sub. (3) (a) to (i), as determined under sub. (4), may not  
6 exceed the sum of:

7           (a) The amount appropriated from general purpose revenue, excluding any  
8 amount under an appropriation specified in sub. (3), for the 2nd fiscal year of the  
9 prior fiscal biennium as determined under sub. (4), multiplied by the sum of 1.0 and  
10 the annual percentage change in this state’s aggregate personal income, expressed  
11 as a decimal, for the calendar year that begins on the January 1 that immediately  
12 precedes the first year of the fiscal biennium, as estimated by the legislative fiscal  
13 bureau, in consultation with the department of revenue, no later than November 20  
14 of each even-numbered year.

15           (b) The amount determined under par. (a) multiplied by the sum of 1.0 and the  
16 annual percentage change in this state’s aggregate personal income, expressed as a  
17 decimal, for the calendar year that begins on the January 1 that immediately  
18 precedes the 2nd year of the fiscal biennium, as estimated by the legislative fiscal  
19 bureau, in consultation with the department of revenue, no later than November 20  
20 of each even-numbered year.

21           **(3)** The limitation under sub. (2) does not apply to any of the following:

22           (a) An appropriation for principal repayment and interest payments on public  
23 debt, as defined in s. 18.01 (4), or operating notes, as defined in s. 18.71 (4).

1 (b) An appropriation to honor a moral obligation undertaken pursuant to ss.  
2 18.61 (5), 85.25 (5), 101.143 (9m) (i), 229.50 (7), 229.74 (7), 229.830 (7), 234.15 (4),  
3 234.42 (4), 234.54 (4) (b), 234.626 (7), 234.93 (6), 234.932 (6), 234.933 (6), and 281.59  
4 (13m).

5 (c) An appropriation to make a payment to the United States that the building  
6 commission determines to be payable under s. 13.488 (1) (m).

7 (d) An appropriation contained in a bill that is enacted with approval of at least  
8 two-thirds of the members of each house of the legislature.

9 (e) An appropriation for legal expenses and the costs of judgments, orders, and  
10 settlements of actions and appeals incurred by the state.

11 (f) An appropriation to make a payment for tax relief under s. 20.835 (2).

12 (g) An appropriation to make a transfer from the general fund to the budget  
13 stabilization fund under s. 20.875 (1) (a).”.

14 **18.** Page 11, line 10: delete “tax relief” and substitute “cash building projects”.

15 **19.** Page 11, line 11: delete “20.876 (1) (a)” and substitute “20.867 (6) (a)”.

16 **20.** Page 11, line 12: delete lines 12 to 17 and substitute:

17 “(i) An appropriation to any of the following:

18 1. The higher educational aids board.

19 2. The department of public instruction.

20 3. The board of regents of the University of Wisconsin System.

21 **(4)** For purposes of sub. (2), the legislative fiscal bureau shall determine the  
22 amount appropriated from general purpose revenue for any fiscal biennium to which  
23 sub. (2) applies. The legislative fiscal bureau shall make this determination no later  
24 than December 1 of each even-numbered year.”.

1           **21.** Page 11, line 17: after that line insert:

2           “**SECTION 103m.** 13.45 (3) (a) of the statutes is amended to read:

3           13.45 **(3)** (a) For any day for which the legislator does not file a claim under s.  
4           13.123 (1), any legislator appointed to serve on a legislative committee or a  
5           committee to which the legislator was appointed by either house or the officers  
6           thereof shall be reimbursed from the appropriations under ~~ss. 20.315 (1) (q) and s.~~  
7           20.765 (1) (a) or (b) for actual and necessary expenses incurred as a member of the  
8           committee.”.

9           **22.** Page 13, line 8: after that line insert:

10          “**SECTION 107m.** 13.48 (14) (am) of the statutes is amended to read:

11          13.48 **(14)** (am) Subject to par. (d) and s. 20.9145, the building commission shall  
12          have the authority to sell or lease all or any part of a state–owned building or  
13          structure or state–owned land, including farmland, where such authority is not  
14          otherwise provided to an agency by law, and may transfer land under its jurisdiction  
15          among agencies.

16          **SECTION 107mm.** 13.48 (14) (am) of the statutes, as affected by 2001 Wisconsin  
17          Act .... (this act), is amended to read:

18          13.48 **(14)** (am) Subject to par. (d) ~~and s. 20.9145~~, the building commission shall  
19          have the authority to sell or lease all or any part of a state–owned building or  
20          structure or state–owned land, including farmland, where such authority is not  
21          otherwise provided to an agency by law, and may transfer land under its jurisdiction  
22          among agencies.

23          **SECTION 107n.** 13.48 (14) (b) of the statutes is amended to read:

1           13.48 (14) (b) Subject to par. (d) and s. 20.9145, the building commission shall  
2 sell or lease on the basis of either public bids, with the building commission reserving  
3 the right to reject any or all bids in the best interest of the state, or negotiated prices.  
4 Buildings, structures and land mentioned in this subsection shall be subject to  
5 general property taxes levied by those taxing bodies within whose area they lie if  
6 used for commercial purposes, and shall be subject to special assessments for public  
7 improvements in the same manner and to the same extent as privately owned  
8 buildings, structures and land, subject to approval of the building commission when  
9 required under s. 66.0703 (6).

10           **SECTION 107nm.** 13.48 (14) (b) of the statutes, as affected by 2001 Wisconsin  
11 Act .... (this act), is amended to read:

12           13.48 (14) (b) Subject to par. (d) ~~and s. 20.9145~~, the building commission shall  
13 sell or lease on the basis of either public bids, with the building commission reserving  
14 the right to reject any or all bids in the best interest of the state, or negotiated prices.  
15 Buildings, structures and land mentioned in this subsection shall be subject to  
16 general property taxes levied by those taxing bodies within whose area they lie if  
17 used for commercial purposes, and shall be subject to special assessments for public  
18 improvements in the same manner and to the same extent as privately owned  
19 buildings, structures and land, subject to approval of the building commission when  
20 required under s. 66.0703 (6).

21           **SECTION 107p.** 13.48 (14) (d) 4. of the statutes is amended to read:

22           13.48 (14) (d) 4. If the commission proposes to sell or transfer a parcel of surplus  
23 land having a fair market value of at least \$20,000 that is not subject to sale under  
24 s. 20.9145, the commission shall notify the joint committee on finance in writing of  
25 its proposed action. If the cochairpersons of the committee do not notify the

1 commission that the committee has scheduled a meeting for the purpose of reviewing  
2 the proposed sale or transfer within 14 working days after the date of the  
3 commission's notification, the parcel may be sold or transferred by the commission.  
4 If, within 14 working days after the date of the commission's notification, the  
5 cochairpersons of the committee notify the commission that the committee has  
6 scheduled a meeting for the purpose of reviewing the proposed sale or transfer, the  
7 parcel may be sold or transferred under this subdivision only upon approval of the  
8 committee.

9 **SECTION 107pm.** 13.48 (14) (d) 4. of the statutes, as affected by 2001 Wisconsin  
10 Act .... (this act), is amended to read:

11 13.48 (14) (d) 4. If the commission proposes to sell or transfer a parcel of surplus  
12 land having a fair market value of at least \$20,000 ~~that is not subject to sale under~~  
13 ~~s. 20.9145~~, the commission shall notify the joint committee on finance in writing of  
14 its proposed action. If the cochairpersons of the committee do not notify the  
15 commission that the committee has scheduled a meeting for the purpose of reviewing  
16 the proposed sale or transfer within 14 working days after the date of the  
17 commission's notification, the parcel may be sold or transferred by the commission.  
18 If, within 14 working days after the date of the commission's notification, the  
19 cochairpersons of the committee notify the commission that the committee has  
20 scheduled a meeting for the purpose of reviewing the proposed sale or transfer, the  
21 parcel may be sold or transferred under this subdivision only upon approval of the  
22 committee.”.

23 **23.** Page 13, line 9: delete lines 9 to 15.

24 **24.** Page 16, line 16: after that line insert:

1           **“SECTION 108m.** 13.489 (2) of the statutes is amended to read:

2           13.489 (2) DEPARTMENT TO REPORT PROPOSED PROJECTS. Subject to s. 85.05, the  
3 department of transportation shall report to the commission not later than  
4 September 15 of each even-numbered year and at such other times as required under  
5 s. 84.013 (6) concerning its recommendations for adjustments in the major highway  
6 projects program under s. 84.013. If the report under this subsection includes a  
7 recommendation to enumerate one or more major highway projects under s. 84.013  
8 (3), the department of transportation shall provide a life cycle cost statement for each  
9 proposed project to the governor, the transportation projects commission, the  
10 building commission, and the joint committee on finance. The life cycle cost  
11 statement shall include an estimate of the costs of constructing, maintaining,  
12 resurfacing, minor and major reconditioning, policing, plowing, painting, signing,  
13 and reconstructing the major highway project until the first reconstruction of the  
14 project is completed.”.

15           **25.** Page 16, line 16: after that line insert:

16           **“SECTION 108m.** 13.48 (35) of the statutes is created to read:

17           13.48 (35) HR ACADEMY, INC., YOUTH AND FAMILY CENTER. (a) The building  
18 commission may authorize up to \$1,500,000 in general fund supported borrowing to  
19 aid in the construction of a youth and family center for HR Academy, Inc., in the city  
20 of Milwaukee. The state funding commitment under this paragraph shall be in the  
21 form of a grant to HR Academy, Inc. Before approving any such state funding  
22 commitment, the building commission shall determine that HR Academy, Inc., has  
23 secured additional funding at least equal to \$3,500,000 from nonstate donations for  
24 the purpose of constructing a youth and family center.

1 (b) If the building commission authorizes a grant to HR Academy, Inc., under  
2 par. (a) and if, for any reason, the facility that is constructed with funds from the  
3 grant is not used as a youth and family center, the state shall retain an ownership  
4 interest in the facility equal to the amount of the state’s grant.”.

5 **26.** Page 16, line 16: after that line insert:

6 “**SECTION 108m.** 13.48 (32r) of the statutes is created to read:

7 13.48 (32r) DEBT INCREASE FOR CONSTRUCTION OF THE DISCOVERY PLACE MUSEUM.

8 (a) Subject to par. (b), the building commission may authorize \$1,000,000 of general  
9 fund supported borrowing to aid in the construction of the Discovery Place museum  
10 as part of the Heritage museum in the city of Racine. The state funding commitment  
11 for the construction of the museum shall be in the form of a construction grant to  
12 Racine County. Before approving any state funding commitment for the museum  
13 and before awarding the construction grant under this paragraph, the building  
14 commission shall determine that Racine County has secured additional funding  
15 commitments of at least \$1,000,000 from nonstate revenue sources.

16 (b) If the building commission authorizes a grant to Racine County under par.  
17 (a) and if, for any reason, the facility that is constructed with funds from the grant  
18 is not used as a Discovery Place museum as part of the Heritage museum, the state  
19 shall retain an ownership interest in the facility equal to the amount of the state’s  
20 grant.”.

21 **27.** Page 18, line 8: after “(4) (a)” insert “1.”.

22 **28.** Page 19, line 11: after that line insert:

23 “**SECTION 114v.** 13.95 (1) (dm) of the statutes is created to read:



1           13.95 (1) (dm) When required to do so under s. 13.0975 (2), prepare prison  
2 impact assessments for bills or bill drafts.”.

3           **29.** Page 23, line 13: after that line insert:

4           “**SECTION 126s.** 14.82 of the statutes is repealed.”.

5           **30.** Page 24, line 24: delete that line.

6           **31.** Page 25, line 1: delete lines 1 to 3.

7           **32.** Page 25, line 19: delete lines 19 to 24.

8           **33.** Page 26, line 1: delete lines 1 to 9.

9           **34.** Page 26, line 25: after that line insert:

10           “**SECTION 168.** 15.137 (1) of the statutes is created to read:

11           15.137 (1) AGRICULTURAL PRODUCER SECURITY COUNCIL. (a) There is created in  
12 the department of agriculture, trade and consumer protection an agricultural  
13 producer security council consisting of the following members appointed by the  
14 secretary of agriculture for 3–year terms:

15           1. One person representing the Farmers’ Educational and Cooperative Union  
16 of America, Wisconsin Division.

17           2. One person representing the Midwest Food Processors Association, Inc.

18           3. One person representing the National Farmers’ Organization, Inc.

19           4. One person representing the Wisconsin Agri–Service Association, Inc.

20           5. One person representing the Wisconsin Cheese Makers Association.

21           6. One person representing both the Wisconsin Corn Growers Association, Inc.,  
22 and the Wisconsin Soybean Association, Inc.

23           7. One person representing the Wisconsin Dairy Products Association, Inc.

24           8. One person representing the Wisconsin Farm Bureau Federation.

1           9. One person representing the Wisconsin Federation of Cooperatives.

2           10. One person representing the Wisconsin Potato and Vegetable Growers  
3 Association, Inc.

4           (b) Each organization identified in par. (a) shall nominate 2 persons to  
5 represent that organization on the agricultural producer security council. The  
6 secretary of agriculture, trade and consumer protection shall appoint members from  
7 among the nominees.”.

8           **35.** Page 27, line 18: after that line insert:

9           “**SECTION 170d.** 15.157 (3) of the statutes is amended to read:

10           15.157 **(3)** DWELLING CODE COUNCIL. There is created in the department of  
11 commerce, a dwelling code council, consisting of ~~17~~ 18 members appointed for  
12 staggered 3–year terms. Four members shall be representatives of building trade  
13 labor organizations; 4 members shall be certified building inspectors employed by  
14 local units of government; 2 members shall be representatives of building contractors  
15 actively engaged in on–site construction of one– and 2–family housing; 2 members  
16 shall be representatives of manufacturers or installers of manufactured one– and  
17 2–family housing; one member shall be an architect, engineer or designer actively  
18 engaged in the design or evaluation of one– and 2–family housing; 2 members shall  
19 represent the construction material supply industry; one member shall represent  
20 remodeling contractors actively engaged in the remodeling of one–family and  
21 2–family housing; and 2 members shall represent the public, one of whom shall  
22 represent persons with disabilities, as defined in s. 106.50 (1m) (g). An employee of  
23 the department designated by the secretary of commerce shall serve as nonvoting  
24 secretary of the council. The council shall meet at least twice a year. Eleven members

1 of the council shall constitute a quorum. For the purpose of conducting business a  
2 majority vote of the council is required.”.

3 **36.** Page 27, line 18: delete that line.

4 **37.** Page 29, line 8: after that line insert:

5 “**SECTION 174g.** 15.197 (11n) (cm) of the statutes is created to read:

6 15.197 (**11n**) (cm) Four members of the legislature, of which one each is  
7 designated by the speaker of the assembly, the senate majority leader, and the  
8 minority leader in each house of the legislature and appointed by the governor.

9 **SECTION 174h.** 15.197 (11n) (e) of the statutes is created to read:

10 15.197 (**11n**) (e) By January 31 of each year, the council shall prepare a report  
11 for the preceding calendar year and shall submit the report to the legislature under  
12 s. 13.172 (2). The report shall evaluate the waiting lists compiled by the department  
13 of health and family services for services for persons with developmental  
14 disabilities.”.

15 **38.** Page 29, line 8: after that line insert:

16 “**SECTION 174p.** 15.197 (25) (c) of the statutes is amended to read:

17 15.197 (**25**) (c) This subsection does not apply beginning on July 1, ~~2002~~ 2004.”.

18 **39.** Page 30, line 7: after that line insert:

19 “**SECTION 178f.** 15.225 (2) (c) of the statutes is amended to read:

20 15.225 (**2**) (c) *Liaison representatives.* The secretary of agriculture, trade and  
21 consumer protection, the secretary of health and family services, the secretary of  
22 workforce development, the secretary of natural resources, the secretary of forestry,  
23 and the chancellor of the University of Wisconsin–Extension, or a designee of such  
24 a secretary or the chancellor, shall serve as liaison representatives to the Wisconsin

1 conservation corps board, and provide information to and assist the board. The  
2 liaison representatives are not board members and may not vote on any board  
3 decision or action.”.

4 **40.** Page 31, line 9: after that line insert:

5 “**SECTION 179t.** 15.343 of the statutes is repealed.”.

6 **41.** Page 31, line 15: after that line insert:

7 “**SECTION 182g.** 15.405 (6) (a) of the statutes, as affected by 1997 Wisconsin Act  
8 96, is repealed and recreated to read:

9 15.405 (6) (a) Six dentists who are licensed under ch. 447.

10 **SECTION 182i.** 15.405 (6) (b) of the statutes, as affected by 1997 Wisconsin Act  
11 96, is repealed and recreated to read:

12 15.405 (6) (b) Three dental hygienists who are licensed under ch. 447.  
13 Notwithstanding s. 15.08 (1m) (a), the dental hygienist members may participate in  
14 the preparation and grading of licensing examinations for dental hygienists.”.

15 **42.** Page 31, line 15: after that line insert:

16 “**SECTION 181m.** 15.377 (2) of the statutes is created to read:

17 15.377 (2) DEAF AND HARD-OF-HEARING EDUCATION COUNCIL. There is created a  
18 deaf and hard-of-hearing education council in the department of public instruction.  
19 The council shall consist of the following members, at least 3 of whom must be  
20 hearing impaired, appointed by the state superintendent of public instruction for  
21 3-year terms:

22 (a) Two parents of children who are hearing impaired.

23 (b) One licensed teacher of pupils who are hearing impaired.

1 (c) One person who is licensed as a speech–language pathologist under subch.  
2 II of ch. 459.

3 (d) One school district special education director.

4 (e) One person who is licensed as an audiologist under subch. II of ch. 459 and  
5 whose expertise is in educational audiology.

6 (f) One person who is experienced in educating the hearing impaired, or in  
7 educating teachers of the hearing impaired, and is affiliated with an institution of  
8 higher education.

9 (g) One person who is an instructor in a technical college interpreter training  
10 program.

11 (h) One person employed as an educational interpreter.

12 (i) Three other members.”.

13 **43.** Page 32, line 4: after that line insert:

14 “**SECTION 183h.** 15.445 (4) (a) 1. of the statutes is amended to read:

15 15.445 (4) (a) 1. Two representatives to the assembly, one recommended by the  
16 speaker of the assembly and one recommended by the minority leader of the  
17 assembly. ~~This subdivision does not apply after June 30, 2003.~~

18 **SECTION 183i.** 15.445 (4) (a) 2. of the statutes is amended to read:

19 15.445 (4) (a) 2. Two senators, one recommended by the majority leader of the  
20 senate and one recommended by the minority leader of the senate. ~~This subdivision  
21 does not apply after June 30, 2003.~~”.

22 **44.** Page 32, line 4: after that line insert:

23 “**SECTION 183m.** 15.45 of the statutes is created to read:

1           **15.45 Department of forestry.** There is created a department of forestry  
2 under the direction and supervision of the secretary of forestry.”.

3           **45.** Page 32, line 5: delete lines 5 to 12.

4           **46.** Page 32, line 12: after that line insert:

5           “**SECTION 187d.** 15.915 (3) of the statutes is repealed.”.

6           **47.** Page 32, line 17: delete lines 17 to 25.

7           **48.** Page 33, line 1: delete lines 1 to 18.

8           **49.** Page 36, line 15: delete lines 15 to 25.

9           **50.** Page 37, line 1: delete lines 1 to 22.

10          **51.** Page 39, line 15: delete lines 15 to 19 and substitute:

11          “**SECTION 226c.** 16.40 (15) of the statutes is repealed.”.

12          **52.** Page 40, line 12: after that line insert:

13          “**SECTION 227q.** 16.40 (24) of the statutes is created to read:

14           16.40 **(24)** GRANTS TO WISCONSIN PATIENT SAFETY INSTITUTE, INC. Annually,  
15 provide grants to the Wisconsin Patient Safety Institute, Inc., for collection, analysis,  
16 and dissemination of information about patient safety and training of health care  
17 providers and their employees directed toward improving patient safety. The  
18 department shall ensure that no grant moneys provided under this subsection are  
19 expended for the purpose of entertainment, foreign travel, or payments to persons  
20 not providing goods or services to the Wisconsin Patient Safety Institute, Inc. In this  
21 subsection, “health care provider” means any of the following:

22           (a) A nurse licensed under ch. 441.

23           (b) A chiropractor licensed under ch. 446.

- 1 (c) A dentist licensed under ch. 447.
- 2 (d) A physician, physician assistant, or respiratory care practitioner licensed  
3 or certified under subch. II of ch. 448.
- 4 (e) A physical therapist licensed under subch. III of ch. 448.
- 5 (f) A podiatrist licensed under subch. IV of ch. 448.
- 6 (g) A dietitian certified under subch. V of ch. 448.
- 7 (h) An athletic trainer licensed under subch. VI of ch. 448.
- 8 (i) An occupational therapist or occupational therapy assistant licensed under  
9 subch. VII of ch. 448.
- 10 (j) An optometrist licensed under ch. 449.
- 11 (k) A pharmacist licensed under ch. 450.
- 12 (L) An acupuncturist certified under ch. 451.
- 13 (m) A psychologist licensed under ch. 455.
- 14 (n) A massage therapist or bodyworker issued a license of registration under  
15 subch. XI of ch. 440.”.

16 **53.** Page 40, line 12: after that line insert:

17 “SECTION 227r. 16.40 (23m) of the statutes is created to read:

18 16.40 (23m) PURCHASING CARD REBATES. Authorize any state agency to use  
19 purchasing cards for purchases that do not exceed \$5,000. If the state receives any  
20 rebates from a purchasing card issuer for purchases made with a purchasing card,  
21 the department shall deposit the rebate in the fund from which the appropriation is  
22 made for payment of the obligation incurred as a result of the purchase.”.

23 **54.** Page 44, line 3: delete lines 3 and 4.

24 **55.** Page 46, line 3: after that line insert:

1           **SECTION 240m.** 16.505 (2m) of the statutes is amended to read:

2           16.505 **(2m)** The board of regents of the University of Wisconsin System may  
3 create or abolish a full-time equivalent position or portion thereof from revenues  
4 appropriated under s. 20.285 (1) ~~(gs), (h), (ip), (iz), (j), (kc), (m), (n), or (u)~~ or (3) (iz)  
5 or (n) and may create or abolish a full-time equivalent position or portion thereof  
6 from revenues appropriated under s. 20.285 (1) (im) that are generated from  
7 increased enrollment and from courses for which the academic fees or tuition  
8 charged equals the full cost of offering the courses. No later than the last day of the  
9 month following completion of each calendar quarter, the board of regents shall  
10 report to the department and the cochairpersons of the joint committee on finance  
11 concerning the number of full-time equivalent positions created or abolished by the  
12 board under this subsection during the preceding calendar quarter and the source  
13 of funding for each such position.”.

14           **56.** Page 47, line 4: delete “**tax relief**” and substitute “**cash building**  
15 **projects**”.

16           **57.** Page 48, line 7: delete “tax relief” and substitute “cash building projects”.

17           **58.** Page 48, line 19: after “received” insert “in fiscal year 2002–03”.

18           **59.** Page 48, line 19: delete “Beginning in fiscal year 2002–03, if” and  
19 substitute “If”.

20           **60.** Page 48, line 20: delete “in that fiscal year or in any fiscal year thereafter”.

21           **61.** Page 48, line 23: delete the material beginning with “in” and ending with  
22 “agreement” on line 25.

23           **62.** Page 49, line 2: delete “the” and substitute “that”.



1           **63.** Page 59, line 8: after that line insert:

2           “**SECTION 270.** 16.701 of the statutes is renumbered 16.701 (1).

3           **SECTION 271.** 16.701 (2) of the statutes is created to read:

4           16.701 (2) The department may permit prospective vendors to provide product  
5 or service information through the service established under sub. (1). The  
6 department may prescribe fees or establish fees through a competitive process for the  
7 use of the service under this subsection.

8           **SECTION 272.** 16.7015 of the statutes is amended to read:

9           **16.7015 Bidders list.** The department ~~or any agency to which the department~~  
10 ~~delegates purchasing authority under s. 16.71 (1)~~ may maintain a bidders list which  
11 Any agency to which the department delegates purchasing authority under s. 16.71  
12 (1) may maintain a bidders list if authorized by the delegation. The bidders list shall  
13 include the names and addresses of all persons who request to be notified of bids or  
14 competitive sealed proposals, excluding those to be awarded under s. 16.75 (1) (c) or  
15 (2m) (c), that are solicited by the department or other agency for the procurement of  
16 materials, supplies, equipment or contractual services under this subchapter. Any  
17 list maintained by the department may include the names and addresses of any  
18 person who requests to be notified of bids or competitive sealed proposals ~~to be that~~  
19 are solicited by any agency. The department or other agency shall notify each person  
20 on its list of all requests for bids or competitive sealed proposals that are solicited by  
21 the department or other agency. The department or other agency may remove any  
22 person from its list for cause.”.

23           **64.** Page 62, line 25: after that line insert:

24           “**SECTION 282m.** 16.73 (6) of the statutes is created to read:

1           16.73 **(6)** The department shall administer a program to facilitate purchases of  
2 large equipment that is needed by municipalities. The department shall purchase  
3 large equipment as a part of the program. The department may, by rule, prescribe  
4 requirements for participation in the program and for participation in specific  
5 purchases under the program.”.

6           **65.** Page 63, line 10: after that line insert:

7           “**SECTION 286.** 16.75 (1) (a) 3. of the statutes is amended to read:

8           16.75 **(1)** (a) 3. Bids may be received only in accordance with such specifications  
9 as are adopted by the department as provided in this subsection. Any or all bids may  
10 be rejected. ~~Each~~ Whenever sealed bids are invited, each bid, with the name of the  
11 bidder, shall be entered on a record, and each record with the successful bid indicated  
12 shall, after the award or letting of the contract, be opened to public inspection. Where  
13 a low bid is rejected, a complete written record shall be compiled and filed, giving the  
14 reason in full for such action. Any waiver of sealed, advertised bids as provided in  
15 sub. (2m) or (6) shall be entered on a record kept by the department and open to public  
16 inspection.

17           **SECTION 287.** 16.75 (1) (b) of the statutes is amended to read:

18           16.75 **(1)** (b) When the estimated cost exceeds \$25,000, the department shall  
19 invite bids to be submitted. The department shall either solicit sealed bids to be  
20 opened publicly at a specified date and time, or shall solicit bidding by auction to be  
21 conducted electronically at a specified date and time. Whenever bids are invited, due  
22 notice inviting bids shall be published as a class 2 notice, under ch. 985, ~~and the bids~~  
23 or posted on the Internet at a site determined or approved by the department. The  
24 bid opening or auction shall not be opened until occur at least 7 days ~~from~~ after the

1 ~~date of the last day of publication~~ insertion of the notice or at least 7 days after the  
2 date of posting on the Internet. The ~~official advertisement~~ notice shall specify  
3 whether sealed bids are invited or bids will be accepted by auction, and shall give a  
4 clear description of the materials, supplies, equipment, or service contractual  
5 services to be purchased, the amount of the any bond, share draft, check, or other  
6 draft to be submitted as surety with the bid or prior to the auction, and the date of  
7 and time that the public opening or the auction will be held.

8 **SECTION 288.** 16.75 (1) (cm) of the statutes is created to read:

9 16.75 (1) (cm) If bids are solicited by auction, the award may be made in  
10 accordance with simplified competitive procedures established by the department  
11 for such transactions.

12 **SECTION 289.** 16.75 (2) (a) of the statutes is amended to read:

13 16.75 (2) (a) When the department of administration believes that it is to the  
14 best interests of the state to purchase certain patented or proprietary articles, other  
15 than printing and stationery, it may purchase said articles without the usual  
16 statutory procedure. ~~All~~ but all equipment shall be purchased from the lowest and  
17 best bidder as determined by the bids and a comparison of the any detailed  
18 specifications submitted with the bids, and after due advertisement ~~as hereinbefore~~  
19 ~~provided~~ notice, whenever notice is required under this section. Where the low bid  
20 or bids are rejected, a complete written record shall be compiled and filed, giving the  
21 reasons in full for such action.

22 **SECTION 290.** 16.75 (2m) (b) of the statutes is amended to read:

23 16.75 (2m) (b) When the estimated cost exceeds \$25,000, the department ~~shall~~  
24 ~~publish a class 2 notice under ch. ch 985~~ inviting may invite competitive sealed  
25 proposals by publishing a class 2 notice under ch. 985 or by posting notice on the

1 Internet at a site determined or approved by the department. The advertisement  
2 notice shall describe the materials, supplies, equipment, or service contractual  
3 services to be purchased, the intent to ~~solicit~~ make the procurement by solicitation  
4 of proposals rather than by solicitation of bids, any requirement for surety and the  
5 date the proposals will be opened, which shall be at least 7 days after the date of the  
6 last insertion of the notice or at least 7 days after the date of posting on the Internet.”.

7 **66.** Page 64, line 15: after that line insert:

8 “**SECTION 295.** 16.75 (6) (c) of the statutes is amended to read:

9 16.75 (6) (c) If the secretary determines that it is in the best interest of this state  
10 to do so, he or she may, with the approval of the governor, waive the requirements  
11 of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual  
12 services, other than printing and stationery, from a private source other than a  
13 source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the  
14 purchase is expected to exceed \$25,000, the department shall first publish a class 2  
15 notice under ch. 985 or post a notice on the Internet at the site determined or  
16 approved by the department under sub. (1) (b) describing the materials, supplies,  
17 equipment, or contractual services to be purchased, stating the intent to make the  
18 purchase from a private source without soliciting bids or competitive sealed  
19 proposals and stating the date on which the contract or purchase order will be  
20 awarded. The date of the award shall be at least 7 days after the date of the last  
21 insertion or the date of posting on the Internet.”.

22 **67.** Page 72, line 11: after that line insert:

23 “**SECTION 319s.** 16.85 (10m) of the statutes is created to read:

1           **16.85 (10m)** In connection with the planning process for the long-range state  
2 building program under sub. (10), to investigate the potential to incorporate and use  
3 distributed generation units in any state building project that is expected to involve  
4 an expenditure of \$5,000,000 or more. In conducting its investigation, the  
5 department shall consider the cost effectiveness of such use, the potential for such  
6 use to increase statewide power generation capacity, and the potential for cost  
7 savings to be realized by the state from such use. The department shall report the  
8 results of its investigation, together with its recommendations and the reasons  
9 therefor, to the building commission prior to consideration of the project by the  
10 commission. In this subsection, “distributed generation unit” means any form of  
11 energy generation that may be used by electric consumers for the generation of  
12 electric power.”.

13           **68.** Page 72, line 17: after that line insert:

14           “**SECTION 321j.** 16.854 (1) (a) of the statutes is amended to read:

15           16.854 **(1)** (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
16 means a business that is certified by the department of commerce under s. 560.036  
17 (2).”.

18           **69.** Page 74, line 20: after that line insert:

19           “**SECTION 322m.** 16.95 (16) of the statutes is created to read:

20           16.95 **(16)** Require public utilities to provide the department with energy  
21 billing and use data regarding public schools, if the department determines that the  
22 data would facilitate any effort by the department to administer or provide energy  
23 assistance for public schools, including any effort to direct energy assistance to public  
24 schools with the highest energy costs.”.

1           **70.** Page 75, line 19: after that line insert:

2           “**SECTION 327n.** 16.964 (1) (i) of the statutes is created to read:

3           16.964 **(1)** (i) From the appropriations under s. 20.505 (6) (kp) and (p), allocate  
4           \$250,000 annually to the department of transportation for the purpose of awarding  
5           grants under s. 85.53.”.

6           **71.** Page 76, line 19: after “grant.” insert “The department shall establish a  
7           deadline for receipt of applications. Immediately following the deadline, all  
8           applications received by the department are open to public inspection.”.

9           **72.** Page 76, line 23: delete the material beginning with that line and ending  
10          with page 78, line 23.

11          **73.** Page 79, line 23: after that line insert:

12          “**SECTION 343p.** 16.967 (6) of the statutes, as affected by 2001 Wisconsin Act  
13          .... (this act), is amended to read:

14          16.967 **(6)** REPORTS. By March 31 of each year, the department of  
15          administration, the department of agriculture, trade and consumer protection, the  
16          department of commerce, the department of forestry, the department of health and  
17          family services, the department of natural resources, the department of tourism, the  
18          department of revenue, the department of transportation, the board of regents of the  
19          University of Wisconsin System, the public service commission and the board of  
20          curators of the historical society shall each submit to the board a plan to integrate  
21          land information to enable such information to be readily translatable, retrievable  
22          and geographically referenced for use by any state, local governmental unit or public  
23          utility. The plans shall include the information that will be needed by local  
24          governmental units to prepare comprehensive plans containing the planning

1 elements required under s. 66.1001 (2). Upon receipt of this information, the board  
2 shall integrate the information to enable the information to be used to meet land  
3 information data needs. The integrated information shall be readily translatable,  
4 retrievable, and geographically referenced to enable members of the public to use the  
5 information.”.

6 **74.** Page 88, line 15: delete lines 15 and 16 and substitute:

7 “**SECTION 371b.** 16.974 (7) (b) to (d) of the statutes are renumbered 16.974 (2)  
8 to (4), and 16.974 (4), as renumbered, is amended to read:

9 16.974 **(4)** Coordinate with the technology for educational achievement in  
10 Wisconsin board to provide the Wisconsin Center for the Blind and Visually Impaired  
11 and the Wisconsin ~~School~~ Educational Services Program for the Deaf and Hard of  
12 Hearing with telecommunications access under s. 44.73 and contract with  
13 telecommunications providers to provide such access.”.

14 **75.** Page 93, line 3: after that line insert:

15 “**SECTION 382wd.** 19.32 (1d) (b) of the statutes is repealed.

16 **SECTION 382we.** 19.32 (1d) (c) of the statutes is amended to read:

17 19.32 **(1d)** (c) A secure mental health unit or facility established or unit for the  
18 institutional care of sexually violent persons specified under s. 980.065 ~~(2)~~.

19 **SECTION 382wf.** 19.35 (1) (am) 2. c. of the statutes is amended to read:

20 19.35 **(1)** (am) 2. c. Endanger the security, including the security of the  
21 population or staff, of any state prison under s. 302.01, jail, as defined in s. 165.85  
22 (2) (bg), secured correctional facility, as defined in s. 938.02 (15m), secured child  
23 caring institution, as defined in s. 938.02 (15g), secured group home, as defined in  
24 s. 938.02 (15p), mental health institute, as defined in s. 51.01 (12), ~~or~~ center for the

1 developmentally disabled, as defined in s. 51.01 (3), or facility, specified under s.  
2 980.065, for the institutional care of sexually violent persons.”.

3 **76.** Page 93, line 13: delete lines 13 to 15.

4 **77.** Page 93, line 15: after that line insert:

5 “**SECTION 386m.** 19.42 (13) (d) of the statutes is repealed.”.

6 **78.** Page 93, line 19: delete lines 19 to 21.

7 **79.** Page 93, line 21: after that line insert:

8 “**SECTION 389e.** 19.62 (2) of the statutes is created to read:

9 19.62 (2) “Internet protocol address” means an identifier for a computer or  
10 device on a transmission control protocol–Internet protocol network.

11 **SECTION 389m.** 19.68 of the statutes is created to read:

12 **19.68 Collection of personally identifiable information from Internet**  
13 **users.** No state authority that maintains an Internet site may use that site to obtain  
14 personally identifiable information from any person who visits that site without the  
15 consent of the person from whom the information is obtained. This section does not  
16 apply to acquisition of Internet protocol addresses.”.

17 **80.** Page 94, line 25: delete “\$50,000,000” and substitute “\$90,000,000”.

18 **81.** Page 107, line 19: increase the dollar amount for fiscal year 2002–03 by  
19 \$1,100,000 to increase funding for the purpose for which the appropriation is made.

20 **82.** Page 108, line 4: decrease the dollar amount for fiscal year 2001–02 by  
21 \$250,800 and decrease the dollar amount for fiscal year 2002–03 by \$501,600 to  
22 reflect the implementation of the agricultural producer security program and to  
23 decrease the authorized FTE positions by 7.72 PR positions on January 1, 2002.



1 **83.** Page 108, line 12: delete lines 12 and 13.

2 **84.** Page 108, line 13: after that line insert:

3 “(k) Payments to ethanol producers PR–S A –0– 1,900,000”.

4 **85.** Page 108, line 14: after that line insert:

5 “(q) Dairy, grain, and vegetable

6 security SEG A 588,100 828,500”.

7 **86.** Page 108, line 19: after that line insert:

8 “(v) Agricultural producer

9 security; bonds SEG S –0– –0–

10 (w) Agricultural producer

11 security; payments SEG S –0– –0–

12 (wb) Agricultural producer

13 security; bond proceeds SEG C –0– –0–”.

14 **87.** Page 109, line 6: increase the dollar amount for fiscal year 2001–02 by

15 \$400,000 and increase the dollar amount for fiscal year 2002–03 by \$400,000 to

16 increase funding for the purpose for which the appropriation is made.

17 **88.** Page 110, line 16: after that line insert:

18 “(q) Grants for agriculture in the

19 classroom program SEG A 100,000 100,000”.

20 **89.** Page 111, line 1: decrease the dollar amount for fiscal year 2001–02 by

21 \$904,800 and decrease the dollar amount for fiscal year 2002–03 by \$904,800 for the

22 purpose of reflecting the transfer of funding for nonpoint source water pollution

1 control to the environmental fund and to decrease the authorized FTE positions by  
2 11.0 GPR positions.

3 **90.** Page 111, line 5: decrease the dollar amount for fiscal year 2001–02 by  
4 \$3,971,300 and decrease the dollar amount for fiscal year 2002–03 by \$3,971,300 for  
5 the purpose of reflecting the transfer of funding for nonpoint source water pollution  
6 control to the environmental fund.

7 **91.** Page 111, line 21: after that line insert:

8 “(qd) Soil and water management;  
9 environmental fund SEG A 4,876,100 4,876,100”.

10 **92.** Page 112, line 15: after that line insert:

11 “(jm) Telephone solicitation regulation PR C -0- -0-”.

12 **93.** Page 113, line 7: increase the dollar amount for fiscal year 2001–02 by  
13 \$2,001,900 and increase the dollar amount for fiscal year 2002–03 by \$2,001,900 to  
14 increase the authorized FTE positions by 10.0 GPR positions for the division of  
15 international and export development.

16 **94.** Page 113, line 14: decrease the dollar amount for fiscal year 2001–02 by  
17 \$1,550,000 and decrease the dollar amount for fiscal year 2002–03 by \$1,550,000 to  
18 decrease funding for the purposes for which the appropriation is made.

19 **95.** Page 114, line 22: decrease the dollar amount for fiscal year 2001–02 by  
20 \$50,000 and decrease the dollar amount for fiscal year 2002–03 by \$50,000 to  
21 decrease funding for the purposes for which the appropriation is made.

1           **96.** Page 116, line 18: increase the dollar amount for fiscal year 2001–02 by  
2           \$150,000 and increase the dollar amount for fiscal year 2002–03 by \$150,000 to  
3           increase funding for the purposes for which the appropriation is made.

4           **97.** Page 116, line 21: delete lines 21 and 22.

5           **98.** Page 120, line 12: increase the dollar amount for fiscal year 2001–02 by  
6           \$120,000 and increase the dollar amount for fiscal year 2002–03 by \$120,000 for the  
7           purpose of funding public education on financial matters.

8           **99.** Page 125, line 6: after that line insert:

9           “(q) Cemetery and mausoleum

10           trustee disbursements                   SEG     S           –0–           –0–”.

11           **100.** Page 127, line 9: delete lines 9 to 12.

12           **101.** Page 129, line 3: increase the dollar amount for fiscal year 2001–02 by  
13           \$526,000 and increase the dollar amount for fiscal year 2002–03 by \$1,065,100 to  
14           increase funding for the purpose for which the appropriation is made.

15           **102.** Page 129, line 4: after that line insert:

16           “(cm) Nursing student loan program     GPR     A           –0–     450,000”.

17           **103.** Page 129, line 5: increase the dollar amount for fiscal year 2001–02 by  
18           \$10,800 and increase the dollar amount for fiscal year 2002–03 by \$22,100 to  
19           increase funding for the purpose for which the appropriation is made.

20           **104.** Page 129, line 18: increase the dollar amount for fiscal year 2001–02 by  
21           \$850,500 and increase the dollar amount for fiscal year 2002–03 by \$1,739,300 to  
22           increase funding for the purpose for which the appropriation is made.

1           **105.** Page 129, line 20: increase the dollar amount for fiscal year 2001–02 by  
2 \$429,100 and increase the dollar amount for fiscal year 2002–03 by \$872,100 to  
3 increase funding for the purpose for which the appropriation is made.

4           **106.** Page 130, line 2: increase the dollar amount for fiscal year 2001–02 by  
5 \$31,200 and increase the dollar amount for fiscal year 2002–03 by \$63,800 to  
6 increase funding for the purpose for which the appropriation is made.

7           **107.** Page 130, line 4: delete “Governor Thompson” and substitute “Academic  
8 excellence higher education”.

9           **108.** Page 130, line 14: delete lines 14 and 15.

10           **109.** Page 133, line 14: increase the dollar amount for fiscal year 2002–03 by  
11 \$50,000 for data collection, evaluation, and technical assistance to measure the  
12 effectiveness of the Wisconsin educational opportunities program.

13           **110.** Page 133, line 14: increase the dollar amount for fiscal year 2002–03 by  
14 \$195,000 to increase funding for career and technical student organizations.

15           **111.** Page 133, line 14: increase the dollar amount for fiscal year 2001–02 by  
16 \$1,404,200 and increase the dollar amount for fiscal year 2002–03 by \$1,122,600 to  
17 increase funding for the purposes for which the appropriation is made.

18           **112.** Page 134, line 1: delete “Gen pgm ops; school for the deaf” and substitute  
19 “Gen pgm ops; Wis educ services pgm for the deaf and hard of hrg”.

20           **113.** Page 134, line 2: delete “and ctr” and substitute “and Wis ctr”.

21           **114.** Page 134, line 4: delete “Energy costs; school for the deaf” and substitute  
22 “Energy costs; Wis educ services pgm for the deaf and hard of hearing”.

23           **115.** Page 134, line 5: delete “and center” and substitute “and Wis center”.

1           **116.** Page 134, line 10: delete “School for the deaf and center for” and  
2 substitute “Wis educ services pgm for the deaf and hard of hearing and Wis center  
3 for”.

4           **117.** Page 134, line 13: delete “School for the deaf and ctr for the” and  
5 substitute “Wis educ services pgm for the deaf and hard of hearing and Wis ctr for  
6 the”.

7           **118.** Page 134, line 16: delete “Center” and substitute “Wis educ services pgm  
8 for the deaf and hard of hearing and Wis ctr”.

9           **119.** Page 134, line 18: delete “School for the deaf and center for” and  
10 substitute “Wis educ services pgm for the deaf and hard of hearing and Wis ctr for”.

11           **120.** Page 134, line 20: delete “School for the deaf and ctr for the” and  
12 substitute “Wis educ services pgm for the deaf and hard of hearing and Wis ctr for  
13 the”.

14           **121.** Page 136, line 9: increase the dollar amount for fiscal year 2001–02 by  
15 \$116,000 and increase the dollar amount for fiscal year 2002–03 by \$214,800 to  
16 increase funding for the purpose for which the appropriation is made.

17           **122.** Page 136, line 13: increase the dollar amount for fiscal year 2001–02 by  
18 \$430,100 and increase the dollar amount for fiscal year 2002–03 by \$1,064,000 to  
19 increase funding for the purpose for which the appropriation is made.

20           **123.** Page 136, line 15: increase the dollar amount for fiscal year 2001–02 by  
21 \$163,300 and increase the dollar amount for fiscal year 2002–03 by \$163,300 to  
22 increase funding for the purpose for which the appropriation is made.

23           **124.** Page 136, line 18: delete “morning” and substitute “school day”.

1           **125.** Page 137, line 22: after that line insert:

2           “(kj) Grant to Beloit College                      PR        A            50,000        50,000”.

3           **126.** Page 138, line 2: after that line insert:

4           “(kn) Federal funds transferred from  
5                       the department of workforce  
6                       development; after-school care  
7                       grant program                                      PR-S     C            -0-            -0-”.

8           **127.** Page 138, line 11: increase the dollar amount for fiscal year 2002–03 by  
9           \$250,000 to increase funding for the purpose for which the appropriation is made.

10           **128.** Page 138, line 12: increase the dollar amount for fiscal year 2001–02 by  
11           \$97,300 and increase the dollar amount for fiscal year 2002–03 by \$125,300 to  
12           increase funding for the purposes for which the appropriation is made.

13           **129.** Page 138, line 16: increase the dollar amount for fiscal year 2001–02 by  
14           \$450,000 and increase the dollar amount for fiscal year 2002–03 by \$450,000 to  
15           increase funding for the purpose for which the appropriation is made.

16           **130.** Page 139, line 4: increase the dollar amount for fiscal year 2001–02 by  
17           \$73,500 and increase the dollar amount for fiscal year 2002–03 by \$150,200 to  
18           increase funding for the purpose for which the appropriation is made.

19           **131.** Page 140, line 4: delete lines 4 to 6.

20           **132.** Page 140, line 21: after that line insert:

21           “(q) Computer training                                      SEG     A            175,000        175,000”.

1           **133.** Page 141, line 11: decrease the dollar amount for fiscal year 2001–02 by  
2           \$2,000,000 and decrease the dollar amount for fiscal year 2002–03 by \$4,000,000 to  
3           decrease funding for the purpose for which the appropriation is made.

4           **134.** Page 141, line 11: decrease the dollar amount for fiscal year 2001–02 by  
5           \$110,000 and decrease the dollar amount for fiscal year 2002–03 by \$110,000 for the  
6           purpose for which the appropriation is made.

7           **135.** Page 141, line 11: decrease the dollar amount for fiscal year 2001–02 by  
8           \$151,000 and decrease the dollar amount for fiscal year 2002–03 by \$151,000 for the  
9           purpose of decreasing the authorized FTE positions for the board of regents of the  
10          University of Wisconsin System by 3.0 GPR positions associated with vehicle fleet  
11          maintenance.

12          **136.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
13          \$12,000,000 to increase the authorized FTE positions by 45.0 GPR positions for  
14          faculty and staff at the University of Wisconsin–Madison and to increase funding for  
15          the University of Wisconsin–Madison.

16          **137.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
17          \$11,350,000 to increase the authorized FTE positions for the board of regents of the  
18          University of Wisconsin System by 120.0 GPR positions for the purpose of faculty and  
19          staff at the University of Wisconsin–Milwaukee.

20          **138.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
21          \$325,000 to increase the number of authorized FTE positions of the board of regents  
22          of the University of Wisconsin System by 8.0 GPR positions for faculty and staff at  
23          the University of Wisconsin–Green Bay.

1           **139.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
2           \$1,204,500 to increase the number of authorized FTE positions of the board of  
3           regents of the University of Wisconsin System by 26.33 GPR positions to provide  
4           digital science distance education courses from the University of Wisconsin–Stevens  
5           Point for nontraditional students.

6           **140.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
7           \$200,200 to increase the number of authorized FTE positions of the board of regents  
8           of the University of Wisconsin System by 0.33 GPR position to implement a  
9           transportation and logistics management bachelor’s degree program at the  
10          University of Wisconsin–Superior.

11          **141.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
12          \$983,500 to increase the number of authorized FTE positions of the board of regents  
13          of the University of Wisconsin System by 13.66 GPR positions to expand technology  
14          courses designed for working adults at the University of Wisconsin college campuses.

15          **142.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
16          \$1,850,000 to increase the number of authorized FTE positions of the board of  
17          regents of the University of Wisconsin System by 26.0 GPR positions for an  
18          expansion of information systems and computer science programs at the University  
19          of Wisconsin–Eau Claire and to initiate a work–based university consortium at the  
20          University of Wisconsin–Stout.

21          **143.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
22          \$266,000 to increase the number of authorized FTE positions of the board of regents  
23          of the University of Wisconsin System by 4.0 GPR positions for additional course



1 offerings in computer science and informational technology at the University of  
2 Wisconsin–River Falls.

3 **144.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
4 \$1,320,000 to increase the number of authorized FTE positions of the board of  
5 regents of the University of Wisconsin System by 11.1 GPR positions for additional  
6 computer, Internet, technology, and media studies programs at the University of  
7 Wisconsin–Whitewater.

8 **145.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
9 \$295,000 to increase the number of authorized FTE positions of the board of regents  
10 of the University of Wisconsin System by 3.66 GPR positions for the University of  
11 Wisconsin–Platteville, University of Wisconsin–Fox Valley, and University of  
12 Wisconsin–Oshkosh engineering collaboration.

13 **146.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
14 \$612,000 to increase the number of authorized FTE positions of the board of regents  
15 of the University of Wisconsin System by 6.0 GPR positions for the University of  
16 Wisconsin–Extension small business development centers.

17 **147.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
18 \$277,900 to increase the number of authorized FTE positions of the board of regents  
19 of the University of Wisconsin System by 3.0 GPR positions to offer high technology  
20 courses at the University of Wisconsin–La Crosse.

21 **148.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
22 \$293,600 to increase the number of authorized FTE positions of the board of regents  
23 of the University of Wisconsin System by 3.5 GPR positions to establish an adult  
24 student access and advocacy office and to expand the number of students enrolled

1 in the master of science in information systems program at the University of  
2 Wisconsin–Oshkosh.

3 **149.** Page 141, line 11: increase the dollar amount for fiscal year 2002–03 by  
4 \$403,000 to increase the number of authorized FTE positions of the board of regents  
5 of the University of Wisconsin System by 3.33 GPR positions to expand the number  
6 of high technology courses offered and to establish a molecular biology and  
7 bio–informatics certificate program at the University of Wisconsin–Parkside.

8 **150.** Page 141, line 18: decrease the dollar amount for fiscal year 2001–02 by  
9 \$2,300,000 and decrease the dollar amount for fiscal year 2002–03 by \$2,000,000 to  
10 decrease funding for the purpose for which the appropriation is made.

11 **151.** Page 142, line 1: delete that line.

12 **152.** Page 142, line 7: decrease the dollar amount for fiscal year 2001–02 by  
13 \$200,000 and decrease the dollar amount for fiscal year 2002–03 by \$200,000 to  
14 decrease funding for the purpose for which the appropriation is made.

15 **153.** Page 143, line 4: after that line insert:

16 “(gs) Charter school operator pay-  
17 ments PR C –0– –0–”.

18 **154.** Page 143, line 8: delete lines 8 and 9.

19 **155.** Page 144, line 4: after that line insert:

20 “(kc) Charter school PR–S C –0– –0–”.

21 **156.** Page 144, line 11: delete “Land and water” and substitute “Grazing”.



1           **164.** Page 148, line 13: decrease the dollar amount for fiscal year 2001–02 by  
2 \$400,000 and decrease the dollar amount for fiscal year 2002–03 by \$3,900,00 to  
3 decrease funding for the purposes for which the appropriation is made.

4           **165.** Page 148, line 15: increase the dollar amount for fiscal year 2001–02 by  
5 \$750,000 and increase the dollar amount for fiscal year 2002–03 by \$750,000 to  
6 increase funding for the purposes for which the appropriation is made.

7           **166.** Page 149, line 12: delete that line.

8           **167.** Page 150, line 1: delete lines 1 to 4.

9           **168.** Page 152, line 10: decrease the dollar amount for fiscal year 2002–03 by  
10 \$100,000 for the purpose of reflecting the creation of the department of forestry.

11           **169.** Page 153, line 6: decrease the dollar amount for fiscal year 2002–03 by  
12 \$318,700 for the purpose of reflecting the creation of the department of forestry.

13           **170.** Page 153, line 7: decrease the dollar amount for fiscal year 2002–03 by  
14 \$318,700 for the purpose of reflecting the creation of the department of forestry.

15           **171.** Page 153, line 13: after that line insert:

16           “(es) Parks and forests — operation

17           and maintenance; beaches           SEG    A           150,000    150,000”.

18           **172.** Page 154, line 17: decrease the dollar amount for fiscal year 2002–03 by  
19 \$99,000 for the purpose of reflecting the creation of the department of forestry.

20           **173.** Page 154, line 18: delete “Wild crane management” and substitute  
21 “Reintroduction of whooping cranes”.

22           **174.** Page 154, line 23: after that line insert:

1           “(Lu) Wild animals and plants                   SEG     A                   –0–                   –0–”.

2           **175.** Page 154, line 23: decrease the dollar amount for fiscal year 2002–03 by  
3           \$153,400 for the purpose of reflecting the creation of the department of forestry and  
4           to reduce the authorized FTE positions by 2.5 SEG positions.

5           **176.** Page 155, line 11: decrease the dollar amount for fiscal year 2002–03 by  
6           \$10,000 for the purpose of reflecting the creation of the department of forestry.

7           **177.** Page 155, line 15: decrease the dollar amount for fiscal year 2002–03 by  
8           \$7,100 for the purpose of reflecting the creation of the department of forestry.

9           **178.** Page 155, line 20: decrease the dollar amount for fiscal year 2002–03 by  
10          \$2,617,000, and adjust the NET APPROPRIATION total accordingly, for the purpose  
11          of reflecting the creation of the department of forestry and to reduce the authorized  
12          FTE positions by 31.41 SEG positions related to forestry.

13          **179.** Page 155, line 21: decrease the dollar amount for fiscal year 2001–02 by  
14          \$100,000, and adjust the NET APPROPRIATION total accordingly, to decrease  
15          funding for pheasant stocking.

16          **180.** Page 155, line 21: increase the dollar amount for fiscal year 2001–02 by  
17          \$307,800 and increase the dollar amount for fiscal year 2002–03 by \$235,000, and  
18          adjust the NET APPROPRIATION totals accordingly, to increase the authorized  
19          FTE positions for the department of natural resources by 3.0 SEG wildlife  
20          management positions.

21          **181.** Page 155, line 22: increase the dollar amount for fiscal year 2001–02 by  
22          \$46,000, and adjust the NET APPROPRIATION totals accordingly, to increase the

1 authorized FTE positions for the department of natural resources by 1.0 SEG  
2 manager position for the Willow Flowage.

3 **182.** Page 155, line 22: decrease the dollar amount for fiscal year 2002–03 by  
4 \$35,237,300, and adjust the NET APPROPRIATION total accordingly, for the  
5 purpose of reflecting the creation of the department of forestry and to reduce the  
6 authorized FTE positions by 432.94 SEG positions.

7 **183.** Page 155, line 23: decrease the dollar amount for fiscal year 2002–03 by  
8 \$4,245,500, and adjust the NET APPROPRIATION total accordingly, for the purpose  
9 of reflecting the creation of the forestry fund and to reduce the authorized FTE  
10 positions by 44.75 SEG positions.

11 **184.** Page 156, line 1: decrease the dollar amount for fiscal year 2002–03 by  
12 \$2,549,500, and adjust the NET APPROPRIATION total accordingly, for the purpose  
13 of reflecting the creation of the department of forestry and to reduce the authorized  
14 FTE positions by 31.16 SEG positions related to forestry.

15 **185.** Page 156, line 10: before that line insert:

16	“(mv) General program operations —				
17	forestry funds	SEG	A	–0–	4,245,500
18	(mx) General program operations —				
19	federal forestry funds	SEG–F	C	–0–	–0–”.

20 **186.** Page 159, line 1: increase the dollar amount for fiscal year 2001–02 by  
21 \$200,000 for the purpose of developing rules related to recycling efficiency incentive  
22 grants, the pilot program for effective recycling program compliance, and disposal  
23 ban enforcement.

1           **187.** Page 160, line 5: increase the dollar amount for fiscal year 2001–02 by  
2           \$133,200 and increase the dollar amount for fiscal year 2002–03 by \$133,200 to  
3           increase the authorized FTE positions for the department of natural resources by 2.0  
4           SEG conservation warden positions for state law enforcement functions related to  
5           snowmobiles.

6           **188.** Page 160, line 9: increase the dollar amount for fiscal year 2001–02 by  
7           \$120,600 and increase the dollar amount for fiscal year 2002–03 by \$120,600 to  
8           increase the authorized FTE positions for the department of natural resources by 2.0  
9           SEG conservation warden positions for state law enforcement functions related to  
10          all-terrain vehicles.

11          **189.** Page 160, line 10: after that line insert:

12          “(au) Hunter education and bow

13                 hunter education                                 SEG     A             171,200     171,200”.

14          **190.** Page 161, line 2: decrease the dollar amount for fiscal year 2001–02 by  
15          \$386,900 and decrease the dollar amount for fiscal year 2002–03 by \$386,900 for the  
16          purpose of reflecting the transfer of funding for nonpoint source water pollution  
17          control to the environmental fund and to decrease the authorized FTE positions by  
18          5.5 GPR positions.

19          **191.** Page 161, line 2: decrease the dollar amount for fiscal year 2001–02 by  
20          \$253,800 and decrease the dollar amount for fiscal year 2002–03 by \$253,800 to  
21          decrease the authorized FTE positions for the department of natural resources by 4.0  
22          GPR conservation warden positions.

23          **192.** Page 161, line 14: after that line insert:

1       “(mt) General program operations,  
2               nonpoint source — environmen-  
3               tal fund                               SEG     A           386,900     386,900”.

4               **193.** Page 161, line 16: decrease the dollar amount for fiscal year 2002–03 by  
5       \$901,100 for the purpose of reflecting the creation of the department of forestry and  
6       to reduce the authorized FTE positions by 10.03 SEG positions related to forests.

7               **194.** Page 162, line 2: delete lines 2 to 5.

8               **195.** Page 162, line 11: increase the dollar amount for fiscal year 2001–02 by  
9       \$150,000 and increase the dollar amount for fiscal year 2002–03 by \$150,000 to  
10       increase funding for the purpose for which the appropriation is made.

11              **196.** Page 162, line 11: increase the dollar amount for fiscal year 2001–02 by  
12       \$46,000 and increase the dollar amount for fiscal year 2002–03 by \$55,000 to  
13       increase the authorized FTE positions for the department of natural resources by 1.0  
14       SEG rivers coordinator position in the field office of the department of natural  
15       resources located in Rhinelander.

16              **197.** Page 162, line 11: delete “lake and river management” and substitute  
17       “management activities”.

18              **198.** Page 162, line 13: after that line insert:

19       “(as) Water resources — trading water  
20               pollution credits                       SEG     C           50,000     50,000

21       (at) Watershed — nonpoint source  
22               contracts                               SEG     B           1,079,300   1,079,300”.

23              **199.** Page 162, line 18: delete lines 18 to 20.



1           **200.** Page 162, line 20: after that line insert:

2           “(ax) Water resources management —

3           computer accessible information   SEG    A           -0-           -0-”.

4           **201.** Page 163, line 16: decrease the dollar amount for fiscal year 2001–02 by  
5           \$732,700 and decrease the dollar amount for fiscal year 2002–03 by \$732,700, and  
6           adjust the NET APPROPRIATION totals accordingly, for the purpose of reflecting  
7           the transfer of funding for nonpoint source water pollution control to the  
8           environmental fund and to decrease the authorized FTE positions by 9.5 GPR  
9           positions.

10          **202.** Page 164, line 11: increase the dollar amount for fiscal year 2001–02 by  
11          \$128,900 and increase the dollar amount for fiscal year 2002–03 by \$128,900, and  
12          adjust the NET APPROPRIATION totals accordingly, for the purpose of reflecting  
13          the transfer of funding for nonpoint source water pollution control to the  
14          environmental fund and to increase the authorized FTE positions by 1.5 SEG  
15          positions.

16          **203.** Page 164, line 15: before that line insert:

17          “(mr) General program operations —

18          nonpoint source                            SEG    A           603,800    603,800”.

19          **204.** Page 164, line 19: decrease the dollar amount for fiscal year 2001–02 by  
20          \$20,000 to decrease funding for a walleye population and size survey on the  
21          Wisconsin River.

22          **205.** Page 164, line 19: increase the dollar amount for fiscal year 2001–02 by  
23          \$431,700 and increase the dollar amount for fiscal year 2002–03 by \$459,000 to



1           **216.** Page 167, line 2: increase the dollar amount for fiscal year 2001–02 by  
2 \$200,000 to increase funding for the urban forestry grant program.

3           **217.** Page 167, line 2: decrease the dollar amount for fiscal year 2002–03 by  
4 \$1,624,900 for the purpose of reflecting the creation of the department of forestry.

5           **218.** Page 167, line 6: decrease the dollar amount for fiscal year 2002–03 by  
6 \$448,000 for the purpose of reflecting the creation of the department of forestry.

7           **219.** Page 167, line 10: increase the dollar amount for fiscal year 2001–02 by  
8 \$200,000 to provide funding for the Southeastern Wisconsin Fox River commission.

9           **220.** Page 168, line 4: after that line insert:

10           “(cz) Recreation aids — snowmobile–

11           bicycle–pedestrian overpass           SEG    B           124,000           –0–”.

12           **221.** Page 169, line 4: delete lines 4 and 5.

13           **222.** Page 169, line 9: after that line insert:

14           “(au) Environmental aids — river

15           protection; environmental fund    SEG    A           150,000    150,000”.

16           **223.** Page 170, line 5: decrease the dollar amount for fiscal year 2001–02 by  
17 \$200,000 for the purpose of decreasing funding for the purpose for which the  
18 appropriation is made.

19           **224.** Page 170, line 9: decrease the dollar amount for fiscal year 2001–02 by  
20 \$5,000,000 and increase the dollar amount for fiscal year 2002–03 by \$5,000,000 to  
21 change the amount of funding provided for the purpose for which the appropriation  
22 is made.

23           **225.** Page 170, line 9: after that line insert:

1 “(bv) Recycling efficiency incentive

2 grants SEG A –0– 1,900,000”.

3 **226.** Page 170, line 17: delete lines 17 and 18.

4 **227.** Page 170, line 18: after that line insert:

5 “(dc) Land spreading reduction pilot

6 program GPR A 25,000 25,000”.

7 **228.** Page 170, line 20: after that line insert:

8 “(dq) Environmental aids — urban

9 nonpoint source SEG A 2,000,000 2,000,000”.

10 **229.** Page 172, line 3: decrease the dollar amount for fiscal year 2002–03 by  
11 \$4,000,000 for the purpose of reflecting the creation of the department of forestry.

12 **230.** Page 173, line 6: decrease the dollar amount for fiscal year 2002–03 by  
13 \$114,600 for the purpose of reflecting the creation of the department of forestry.

14 **231.** Page 173, line 13: decrease the dollar amount for fiscal year 2002–03 by  
15 \$222,600 for the purpose of reflecting the creation of the department of forestry.

16 **232.** Page 174, line 7: decrease the dollar amount for fiscal year 2002–03 by  
17 \$154,000 for the purpose of reflecting the creation of the department of forestry.

18 **233.** Page 174, line 12: decrease the dollar amount for fiscal year 2002–03 by  
19 \$190,500 for the purpose of reflecting the creation of the department of forestry.

20 **234.** Page 175, line 1: decrease the dollar amount for fiscal year 2001–02 by  
21 \$43,600 and decrease the dollar amount for fiscal year 2002–03 by \$43,600 to  
22 decrease funding for the purpose for which the appropriation is made and to decrease  
23 the authorized FTE positions by 0.5 SEG auditor position.

1           **235.** Page 175, line 3: decrease the dollar amount for fiscal year 2001–02 by  
2           \$693,000 and decrease the dollar amount for fiscal year 2002–03 by \$694,000 for the  
3           purpose of reflecting the transfer of funding for nonpoint source water pollution  
4           control to the environmental fund.

5           **236.** Page 175, line 16: decrease the dollar amount for fiscal year 2002–03 by  
6           \$7,066,100 for the purpose of reflecting the creation of the department of forestry and  
7           to reduce the authorized FTE positions by 76.55 SEG positions related to forestry.

8           **237.** Page 175, line 18: increase the dollar amount for fiscal year 2001–02 by  
9           \$693,000 and increase the dollar amount for fiscal year 2002–03 by \$694,000 for the  
10          purpose of reflecting the transfer of funding for nonpoint source water pollution  
11          control to the environmental fund.

12          **238.** Page 177, line 4: decrease the dollar amount for fiscal year 2001–02 by  
13          \$75,800 and decrease the dollar amount for fiscal year 2002–03 by \$75,800 for the  
14          purpose of reflecting the transfer of funding for nonpoint source water pollution  
15          control to the environmental fund and to decrease the authorized FTE positions by  
16          1.5 GPR positions.

17          **239.** Page 177, line 24: increase the dollar amount for fiscal year 2001–02 by  
18          \$375,000 and increase the dollar amount for fiscal year 2002–03 by \$375,000 to  
19          increase funding for limited term employee staffing.

20          **240.** Page 177, line 24: decrease the dollar amount for fiscal year 2002–03 by  
21          \$2,680,100 for the purpose of reflecting the creation of the department of forestry and  
22          to reduce the authorized FTE positions by 29.91 SEG positions related to forestry.

1           **241.** Page 178, line 2: increase the dollar amount for fiscal year 2001–02 by  
 2           \$75,800 and increase the dollar amount for fiscal year 2002–03 by \$75,800 for the  
 3           purpose of reflecting the transfer of funding for nonpoint source water pollution  
 4           control to the environmental fund and to increase the authorized FTE positions by  
 5           1.5 SEG positions.

6           **242.** Page 179, line 4: before that line insert:

7           **“20.375 Forestry, department of**

8           (2)   FORESTRY

9           (h)   General program operations —

10           private and public sources           PR       C           –0–           –0–

11           (k)   General program operations —

12           service funds                           PR–S    C           –0–           –0–

13           (q)   General program operations           SEG     A           –0–   51,106,100

14           (qf)  Forestry acquisition and devel-

15           opment                                   SEG     C           –0–           222,600

16           (qh)  Reforestation                    SEG     C           –0–           100,000

17           (qr)  Recording fees                     SEG     C           –0–           –0–

18           (r)   Forest fire emergencies            SEG     C           –0–           –0–

19           (rm)  Timber sales contracts — repair

20           and reimbursement costs            SEG     C           –0–           –0–

21           (rq)  Resource aids — private con-

22           servation organizations; Great

23           Lakes Forestry Museum            SEG     C           –0–           80,000

1	(ru)	Forestry — forestry education				
2		and curriculum	SEG	A	–0–	318,700
3	(rv)	Forestry — public education	SEG	C	–0–	318,700
4	(s)	Resource aids — private forest				
5		grants	SEG	B	–0–	1,250,000
6	(sL)	Resource aids — wildlife habitat				
7		and recreation	SEG	C	–0–	234,500
8	(sm)	Resource aids — urban land con-				
9		servation	SEG	A	–0–	150,000
10	(sv)	Wildlife management	SEG	A	–0–	153,400
11	(t)	Resource aids — county forest				
12		loans; severance share payments	SEG	C	–0–	–0–
13	(tm)	Resource aids — forest croplands				
14		and managed forest land aids	SEG	A	–0–	1,250,000
15	(u)	Resource aids — county forest				
16		loans	SEG	A	–0–	622,400
17	(um)	Resource aids — county forest				
18		project loans	SEG	C	–0–	400,000
19	(v)	Resource aids — county forest				
20		project loans; severance share				
21		payments	SEG	C	–0–	–0–

1	(vm)	Resource aids — county forests,				
2		forest croplands and managed				
3		forest land aids	SEG	S	–0–	–0–
4	(w)	Resource aids — urban forestry				
5		and county forest administrator				
6		grants	SEG	A	–0–	1,724,900
7	(wm)	Resource aids — fire suppression				
8		grants	SEG	A	–0–	448,000
9	(x)	General program operations —				
10		federal funds	SEG–F	C	–0–	–0–
11	(xg)	Resource aids — national forest				
12		income aids	PR–F	C	–0–	–0–
13	(ym)	Resource aids — payment in lieu				
14		of taxes; federal	PR–F	C	–0–	–0–
15	(z)	Forest fire emergencies — fed-				
16		eral funds	SEG–F	C	–0–	–0–
17	(3)	DEPARTMENTWIDE				
18	(b)	Resource maintenance and				
19		development — state forest				
		roads	GPR	A	–0–	190,500
20	(c)	Resource maintenance and				
21		development — state funds	GPR	C	–0–	114,600
22	(d)	Aids in lieu of taxes	GPR	S	–0–	–0–



23	(r)	Taxes and assessments	SEG	A	–0–	99,000
1	(s)	Aids in lieu of taxes	SEG	S	–0–	–0–
2	(sg)	State snowmobile trails and				
3		areas	SEG	A	–0–	10,000
4	(sm)	Ice age trail area grants	SEG	A	–0–	75,000
5	(sr)	State all-terrain vehicle projects	SEG	A	–0–	7,100
6	(t)	Gifts and grants	SEG	C	–0–	–0–
7	(tm)	Promotional activities and publi-				
8		cations	SEG	C	–0–	–0–
9	(tn)	Administrative facilities — prin-				
10		cipal repayment and interest	SEG	S	–0–	–0–
11	(u)	State forest acquisition and				
12		development — principal repay-				
13		ment and interest	SEG	A	–0–	4,000,000
14	(um)	Forestry land endowment fund	SEG	S	–0–	–0–
15	(v)	Facilities acquisition, develop-				
16		ment, and maintenance	SEG	B	–0–	154,000
17	(x)	General program operations —				
18		federal funds	SEG–F	C	–0–	–0–”.

19           **243.** Page 179, line 8: decrease the dollar amount for fiscal year 2001–02 by  
20 \$43,400 and decrease the dollar amount for fiscal year 2002–03 by \$43,400 to  
21 eliminate funding for the badger state games and to reallocate a portion for the  
22 heritage tourism program.



1           **252.** Page 188, line 19: decrease the dollar amount for fiscal year 2001–02 by  
2           \$2,000 to decrease funding for a sidewalk reconstruction project in Wisconsin  
3           Rapids.

4           **253.** Page 188, line 19: decrease the dollar amount for fiscal year 2001–02 by  
5           \$27,000,000 to decrease funding for the purposes for which the appropriation is  
6           made.

7           **254.** Page 189, line 2: on lines 2, 6 and 10, delete “reconstruction” and  
8           substitute “rehabilitation”.

9           **255.** Page 189, line 12: increase the dollar amount for fiscal year 2001–02 by  
10          \$27,000,000 to increase funding for the purposes for which the appropriation is  
11          made.

12          **256.** Page 190, line 8: increase the dollar amount for fiscal year 2001–02 by  
13          \$406,000 and increase the dollar amount for fiscal year 2002–03 by \$406,000 to  
14          increase funding for the Type 1 motorcycle, moped, and motor bicycle safety program.

15          **257.** Page 192, line 3: increase the dollar amount for fiscal year 2001–02 by  
16          \$34,600 to increase funding for veterans’ registration plates for motorcycles.

17          **258.** Page 192, line 18: decrease the dollar amount for fiscal year 2001–02 by  
18          \$23,000 and decrease the dollar amount for fiscal year 2002–03 by \$23,000 to  
19          decrease funding for the statewide public safety radio management program.

20          **259.** Page 195, line 3: decrease the dollar amount for fiscal year 2002–03 by  
21          \$3,955,500 for the purpose of delaying the opening of the correctional institution in  
22          New Lisbon until June 1, 2003.

1           **260.** Page 195, line 3: decrease the dollar amount for fiscal year 2001–02 by  
2           \$276,900 to decrease the authorized FTE positions for the department of corrections  
3           by 5.0 GPR positions for the correctional institution in Chippewa Falls and decrease  
4           the dollar amount for fiscal year 2002–03 by \$3,975,900 for the purpose of delaying  
5           the opening of the correctional institution in Chippewa Falls until June 1, 2003.

6           **261.** Page 195, line 3: decrease the dollar amount for fiscal year 2002–03 by  
7           \$128,600 for the purpose of delaying the opening of the segregation unit at the  
8           Oshkosh Correctional Institution until June 1, 2003.

9           **262.** Page 195, line 3: increase the dollar amount for fiscal year 2001–02 by  
10          \$3,700 and decrease the dollar amount for fiscal year 2002–03 by \$63,300 to provide  
11          for the costs associated with providing one probation, extended supervision, and  
12          parole agent for each 47 offenders.

13          **263.** Page 195, line 3: decrease the dollar amount for fiscal year 2001–02 by  
14          \$384,100 and decrease the dollar amount for fiscal year 2002–03 by \$384,100 for the  
15          purpose for which the appropriation is made.

16          **264.** Page 195, line 3: increase the dollar amount for fiscal year 2001–02 by  
17          \$400 and increase the dollar amount for fiscal year 2002–03 by \$400 to provide  
18          funding for the costs associated with increasing the authorized FTE positions for the  
19          department of corrections by 1.0 GPR teaching position at the Robert E. Ellsworth  
20          Correctional Center located in the village of Union Grove in Racine County.

21          **265.** Page 195, line 5: increase the dollar amount for fiscal year 2002–03 by  
22          \$84,800 for the purpose of delaying the opening of the correctional institution in New  
23          Lisbon until June 1, 2003.

1           **266.** Page 195, line 5: decrease the dollar amount for fiscal year 2002–03 by  
2           \$4,800 for the purpose of delaying the opening of the correctional institution in  
3           Chippewa Falls until June 1, 2003.

4           **267.** Page 195, line 5: decrease the dollar amount for fiscal year 2002–03 by  
5           \$2,200 for the purpose of delaying the opening of the segregation unit at the Oshkosh  
6           Correctional Institution until June 1, 2003.

7           **268.** Page 195, line 7: increase the dollar amount for fiscal year 2002–03 by  
8           \$5,396,200 for the purpose of delaying the opening of the correctional institutions in  
9           New Lisbon and Chippewa Falls and the workhouse at the Winnebago Correctional  
10          Center until June 1, 2003.

11          **269.** Page 195, line 8: increase the dollar amount for fiscal year 2001–02 by  
12          \$50,500 to increase the authorized FTE positions for the department of corrections  
13          by 7.5 GPR positions for fiscal year 2001–02 and decrease the dollar amount for fiscal  
14          year 2002–03 by \$2,746,600 to decrease the authorized FTE positions for the  
15          department of corrections by 40.5 GPR positions for fiscal year 2002–03 for the  
16          purpose of providing one probation, extended supervision, and parole agent for each  
17          47 offenders.

18          **270.** Page 195, line 8: increase the dollar amount for fiscal year 2001–02 by  
19          \$37,600 and increase the dollar amount for fiscal year 2002–03 by \$48,900 to  
20          increase the authorized FTE positions for the department of corrections by 1.0 GPR  
21          teaching position at the Robert E. Ellsworth Correctional Center located in the  
22          village of Union Grove in Racine County.

23          **271.** Page 195, line 8: after that line insert:

1 “(be) Postconviction evidence testing

2 costs GPR A –0– –0–”.

3 **272.** Page 196, line 4: decrease the dollar amount for fiscal year 2002–03 by  
4 \$23,000 for the purpose of delaying the opening of the correctional institution in New  
5 Lisbon until June 1, 2003.

6 **273.** Page 196, line 4: decrease the dollar amount for fiscal year 2002–03 by  
7 \$18,400 for the purpose of delaying the opening of the correctional institution in  
8 Chippewa Falls until June 1, 2003.

9 **274.** Page 196, line 4: decrease the dollar amount for fiscal year 2001–02 by  
10 \$2,649,500 and decrease the dollar amount for fiscal year 2002–03 by \$2,574,600 for  
11 the purpose for which the appropriation is made.

12 **275.** Page 196, line 10: decrease the dollar amount for fiscal year 2001–02 by  
13 \$454,500 and decrease the dollar amount for fiscal year 2002–03 by \$346,200 for the  
14 purpose of reducing payments for prison fuel and utility costs.

15 **276.** Page 196, line 10: decrease the dollar amount for fiscal year 2002–03 by  
16 \$31,800 for the purpose of delaying the opening of the correctional institution in New  
17 Lisbon until June 1, 2003.

18 **277.** Page 196, line 10: increase the dollar amount for fiscal year 2002–03 by  
19 \$108,800 for the purpose of delaying the opening of the correctional institution in  
20 Chippewa Falls until June 1, 2003.

21 **278.** Page 196, line 10: decrease the dollar amount for fiscal year 2002–03 by  
22 \$1,400 for the purpose of delaying the opening of the segregation unit at the Oshkosh  
23 Correctional Institution until June 1, 2003.

1           **279.** Page 197, line 15: decrease the dollar amount for fiscal year 2001–02 by  
2           \$172,900 and decrease the dollar amount for fiscal year 2002–03 by \$230,500 to  
3           decrease the authorized FTE positions for the department of corrections by 4.0 PR  
4           positions.

5           **280.** Page 198, line 3: decrease the dollar amount for fiscal year 2001–02 by  
6           \$50,200 and decrease the dollar amount for fiscal year 2002–03 by \$50,600 for the  
7           purpose of reducing funding for the purpose for which the appropriation is made and  
8           to reduce the authorized FTE positions by 1.0 SEG position.

9           **281.** Page 198, line 14: increase the dollar amount for fiscal year 2001–02 by  
10          \$1,046,700 and increase the dollar amount for fiscal year 2002–03 by \$2,106,500 for  
11          the purposes for which the appropriation is made.

12          **282.** Page 200, line 4: increase the dollar amount for fiscal year 2001–02 by  
13          \$24,800 and increase the dollar amount for fiscal year 2002–03 by \$24,800 to  
14          increase the authorized FTE positions for the employment relations commission by  
15          0.25 GPR position for the performance of duties related to collective bargaining  
16          training.

17          **283.** Page 200, line 6: decrease the dollar amount for fiscal year 2001–02 by  
18          \$24,800 and decrease the dollar amount for fiscal year 2002–03 by \$24,800 to  
19          decrease the authorized FTE positions for the employment relations commission by  
20          0.25 GPR position for the performance of duties related to collective bargaining  
21          training.

22          **284.** Page 200, line 6: decrease the dollar amount for fiscal year 2001–02 by  
23          \$29,800 for the purpose of contracting with the department of employment relations

1 to deliver labor and management cooperative training to supervisors and labor  
2 organization members in state agencies.

3 **285.** Page 201, line 1: delete that line.

4 **286.** Page 201, line 5: after that line insert:

5 “(kc) Volunteer coordination PR-S A 35,300 40,200”.

6 **287.** Page 201, line 5: increase the dollar amount for fiscal year 2001–02 by  
7 \$2,000 to increase funding for pay plan compensation for the board on aging and  
8 long-term care.

9 **288.** Page 203, line 11: decrease the dollar amount for fiscal year 2001–02 by  
10 \$265,100 and decrease the dollar amount for fiscal year 2002–03 by \$265,100 to  
11 decrease funding for the Winnebago Mental Health Institute and Mendota Mental  
12 Health Institute.

13 **289.** Page 204, line 9: increase the dollar amount for fiscal year 2001–02 by  
14 \$265,100 and increase the dollar amount for fiscal year 2002–03 by \$265,100 to  
15 increase funding for the Winnebago Mental Health Institute and Mendota Mental  
16 Health Institute.

17 **290.** Page 205, line 9: decrease the dollar amount for fiscal year 2001–02 by  
18 \$263,700 and decrease the dollar amount for fiscal year 2002–03 by \$429,600 to  
19 decrease funding for general supplies and services, including contracted services,  
20 relating to the provision of child welfare services in Milwaukee County.

21 **291.** Page 205, line 21: after that line insert:

22 “(fp) Food pantry grants and adminis-  
23 tration GPR A 750,000 750,000”.



1           **292.** Page 207, line 19: increase the dollar amount for fiscal year 2001–02 by  
2           \$1,000,000 to increase funding for administration of the prescription drug assistance  
3           for elderly program.

4           **293.** Page 208, line 6: decrease the dollar amount for fiscal year 2002–03 by  
5           \$86,600 to decrease funding for medical assistance program benefits.

6           **294.** Page 208, line 6: increase the dollar amount for fiscal year 2002–03 by  
7           \$246,000 to increase the medical assistance reimbursement rate for speech therapy  
8           services beginning on July 1, 2002.

9           **295.** Page 208, line 6: increase the dollar amount for fiscal year 2002–03 by  
10          \$2,074,900 to increase funding for the program of all–inclusive care authorized  
11          under 42 USC 1396u–4 and the demonstration program known as the Wisconsin  
12          partnership program authorized under a federal waiver under 42 USC 1315.

13          **296.** Page 208, line 6: increase the dollar amount for fiscal year 2001–02 by  
14          \$1,791,300 and increase the dollar amount for fiscal year 2002–03 by \$2,023,800 to  
15          increase funding for the rate of medical assistance payment for legend drugs at the  
16          average wholesale price minus 11.25%, retroactive to July 1, 2001.

17          **297.** Page 208, line 7: increase the dollar amount for fiscal year 2002–03 by  
18          \$4,000 to increase the medical reimbursement rate for speech therapy services  
19          beginning on July 1, 2002.

20          **298.** Page 208, line 10: decrease the dollar amount for fiscal year 2002–03 by  
21          \$700,000 to decrease funding for administration of the development of family care  
22          in sites that are additional to those in existence on July 1, 2001.

23          **299.** Page 208, line 12: after that line insert:

1 “(bu) Health insurance supplement GPR A 250,000 –0–”.

2 **300.** Page 208, line 12: after that line insert:

3 “(bv) Prescription drug assistance for

4 elderly; aids GPR B –0– 49,900,000

5 ”.

6 **301.** Page 208, line 22: increase the dollar amount for fiscal year 2001–02 by  
7 \$2,160,000 and increase the dollar amount for fiscal year 2002–03 by \$2,160,000 to  
8 increase funding for the purpose for which the appropriation is made.

9 **302.** Page 209, line 3: after that line insert:

10 “(iL) Medical assistance provider

11 assessments PR C –0– –0–”.

12 **303.** Page 209, line 8: after that line insert:

13 “(j) Prescription drug assistance for

14 elderly; manufacturer rebates PR C –0– –0–

15 (jb) Prescription drug assistance for

16 elderly; enrollment fees PR C –0– –0–”.

17 **304.** Page 209, line 11: after that line insert:

18 “(kt) Medical assistance outreach and

19 reimbursements for tribes PR–S B 1,070,000 1,070,000”.

20 **305.** Page 210, line 10: after that line insert:

21 “(wm) Medical assistance trust fund;

22 nursing homes SEG S –0– –0–”.

23 **306.** Page 210, line 10: delete “C” and substitute “B”.

1           **307.** Page 210, line 15: increase the dollar amount for fiscal year 2002–03 by  
2           \$75,000 to increase funding for life care and early intervention services grants under  
3           section 252.12 (2) (a) 8. of the statutes.

4           **308.** Page 210, line 15: increase the dollar amount for fiscal year 2001–02 by  
5           \$62,500 and increase the dollar amount for fiscal year 2002–03 by \$62,500 to  
6           increase funding for development and implementation of an African–American  
7           family resource center in the city of Milwaukee.

8           **309.** Page 210, line 15: increase the dollar amount for fiscal year 2002–03 by  
9           \$50,000 to increase funding for the statewide public education campaign under  
10          section 252.12 (2) (a) 3. of the statutes.

11          **310.** Page 211, line 7: increase the dollar amount for fiscal year 2001–02 by  
12          \$294,500 and increase the dollar amount for fiscal year 2002–03 by \$355,600 to  
13          increase funding for the rural health dental clinic in Menomonie.

14          **311.** Page 211, line 7: delete “clinic” and substitute “clinics”.

15          **312.** Page 211, line 17: increase the dollar amount for fiscal year 2001–02 by  
16          \$12,000 and increase the dollar amount for fiscal year 2002–03 by \$12,000 to  
17          increase funding for the supplemental food program for women, infants, and  
18          children to include Vernon and Monroe counties in the farmer’s market nutrition  
19          program.

20          **313.** Page 211, line 21: increase the dollar amount for fiscal year 2001–02 by  
21          \$500,000 to increase funding for grants to the Milwaukee Immediate Care Center  
22          and the Martin Luther King Heritage Health Center.

23          **314.** Page 212, line 15: delete “projects;”.

1           **315.** Page 212, line 15: delete “council on”.

2           **316.** Page 212, line 16: increase the dollar amount for fiscal year 2001–02 by  
3 \$15,000 and increase the dollar amount for fiscal year 2002–03 by \$15,000 to  
4 increase funding for assistive technology and adaptive equipment for persons with  
5 physical disabilities.

6           **317.** Page 212, line 16: increase the dollar amount for fiscal year 2001–02 by  
7 \$30,000 and increase the dollar amount for fiscal year 2002–03 by \$30,000 for  
8 publicity activities for a program that registers persons with Alzheimer’s disease or  
9 related dementias to facilitate their safe return if they become lost or wander.

10          **318.** Page 212, line 16: after “disabilities” insert “; publicity activities”.

11          **319.** Page 213, line 15: decrease the dollar amount for fiscal year 2001–02 by  
12 \$26,600 and decrease the dollar amount for fiscal year 2002–03 by \$26,600 to  
13 decrease funding for certification of adult day care centers as providers of medical  
14 assistance.

15          **320.** Page 214, line 3: increase the dollar amount for fiscal year 2001–02 by  
16 \$30,000 and increase the dollar amount for fiscal year 2002–03 by \$30,000 for the  
17 purpose of distributing a grant for community programs to the Career Youth  
18 Development Center in the city of Milwaukee for drug prevention and intervention  
19 programs for middle school and high school athletes in the Milwaukee public schools  
20 system.

21          **321.** Page 214, line 3: increase the dollar amount for fiscal year 2001–02 by  
22 \$15,000 and increase the dollar amount for fiscal year 2002–03 by \$15,000 to

1 increase funding for provision of specialized assistance to persons with disabilities  
2 in the agricultural industry.

3 **322.** Page 214, line 3: increase the dollar amount for fiscal year 2001–02 by  
4 \$20,000 and increase the dollar amount for fiscal year 2002–03 by \$20,000 to  
5 increase funding for provision of recycled medical equipment, equipment parts,  
6 maintenance, and distribution costs to persons with disabilities.

7 **323.** Page 214, line 3: increase the dollar amount for fiscal year 2001–02 by  
8 \$60,000 to increase funding for start-up costs to expand to Racine County a  
9 community options program of all-inclusive care for persons authorized under 42  
10 USC 1395 to 1395gg.

11 **324.** Page 214, line 3: decrease the dollar amount for fiscal year 2001–02 by  
12 \$1,000,000 and decrease the dollar amount for fiscal year 2002–03 by \$1,000,000 to  
13 decrease funding for substance abuse treatment grants under section 46.48 (30) (a)  
14 of the statutes.

15 **325.** Page 214, line 5: decrease the dollar amount for fiscal year 2001–02 by  
16 \$1,212,600 and decrease the dollar amount for fiscal year 2002–03 by \$2,425,000 to  
17 decrease funding for assessments, case planning, and services under the long-term  
18 support community options program under section 46.27 (7) (am) of the statutes.

19 **326.** Page 214, line 9: delete “program” and substitute “programs”.

20 **327.** Page 214, line 10: delete “grants”.

21 **328.** Page 214, line 16: increase the dollar amount for fiscal year 2001–02 by  
22 \$150,000 and increase the dollar amount for fiscal year 2002–03 by \$150,000 to

1 increase funding for independent living centers to provide for the assistive  
2 technology and adaptive equipment needs of independent living center residents.

3 **329.** Page 215, line 7: increase the dollar amount for fiscal year 2001–02 by  
4 \$1,500,000 and increase the dollar amount for fiscal year 2002–03 by \$1,500,000 to  
5 increase funding for elder abuse services under section 46.90 (5m) of the statutes.

6 **330.** Page 215, line 21: after that line insert:

7 “(kg) Compulsive gambling awareness

8 campaigns PR–S A 250,000 250,000”.

9 **331.** Page 216, line 14: increase the dollar amount for fiscal year 2002–03 by  
10 \$700,000 to increase funding for administration of the development of family care in  
11 sites that are additional to those in existence on July 1, 2001.

12 **332.** Page 216, line 14: increase the dollar amount for fiscal year 2001–02 by  
13 \$121,300 and increase the dollar amount for fiscal year 2002–03 by \$121,300 to  
14 increase funding for salary, fringe benefits, and related supplies and services costs  
15 for 1.0 previously authorized GPR liaison position assigned to the Federal–State  
16 Relations Office in Washington, D.C.

17 **333.** Page 218, line 11: increase the dollar amount for fiscal year 2001–02 by  
18 \$150,000 for the purpose of providing a grant to the Milwaukee Metropolitan Fair  
19 Housing Council, Inc., for the investigation of predatory residential real estate  
20 lending practices in Milwaukee County.

21 **334.** Page 220, line 1: delete that line.

22 **335.** Page 220, line 3: delete that line and substitute:

1 “(jr) Wisconsin service corps member  
2 compensation and support; spon-  
3 sor contribution PR C –0– –0–”.

4 **336.** Page 220, line 14: delete “Childsupport” and substitute “Child support”.

5 **337.** Page 222, line 7: delete that line.

6 **338.** Page 222, line 14: increase the dollar amount for fiscal year 2001–02 by  
7 \$1,086,800 and increase the dollar amount for fiscal year 2002–03 by \$1,086,800 to  
8 increase funding for the workforce attachment and advancement program.

9 **339.** Page 222, line 15: after that line insert:

10 “(fs) Child support order conversion  
11 assistance GPR A 1,000,000 –0–”.

12 **340.** Page 223, line 9: delete “A” and substitute “C”.

13 **341.** Page 223, line 13: delete “C” and substitute “A”.

14 **342.** Page 223, line 14: decrease the dollar amount for fiscal year 2001–02 by  
15 \$1,086,800 to decrease funding for the workforce attachment and advancement  
16 program.

17 **343.** Page 223, line 14: increase the dollar amount for fiscal year 2002–03 by  
18 \$1,755,400 to increase funding for the workforce attachment and advancement  
19 program.

20 **344.** Page 223, line 14: decrease the dollar amount for fiscal year 2001–02 by  
21 \$400,000 and decrease the dollar amount for fiscal year 2002–03 by \$400,000 to  
22 decrease funding for job access loans.

1           **345.** Page 223, line 14: decrease the dollar amount for fiscal year 2001–02 by  
2           \$100,000 and decrease the dollar amount for fiscal year 2002–03 by \$100,000 to  
3           decrease funding for transportation assistance provided to Wisconsin works  
4           participants.

5           **346.** Page 223, line 14: increase the dollar amount for fiscal year 2001–02 by  
6           \$250,000 and increase the dollar amount for fiscal year 2002–03 by \$250,000 to  
7           increase funding for a grant to La Causa, Inc., to expand its day care facilities and  
8           to provide community services.

9           **347.** Page 223, line 14: decrease the dollar amount for fiscal year 2001–02 by  
10          \$83,200 to decrease funding for the purposes for which the appropriation is made and  
11          increase the dollar amount for fiscal year 2002–03 by \$10,200 to increase funding for  
12          the purposes for which the appropriation is made.

13          **348.** Page 223, line 14: increase the dollar amount for fiscal year 2002–03 by  
14          \$150,000 to increase funding for the purpose for which the appropriation is made.

15          **349.** Page 223, line 14: delete “C” and substitute “A”.

16          **350.** Page 226, line 2: delete lines 2 to 4.

17          **351.** Page 229, line 2: increase the dollar amount for fiscal year 2001–02 by  
18          \$50,000 and increase the dollar amount for fiscal year 2002–03 by \$50,000 for the  
19          purpose of purchasing publicity and promotion services related to the dangerous  
20          weapons in public schools and controlled substances hotline under section 165.72 (2)  
21          of the statutes and for answering calls made to the hotline.

22          **352.** Page 229, line 14: increase the dollar amount for fiscal year 2002–03 by  
23          \$9,200 to increase funding for the purposes for which the appropriation is made.



1           **353.** Page 229, line 16: decrease the dollar amount for fiscal year 2002–03 by  
2           \$9,200 to decrease funding for the purpose for which the appropriation is made.

3           **354.** Page 233, line 6: increase the dollar amount for fiscal year 2001–02 by  
4           \$76,800 and increase the dollar amount for fiscal year 2002–03 by \$76,800 for the  
5           purpose for which the appropriation is made.

6           **355.** Page 234, line 6: decrease the dollar amount for fiscal year 2001–02 by  
7           \$160,800 to decrease funding for the purpose for which the appropriation is made.

8           **356.** Page 234, line 6: increase the dollar amount for fiscal year 2002–03 by  
9           \$12,000 to increase funding for the purpose for which the appropriation is made.

10          **357.** Page 234, line 9: decrease the dollar amount for fiscal year 2001–02 by  
11          \$50,000 and decrease the dollar amount for fiscal year 2002–03 by \$50,000 to  
12          decrease funding for the purpose for which the appropriation is made.

13          **358.** Page 236, line 1: decrease the dollar amount for fiscal year 2001–02 by  
14          \$280,200 to decrease funding for the purpose for which the appropriation is made.

15          **359.** Page 236, line 12: increase the dollar amount for fiscal year 2001–02 by  
16          \$10,700 and increase the dollar amount for fiscal year 2002–03 by \$21,400 for the  
17          purpose of increasing the authorized FTE positions for district attorneys by 0.2 PR  
18          position on January 1, 2002, for a 0.2 FTE district attorney position in Pepin  
19          County.”.

20          **360.** Page 237, line 16: increase the dollar amount for fiscal year 2001–02 by  
21          \$412,600 and increase the dollar amount for fiscal year 2002–03 by \$2,047,500 to  
22          increase funding for the operation of the Southern Wisconsin Veterans Retirement  
23          Center.

1           **361.** Page 238, line 12: increase the dollar amount for fiscal year 2001–02 by  
2 \$128,700 and increase the dollar amount for fiscal year 2002–03 by \$76,900 to  
3 increase funding for the purpose for which the appropriation is made.

4           **362.** Page 238, line 17: after that line insert:

5           “(eg) Victorious charge monument

6                     grant                                     GPR     A             50,000             –0–”.

7           **363.** Page 238, line 17: increase the dollar amount for fiscal year 2001–02 by  
8 \$3,000 to increase funding for providing flags to the Wisconsin Veterans Tribute  
9 Memorial.

10           **364.** Page 239, line 6: increase the dollar amount for fiscal year 2001–02 by  
11 \$128,700 and increase the dollar amount for fiscal year 2002–03 by \$76,900 to  
12 increase funding for the purpose for which the appropriation is made.

13           **365.** Page 239, line 11: increase the dollar amount for fiscal year 2002–03 by  
14 \$20,000 for the purposes of providing aid under an emergency aid pilot program.

15           **366.** Page 240, line 10: decrease the dollar amount for fiscal year 2001–02 by  
16 \$128,700 and decrease the dollar amount for fiscal year 2002–03 by \$76,900 to  
17 decrease funding for the purpose for which the appropriation is made.

18           **367.** Page 240, line 10: decrease the dollar amount for fiscal year 2001–02 by  
19 \$128,700 and decrease the dollar amount for fiscal year 2002–03 by \$76,900 to  
20 decrease funding for the purpose for which the appropriation is made.

21           **368.** Page 245, line 3: increase the dollar amount for fiscal year 2001–02 by  
22 \$175,800 and increase the dollar amount for fiscal year 2002–03 by \$175,800 to  
23 provide increased funding for the federal–state relations office.

1           **369.** Page 245, line 8: increase the dollar amount for fiscal year 2001–02 by  
2           \$157,900 and increase the dollar amount for fiscal year 2002–03 by \$157,900 to  
3           increase funding for the purpose for which the appropriation is made.

4           **370.** Page 245, line 12: after that line insert:  
5           “(fe) Wisconsin Patient Safety Insti-  
6           tute, Inc., grants   GPR     A           110,000     110,000”.

7           **371.** Page 246, line 11: decrease the dollar amount for fiscal year 2001–02 by  
8           \$400,000 and decrease the dollar amount for fiscal year 2002–03 by \$400,000 to  
9           reflect a lapse of revenues from this appropriation account to the general fund.

10          **372.** Page 246, line 13: increase the dollar amount for fiscal year 2001–02 by  
11          \$200,000 and increase the dollar amount for fiscal year 2002–03 by \$200,000 to  
12          provide increased funding for comprehensive planning grants to local governments.

13          **373.** Page 247, line 4: increase the dollar amount for fiscal year 2001–02 by  
14          \$472,900 and increase the dollar amount for fiscal year 2002–03 by \$472,900 to  
15          provide increased funding for aircraft operations and maintenance.

16          **374.** Page 249, line 9: decrease the dollar amount for fiscal year 2001–02 by  
17          \$50,000 to delete funding for the proposed Governor’s Task Force on Technology and  
18          Electoral Participation.

19          **375.** Page 250, line 17: delete lines 17 and 18.

20          **376.** Page 252, line 2: increase the dollar amount for fiscal year 2001–02 by  
21          \$47,500 and increase the dollar amount for fiscal year 2002–03 by \$47,500 for the  
22          purpose of funding pretrial intoxicated driver intervention grants and community  
23          justice center planning grants.

1           **377.** Page 252, line 2: increase the dollar amount for fiscal year 2001–02 by  
2           \$13,800 and increase the dollar amount for fiscal year 2002–03 by \$8,700 to increase  
3           funding for the purpose for which the appropriation is made.

4           **378.** Page 252, line 2: increase the dollar amount for fiscal year 2001–02 by  
5           \$18,900 and increase the dollar amount for fiscal year 2002–03 by \$25,300 to  
6           increase funding for the purpose for which the appropriation is made.

7           **379.** Page 252, line 3: after that line insert:

8           “(kr) Grants for cooperative county–

9           tribal law enforcement                   PR–S    A           260,600    260,600”.

10          **380.** Page 252, line 6: decrease the dollar amount for fiscal year 2002–03 by  
11          \$95,000 for the purpose for which the appropriation is made.

12          **381.** Page 252, line 6: decrease the dollar amount for fiscal year 2002–03 by  
13          \$22,500 to decrease funding for the purpose for which the appropriation is made.

14          **382.** Page 252, line 6: decrease the dollar amount for fiscal year 2002–03 by  
15          \$44,200 to decrease funding for the purpose for which the appropriation is made.

16          **383.** Page 253, line 8: after that line insert:

17          “(b) General program operations           GPR    A           –0–    164,100”.

18          **384.** Page 253, line 9: decrease the dollar amount for fiscal year 2002–03 by  
19          \$164,100 to decrease funding for the purpose for which the appropriation is made.

20          **385.** Page 253, line 16: delete that line.

21          **386.** Page 254, line 1: delete lines 1 to 11.

22          **387.** Page 254, line 15: decrease the dollar amount for fiscal year 2001–02 by  
23          \$63,100 and decrease the dollar amount for fiscal year 2002–03 by \$84,100 to

1 decrease the authorized positions for the board of commissioners of public lands by  
2 2.0 PR positions for the purpose for which the appropriation is made.

3 **388.** Page 254, line 15: increase the dollar amount for fiscal year 2001–02 by  
4 \$62,100 and increase the dollar amount for fiscal year 2002–03 by \$62,100 for the  
5 purpose of funding continuing salary and fringe benefit costs.

6 **389.** Page 254, line 15: increase the dollar amount for fiscal year 2001–02 by  
7 \$5,000 and increase the dollar amount for fiscal year 2002–03 by \$5,000 for the  
8 purpose of funding position reclassifications.

9 **390.** Page 254, line 15: increase the dollar amount for fiscal year 2001–02 by  
10 \$2,200 and increase the dollar amount for fiscal year 2002–03 by \$2,200 for the  
11 purpose of funding increased costs related to BadgerNet.

12 **391.** Page 254, line 15: increase the dollar amount for fiscal year 2001–02 by  
13 \$2,600 and increase the dollar amount for fiscal year 2002–03 by \$2,600 for the  
14 purpose of paying the fifth week of an employee’s earned annual leave as cash.

15 **392.** Page 254, line 15: increase the dollar amount for fiscal year 2001–02 by  
16 \$3,400 and increase the dollar amount for fiscal year 2002–03 by \$3,400 for the  
17 purpose of fully funding certain lease costs.

18 **393.** Page 254, line 15: increase the dollar amount for fiscal year 2001–02 by  
19 \$29,800 and increase the dollar amount for fiscal year 2002–03 by \$29,800 for the  
20 purpose of paying the costs of basic desktop information technology support under  
21 the small agency support infrastructure program.

1           **394.** Page 254, line 15: increase the dollar amount for fiscal year 2001–02 by  
2           \$31,300 and increase the dollar amount for fiscal year 2002–03 by \$10,400 for the  
3           purpose for which the appropriation is made.

4           **395.** Page 255, line 11: after that line insert:

5           “(bm) Training of chief inspectors           GPR     B           45,000           –0–”.

6           **396.** Page 255, line 11: after that line insert:

7           “(c)   Voting system transitional assis-  
8           tance   GPR     B           –0–           –0–”.

9           **397.** Page 258, line 3: increase the dollar amount for fiscal year 2001–02 by  
10          \$850,000 for the purpose for which the appropriation is made.

11          **398.** Page 260, line 12: after “agencies” insert “; veterans services”.

12          **399.** Page 264, line 17: decrease the dollar amount for fiscal year 2001–02 by  
13          \$27,000 and decrease the dollar amount for fiscal year 2002–03 by \$27,000 for the  
14          purpose of reducing funding for the purpose for which the appropriation is made and  
15          to reduce the authorized FTE positions by 0.5 SEG position.

16          **400.** Page 270, line 3: increase the dollar amount for fiscal year 2002–03 by  
17          \$250,600 to increase funding for the purpose for which the appropriation is made.

18          **401.** Page 271, line 13: increase the dollar amount for fiscal year 2001–02 by  
19          \$97,800 and increase the dollar amount for fiscal year 2002–03 by \$100,800 to  
20          increase funding for the purpose of providing training and testing of court  
21          interpreters.

1 **402.** Page 271, line 13: increase the dollar amount for fiscal year 2001–02 by  
2 \$50,500 and increase the dollar amount for fiscal year 2002–03 by \$50,500 for the  
3 purpose for which the appropriation is made.

4 **403.** Page 271, line 13: delete “GPR A” and substitute “GPR B”.

5 **404.** Page 272, line 12: increase the dollar amount for fiscal year 2001–02 by  
6 \$10,500 and increase the dollar amount for fiscal year 2002–03 by \$10,500 for the  
7 purpose for which the appropriation is made.

8 **405.** Page 274, line 8: increase the dollar amount for fiscal year 2001–02 by  
9 \$101,500 and increase the dollar amount for fiscal year 2002–03 by \$113,300 to  
10 increase the authorized FTE positions for the legislative fiscal bureau by 2.25 GPR  
11 positions for the purpose of providing prison impact assessments of bills.

12 **406.** Page 277, line 5: after that line insert:

13 “(s) Lottery and gaming credit; late  
14 applications SEG S –0– –0–”.

15 **407.** Page 277, line 14: increase the dollar amount for fiscal year 2001–02 by  
16 \$215,700 and increase the dollar amount for fiscal year 2002–03 by \$433,500 for the  
17 purpose of making payments to municipalities for services that are provided to state  
18 facilities.

19 **408.** Page 288, line 2: increase the dollar amount for fiscal year 2001–02 by  
20 \$454,500 and increase the dollar amount for fiscal year 2002–03 by \$346,200 to  
21 increase funding for the purpose for which the appropriation is made.

22 **409.** Page 288, line 2: increase the dollar amount for fiscal year 2001–02 by  
23 \$299,000 and increase the dollar amount for fiscal year 2002–03 by \$231,000 to

1 increase funding for the purpose of providing supplemental moneys for the  
2 development and implementation of a registry of medical assistance recipient  
3 immunizations.

4 **410.** Page 288, line 2: increase the dollar amount for fiscal year 2001–02 by  
5 \$1,000,000 to increase funding for administration of the prescription drug assistance  
6 for elderly program.

7 **411.** Page 290, line 9: after that line insert:

8 “(bm) Principal repayment, interest,  
9 and rebates; HR Academy, Inc. GPR S –0– –0–”.

10 **412.** Page 290, line 13: after that line insert:

11 “(bt) Principal repayment, interest,  
12 and rebates; Racine Discovery  
13 Place museum GPR S –0– –0–”.

14 **413.** Page 292, line 2: after that line insert:

15 “(6) CASH BUILDING PROJECTS FUND  
16 (a) General fund transfer GPR S –0– –0–  
17 (q) Payment of cash in lieu of bor-  
18 rowing SEG S –0– –0–”.

19 **414.** Page 293, line 1: delete lines 1 to 5.

20 **415.** Page 294, line 2: before that line insert:

21 “**SECTION 397b.** 20.115 (1) (g) of the statutes is amended to read:  
22 20.115 (1) (g) *Related services.* The amounts in the schedule for the conduct of  
23 services related to food and trade regulation, including special and overtime meat



1 inspection services under s. 97.42 (3), and investigative and audit services under ss.  
2 93.06 (6) (b), ~~100.06 (1g) (e)~~ and 100.07 (1), but excluding services financed under  
3 pars. (gf) and (h). Except as provided in pars. (gf) and (h), all moneys received from  
4 authorized service fees related to food and trade regulation shall be credited to this  
5 appropriation.

6 **SECTION 398.** 20.115 (1) (gf) of the statutes is amended to read:

7 20.115 (1) (gf) *Fruit and vegetable inspection.* All moneys received for the  
8 inspection of fruits and vegetables under ss. 93.06 (1m), and 93.09 (10) ~~and 100.03~~  
9 ~~(3) (a) 1.~~ to carry out the purposes for which those moneys are received.

10 **SECTION 400.** 20.115 (1) (gm) of the statutes is amended to read:

11 20.115 (1) (gm) *Dairy and ~~vegetable security and trade practices~~ regulation.*  
12 The amounts in the schedule for the regulation of ~~vegetable procurement under s.~~  
13 ~~100.03, of dairy plant financial condition under s. 100.06 and of dairy trade practices~~  
14 under s. 100.201. All moneys received under ss. ~~100.03 (3) (a) 2. and 3., 100.06 (9)~~  
15 ~~and s. 100.201 (6)~~ shall be credited to this appropriation.”.

16 **416.** Page 294, line 6: after that line insert:

17 “**SECTION 403.** 20.115 (1) (jm) of the statutes is repealed.

18 **SECTION 404.** 20.115 (1) (q) of the statutes is created to read:

19 20.115 (1) (q) *Dairy, grain, and vegetable security.* From the agricultural  
20 producer security fund, the amounts in the schedule to administer dairy, grain, and  
21 vegetable producer security programs under ch. 126.

22 **SECTION 405.** 20.115 (1) (v) of the statutes is created to read:

1           20.115 (1) (v) *Agricultural producer security; bonds.* From the agricultural  
2 producer security fund, a sum sufficient to acquire the surety bonds required under  
3 ss. 126.06 and 126.07.

4           **SECTION 406.** 20.115 (1) (w) of the statutes is created to read:

5           20.115 (1) (w) *Agricultural producer security; payments.* From the agricultural  
6 producer security fund, a sum sufficient to make default claim payments authorized  
7 under s. 126.72 (1).

8           **SECTION 407.** 20.115 (1) (wb) of the statutes is created to read:

9           20.115 (1) (wb) *Agricultural producer security; bond proceeds.* From the  
10 agricultural producer security fund, all moneys received under s. 126.72 (2) and (3)  
11 to be used to make default claim payments under s. 126.71 (1).”.

12           **417.** Page 294, line 6: after that line insert:

13           “**SECTION 403g.** 20.115 (1) (k) of the statutes is created to read:

14           20.115 (1) (k) *Payments to ethanol producers.* The amounts in the schedule for  
15 payments to ethanol producers under s. 93.75. All moneys transferred from the  
16 appropriation account under s. 20.505 (8) (hm) 2m. shall be credited to this  
17 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered  
18 balance on June 30 of each year shall revert to the appropriation account under s.  
19 20.505 (8) (hm). No funds may be encumbered under this paragraph after June 30,  
20 2006.”.

21           **418.** Page 294, line 6: delete “100.261 3 (c)” and substitute “100.261 (3) (c)”.

22           **419.** Page 295, line 3: after that line insert:

23           “**SECTION 421h.** 20.115 (4) (q) of the statutes is created to read:

1           20.115 (4) (q) *Grants for agriculture in the classroom program.* From the  
2           agrchemical management fund, the amounts in the schedule for grants for the  
3           agriculture in the classroom program under s. 93.32.”.

4           **420.** Page 295, line 19: after that line insert:

5           “**SECTION 425c.** 20.115 (7) (qc) of the statutes, as affected by 2001 Wisconsin  
6           Act .... (this act), section 425, is amended to read:

7           20.115 (7) (qc) *Plant protection; conservation forestry fund.* From the  
8           conservation forestry fund, the amounts in the schedule for plant protection,  
9           including nursery regulation, gypsy moth control, and control of other plant pests.”.

10          **421.** Page 295, line 20: delete that line.

11          **422.** Page 296, line 15: after that line insert:

12          “**SECTION 434m.** 20.115 (8) (jm) of the statutes is created to read:

13          20.115 (8) (jm) *Telephone solicitation regulation.* All moneys received from  
14          telephone solicitor registration and registration renewal fees paid under the rules  
15          promulgated under s. 100.52 (3) (a) for establishing and maintaining the  
16          nonsolicitation directory under s. 100.52 (2).”.

17          **423.** Page 296, line 24: after that line insert:

18          “**SECTION 438m.** 20.143 (1) (c) of the statutes is amended to read:

19          20.143 (1) (c) *Wisconsin development fund; grants, loans, reimbursements, and*  
20          *assistance.* Biennially, the amounts in the schedule for grants under ss. 560.145,  
21          560.16, 560.175, and 560.26; for grants and loans under ss. 560.62, 560.63, and  
22          560.66; for loans under s. 560.147; for reimbursements under s. 560.167; for  
23          providing assistance under s. 560.06; for the costs specified in s. 560.607; for the loan  
24          under 1999 Wisconsin Act 9, section 9110 (4); ~~and~~ for the grants under 1995

1 Wisconsin Act 27, section 9116 (7gg), 1995 Wisconsin Act 119, section 2 (1), 1997  
2 Wisconsin Act 27, section 9110 (6g), and 1999 Wisconsin Act 9, section 9110 (5), and  
3 2001 Wisconsin Act ... (this act), section 9110 (10e); and for providing up to \$100,000  
4 annually for the continued development of a manufacturing and advanced  
5 technology training center in Racine. Of the amounts in the schedule, \$50,000 shall  
6 be allocated in each of fiscal years 1997–98 and 1998–99 for providing the assistance  
7 under s. 560.06 (1). Notwithstanding s. 560.607, of the amounts in the schedule,  
8 \$125,000 shall be allocated in each of 4 consecutive fiscal years, beginning with fiscal  
9 year 1998–99, for grants and loans under s. 560.62 (1) (a). Of the amounts in the  
10 schedule, \$500,000 shall be allocated in fiscal year 2001–02 for an economic  
11 development project for the Menominee tribe.”.

12 **424.** Page 297, line 4: after that line insert:

13 “**SECTION 439c.** 20.143 (1) (fm) of the statutes is amended to read:

14 20.143 (1) (fm) *Minority business projects; grants and loans.* Biennially, the  
15 amounts in the schedule for grants under ss. 560.038, 560.039, 560.82, and 560.837,  
16 grants and loans under s. 560.83, the grant under 1993 Wisconsin Act 110, section  
17 3, and the loans under 1997 Wisconsin Act 9, section 3. Of the amounts in the  
18 schedule, \$50,000 shall be allocated in each fiscal year for grants to the Multicultural  
19 Center of Greater Green Bay for programming to educate community businesses and  
20 nonprofit organizations in recruiting and retaining a multicultural workforce.”.

21 **425.** Page 297, line 19: delete “; and 560.175 and 560.25” and substitute “,  
22 560.175, and 560.25”.

23 **426.** Page 297, line 22: after “560.167.” insert “No moneys may be  
24 encumbered under this paragraph for grants under s. 560.25 after June 30, 2003.”.

- 1           **427.** Page 299, line 23: delete “grant” and substitute “grants”.
- 2           **428.** Page 299, line 24: after “(1)” insert “, (2k), (10fk), (10p), (11pk), and
- 3           (11zx)”.
- 4           **429.** Page 300, line 16: delete lines 16 to 21.
- 5           **430.** Page 301, line 14: delete “and for” and substitute “and, for”.
- 6           **431.** Page 301, line 15: after “(8gm)” insert “, and for the grants under 2001
- 7           Wisconsin Act .... (this act), section 9110 (9c), (9d), and (9e)”.
- 8           **432.** Page 301, line 15: after that line insert:
- 9           “**SECTION 458m.** 20.143 (1) (t) of the statutes is amended to read:
- 10           20.143 (1) (t) *Forestry education grant program.* From the ~~conservation~~
- 11           forestry fund, as a continuing appropriation, the amounts in the schedule for forestry
- 12           education grants under s. 560.18.”.
- 13           **433.** Page 302, line 24: after that line insert:
- 14           “**SECTION 465p.** 20.165 (1) (q) of the statutes is created to read:
- 15           20.165 (1) (q) *Cemetery and mausoleum trustee disbursements.* From the
- 16           cemetery management insurance fund, a sum sufficient to make disbursements to
- 17           trustees under the rules promulgated under s. 157.117 (4) (a).”.
- 18           **434.** Page 303, line 13: delete lines 13 to 19.
- 19           **435.** Page 304, line 10: delete lines 10 to 17.
- 20           **436.** Page 304, line 22: delete the material beginning with “If the” and ending
- 21           with “paragraph” on page 305, line 2.
- 22           **437.** Page 305, line 3: delete lines 3 to 25.
- 23           **438.** Page 306, line 1: delete lines 1 to 20.

1           **439.** Page 306, line 24: delete the material beginning with “If the” and ending  
2 with “paragraph.” on page 307, line 4.

3           **440.** Page 307, line 5: delete lines 5 to 14.

4           **441.** Page 307, line 23: delete the material beginning with “If the” and ending  
5 with “paragraph.” on page 308, line 3.

6           **442.** Page 308, line 4: delete lines 4 to 11.

7           **443.** Page 308, line 18: delete the material beginning with “If the” and ending  
8 with “paragraph.” on line 23.

9           **444.** Page 308, line 24: delete that line.

10          **445.** Page 309, line 1: delete lines 1 to 8.

11          **446.** Page 309, line 12: after that line insert:

12          “**SECTION 481e.** 20.235 (1) (cm) of the statutes is created to read:

13          20.235 (1) (cm) *Nursing student loan program.* The amounts in the schedule  
14 for the nursing student loan program under s. 39.393.”.

15          **447.** Page 309, line 21: delete lines 21 to 23.

16          **448.** Page 310, line 15: delete lines 15 to 17.

17          **449.** Page 313, line 15: delete “par. (g)” and substitute “~~par.~~ pars. (g) and (h)”.

18          **450.** Page 315, line 17: delete lines 17 and 18 and substitute “schedule for the  
19 development and operation of ~~family practice residency programs~~ to support the  
20 recruitment and training of medical students and residents in family and community  
21 medicine.”.

22          **451.** Page 315, line 25: after that line insert:

23          “**SECTION 541r.** 20.255 (1) (b) of the statutes is amended to read:

1           20.255 (1) (b) *General program operations; School Wisconsin Educational*  
2 *Services Program for the Deaf and Hard of Hearing and Wisconsin Center for the*  
3 *Blind and Visually Impaired.* The amounts in the schedule for the operation and  
4 maintenance of the facilities of the Wisconsin School Educational Services Program  
5 for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually  
6 Impaired, including the matching of federal funds, but not including expenses  
7 financed under par. (js).”.

8           **452.** Page 316, line 2: delete lines 2 to 4 and substitute:

9           “20.255 (1) (c) *Energy costs; School Wisconsin Educational Services Program*  
10 *for the Deaf and Hard of Hearing and Wisconsin Center for the Blind and Visually*  
11 *Impaired.* The amounts in the schedule to be used at the facilities of the Wisconsin  
12 School Educational Services Program for the Deaf and Hard of Hearing and the  
13 Wisconsin Center for the Blind and Visually Impaired to pay for”.

14           **453.** Page 316, line 13: after that line insert:

15           “**SECTION 545d.** 20.255 (1) (gb) of the statutes is amended to read:

16           20.255 (1) (gb) *School Wisconsin Educational Services Program for the Deaf*  
17 *and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired;*  
18 *nonresident fees.* All moneys received from fees charged nonresident pupils for  
19 services provided at by the Wisconsin School Educational Services Program for the  
20 Deaf and Hard of Hearing under s. 115.52 (3) and for services provided by the  
21 Wisconsin Center for the Blind and Visually Impaired under s. 115.525 (3) (a) 3.

22           **SECTION 545f.** 20.255 (1) (gh) of the statutes is amended to read:

23           20.255 (1) (gh) *School Wisconsin Educational Services Program for the Deaf*  
24 *and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired;*

1 *hospitalization.* All moneys received on account of hospitalization under s. 115.53  
2 (4) for the operation of the Wisconsin School Educational Services Program for the  
3 Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually  
4 Impaired.

5 **SECTION 545h.** 20.255 (1) (gL) of the statutes is amended to read:

6 20.255 (1) (gL) *Wisconsin Educational Services Program for the Deaf and Hard*  
7 *of Hearing and Wisconsin Center for the Blind and Visually Impaired; leasing of*  
8 *space.* All moneys received from leasing space at the facilities of the Wisconsin  
9 Educational Services Program for the Deaf and Hard of Hearing under s. 115.52 (6)  
10 and at the Wisconsin Center for the Blind and Visually Impaired under s. 115.525  
11 (6) for the operation and maintenance of the center and program.

12 **SECTION 545j.** 20.255 (1) (gs) of the statutes is amended to read:

13 20.255 (1) (gs) *School Wisconsin Educational Services Program for the Deaf*  
14 *and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired;*  
15 *services.* All moneys received from services provided at by the Wisconsin School  
16 Educational Services Program for the Deaf and Hard of Hearing under s. 115.52 (6)  
17 (5) and at by the Wisconsin Center for the Blind and Visually Impaired under s.  
18 115.525 (5) for the operation and maintenance of the school program and the center.

19 **SECTION 545L.** 20.255 (1) (gt) of the statutes is amended to read:

20 20.255 (1) (gt) *School Wisconsin Educational Services Program for the Deaf and*  
21 *Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired; pupil*  
22 *transportation.* The amounts in the schedule for the weekend transportation of  
23 pupils enrolled in the school operated by the Wisconsin School Educational Services  
24 Program for the Deaf and Hard of Hearing under s. 115.52 or the school operated by  
25 the Wisconsin Center for the Blind and Visually Impaired under s. 115.525 to and



1 from their homes. All moneys received under s. 115.53 (6) shall be credited to this  
2 appropriation.”.

3 **454.** Page 316, line 24: after that line insert:

4 “SECTION 548m. 20.255 (2) (cp) of the statutes is amended to read:

5 20.255 (2) (cp) *Wisconsin morning school day milk program.* The amounts in  
6 the schedule for the Wisconsin morning school day milk program under s. 115.343.”.

7 **455.** Page 317, line 18: after that line insert:

8 “SECTION 558m. 20.255 (2) (kj) of the statutes is created to read:

9 20.255 (2) (kj) *Grant to Beloit College.* The amounts in the schedule for a grant  
10 to Beloit College under s. 115.28 (47). All moneys transferred from the appropriation  
11 account under s. 20.505 (8) (hm) 10t. shall be credited to this appropriation account.  
12 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year  
13 reverts to the appropriation account under s. 20.505 (8) (hm).”.

14 **456.** Page 317, line 18: after that line insert:

15 “SECTION 553m. 20.255 (2) (fm) of the statutes is amended to read:

16 20.255 (2) (fm) *Charter schools.* A sum sufficient to make the payments to  
17 charter schools and to the unified school district under s. 118.40 (2r) (e).”.

18 **457.** Page 318, line 8: after that line insert:

19 “SECTION 560d. 20.255 (2) (kn) of the statutes is created to read:

20 20.255 (2) (kn) *Federal funds transferred from the department of workforce  
21 development; after-school care grant program.* All moneys transferred from the  
22 appropriation account under s. 20.445 (3) (md) for after-school care grants under  
23 2001 Wisconsin Act .... (this act), section 9140 (6w). No moneys may be encumbered  
24 under this paragraph after June 30, 2003.”.

1           **458.** Page 319, line 2: after “(jm),” insert “(js)”.

2           **459.** Page 319, line 4: after that line insert:

3           “**SECTION 567m.** 20.275 (1) (gm) of the statutes is repealed.”.

4           **460.** Page 319, line 14: delete “s. 44.74” and substitute “2001 Wisconsin Act  
5 .... (this act), section 9149 (3mk)”.

6           **461.** Page 319, line 15: on lines 15 and 21, delete “6720-T1-164” and  
7 substitute “6720-TI-164”.

8           **462.** Page 320, line 4: after that line insert:

9           “**SECTION 569q.** 20.275 (1) (js) of the statutes is created to read:

10           20.275 (1) (js) *Educational technology block grants; Wisconsin Advanced*  
11 *Telecommunications Foundation assessments.* All moneys received from  
12 assessments paid under 2001 Wisconsin Act .... (this act), section 9142 (3mk), to  
13 make payments to school districts under s. 44.72 (2) (b) 2.”.

14           **463.** Page 320, line 20: after that line insert:

15           “**SECTION 571t.** 20.275 (1) (q) of the statutes is created to read:

16           20.275 (1) (q) *Computer training.* From the universal service fund, the  
17 amounts in the schedule for the grant to the Racine Unified School District under s.  
18 44.72 (3).”.

19           **464.** Page 322, line 13: after that line insert:

20           “**SECTION 577m.** 20.285 (1) (cg) of the statutes is repealed.”.

21           **465.** Page 322, line 13: after that line insert:

22           “**SECTION 577m.** 20.285 (1) (gs) of the statutes is created to read:

1           20.285 (1) (gs) *Charter school operator payments*. All moneys received from the  
2 operator of a charter school under contract with the University of  
3 Wisconsin–Parkside under s. 118.40 (2r) (b), for the costs associated with the charter  
4 school.”.

5           **466.** Page 322, line 14: delete lines 14 to 17.

6           **467.** Page 322, line 17: after that line insert:

7           “**SECTION 579m.** 20.285 (1) (kc) of the statutes is created to read:

8           20.285 (1) (kc) *Charter school*. All moneys received from the department of  
9 public instruction under s. 118.40 (2r) (e), for the operation of a charter school by the  
10 University of Wisconsin–Parkside under s. 118.40 (2r) (b).”.

11          **468.** Page 323, line 13: delete “*Land and water*” and substitute “*Grazing*”.

12          **469.** Page 324, line 19: after that line insert:

13          “**SECTION 582i.** 20.285 (1) (qm) of the statutes is amended to read:

14          20.285 (1) (qm) *Grants to forestry cooperatives*. From the ~~conservation~~ forestry  
15 fund, the amounts in the schedule for grants to forest cooperatives under s. 36.56.

16          **SECTION 582j.** 20.285 (1) (rc) of the statutes is amended to read:

17          20.285 (1) (rc) *Environmental education; forestry*. From the ~~conservation~~  
18 forestry fund, the amounts in the schedule for environmental education grants  
19 related to forestry under s. 36.54 (2) and to administer environmental education  
20 grants.”.

21          **470.** Page 324, line 23: after that line insert:

22          “**SECTION 582w.** 20.292 (1) (cs) of the statutes is created to read:

1           20.292 (1) (cs) *Assistive technology*. The amounts in the schedule to expand the  
2 availability of technical assistance, assistive technology, and services for technical  
3 college students, and technical college graduates, who have disabilities.”.

4           **471.** Page 325, line 4: delete lines 4 to 8.

5           **472.** Page 325, line 8: after that line insert:

6           “**SECTION 584m.** 20.315 of the statutes is repealed.”.

7           **473.** Page 325, line 8: after that line insert:

8           “**SECTION 584d.** 20.370 (1) (cq) of the statutes is renumbered 20.375 (2) (qh),  
9 and 20.375 (2) (qh) (title), as renumbered, is amended to read:

10           20.375 (2) (qh) (title) *Forestry—reforestation* Reforestation.

11           **SECTION 584h.** 20.370 (1) (cr) of the statutes is renumbered 20.375 (2) (qr), and  
12 20.375 (2) (qr) (title), as renumbered, is amended to read:

13           20.375 (2) (qr) (title) *Forestry—recording* Recording fees.

14           **SECTION 584p.** 20.370 (1) (cs) of the statutes is renumbered 20.375 (2) (r), and  
15 20.375 (2) (r) (title), as renumbered, is amended to read:

16           20.375 (2) (r) (title) *Forestry—forest* Forest fire emergencies.

17           **SECTION 584t.** 20.370 (1) (ct) of the statutes is renumbered 20.375 (2) (rm).”.

18           **474.** Page 325, line 12: after that line insert:

19           “**SECTION 585gm.** 20.370 (1) (cu) of the statutes, as created by 2001 Wisconsin  
20 Act .... (this act), is renumbered 20.375 (2) (ru).”.

21           **475.** Page 325, line 17: after that line insert:

22           “**SECTION 585jm.** 20.370 (1) (es) of the statutes is created to read:

23           20.370 (1) (es) *Parks and forests — operation and maintenance; beaches*. From  
24 the amounts paid into the conservation fund under s. 20.855 (4) (s), the amounts in

1 the schedule for the development, operation, and maintenance of beaches located in  
2 state parks or southern state forests, as defined in s. 27.016 (1) (c).”.

3 **476.** Page 325, line 17: after that line insert:

4 “**SECTION 585hm.** 20.370 (1) (cv) of the statutes, as created by 2001 Wisconsin  
5 Act .... (this act), is renumbered 20.375 (2) (rv).

6 **SECTION 585im.** 20.370 (1) (eq) of the statutes is amended to read:

7 20.370 (1) (eq) *Parks and forests — operation and maintenance.* From the  
8 heritage state parks and forests trust fund, a sum sufficient for grants under s.  
9 27.016 and for the operation and maintenance of the state parks, of the southern  
10 state forests, as defined in s. 27.016 (1) (c), and of state recreation areas as provided  
11 in s. 27.016 (7).”.

12 **SECTION 585k.** 20.370 (1) (er) of the statutes is repealed.”.

13 **477.** Page 327, line 14: after that line insert:

14 “**SECTION 589d.** 20.370 (1) (Lu) of the statutes is created to read:

15 20.370 (1) (Lu) *Wild animals and plants.* From the Wisconsin outdoor wildlife  
16 heritage trust fund, a sum sufficient for activities and programs under ch. 29.”.

17 **478.** Page 327, line 14: after that line insert:

18 “**SECTION 589g.** 20.370 (1) (Lt) of the statutes is renumbered 20.375 (2) (sv).”.

19 **479.** Page 327, line 24: after that line insert:

20 “**SECTION 591m.** 20.370 (1) (mu) of the statutes is amended to read:

21 20.370 (1) (mu) *General program operations — state funds.* The amounts in  
22 the schedule for general program operations that do not relate to the management  
23 and protection of the state’s fishery resources under ss. 23.09 to 23.11, 27.01, 30.203

1 and 30.277, subch. VI of ch. 77 and chs. 26, 28 and ch. 29 and for transfers to the  
2 appropriation account under s. 20.285 (1) (kf).

3 **SECTION 591q.** 20.370 (1) (mv) of the statutes is created to read:

4 20.370 (1) (mv) *General program operations — forestry funds.* From the  
5 forestry fund, the amounts in the schedule for general program operations that  
6 relate to the southern state forests.

7 **SECTION 591r.** 20.370 (1) (mx) of the statutes is created to read:

8 20.370 (1) (mx) *General program operations — federal forestry funds.* From the  
9 forestry fund, all moneys received as federal aid for the southern state forests, as  
10 authorized by the governor under s. 16.54, for the purposes for which received.

11 **SECTION 591s.** 20.370 (1) (mz) of the statutes is renumbered 20.375 (2) (z).”.

12 **480.** Page 329, line 5: after that line insert:

13 “**SECTION 596g.** 20.370 (3) (at) of the statutes is amended to read:

14 20.370 (3) (at) *Education and safety programs.* ~~Fifty percent of all moneys~~  
15 ~~remitted to the department of natural resources under s. 29.591 (3) and all~~ All  
16 moneys remitted to the department under ss. 23.33 (5) (d), 30.74 (1) (b) and 350.055  
17 for programs or courses of instruction under ss. 23.33 (5) (d), ~~29.591~~, 30.74 (1) (a) and  
18 350.055.

19 **SECTION 596j.** 20.370 (3) (au) of the statutes is created to read:

20 20.370 (3) (au) *Hunter education and bow hunter education.* The amounts in  
21 the schedule to reimburse instructors under the hunter education program and the  
22 bow hunter education program under s. 29.591 (3).”.

23 **481.** Page 329, line 6: delete the material beginning with that line and ending  
24 with page 330, line 3.

1           **482.** Page 330, line 8: after that line insert:

2           “**SECTION 600d.** 20.370 (4) (aq) of the statutes is amended to read:

3           20.370 **(4)** (aq) *Water resources management — lake and river management*  
4           activities. The amounts in the schedule for lake and river management and other  
5           water resource management activities.”.

6           **483.** Page 330, line 4: delete lines 4 to 8.

7           **484.** Page 330, line 8: after that line insert:

8           “**SECTION 600p.** 20.370 (4) (ax) of the statutes is created to read:

9           20.370 **(4)** (ax) *Water resources management — computer accessible*  
10           *information*. From the environmental fund, the amounts in the schedule for  
11           providing computer accessible water resource management information.”.

12           **485.** Page 330, line 8: after that line insert:

13           “**SECTION 600r.** 20.370 (4) (aw) of the statutes, as created by 2001 Wisconsin  
14           Act .... (this act), is amended to read:

15           20.370 **(4)** (aw) *Water resources — beach maintenance in state parks and state*  
16           *forests*. The amounts in the schedule for the development, operation, and  
17           maintenance of beaches located in state parks or southern state forests, ~~as defined~~  
18           ~~in s. 27.016 (1) (c)~~.”.

19           **486.** Page 330, line 24: delete that line.

20           **487.** Page 331, line 9: after that line insert:

21           “**SECTION 603i.** 20.370 (5) (as) of the statutes is renumbered 20.375 (2) (sL) and  
22           amended to read:

23           20.375 **(2)** (sL) *Recreation Resource aids — fish, wildlife and forestry habitat*  
24           and recreation aids. As a continuing appropriation, the amounts in the schedule for

1 wildlife habitat development and planning on county forest lands, under s. 23.09  
2 (17m) and recreational development on county forest lands under s. 23.09 (11).

3 **SECTION 603m.** 20.370 (5) (at) of the statutes is renumbered 20.375 (3) (sm).

4 **SECTION 603p.** 20.370 (5) (av) of the statutes is renumbered 20.375 (2) (s).”.

5 **488.** Page 331, line 24: after that line insert:

6 “**SECTION 603rm.** 20.370 (5) (ax) of the statutes is created to read:

7 20.370 (5) (ax) *Resource aids — Atlas mill renovation.* The amounts in the  
8 schedule for renovation of the Atlas mill under 2001 Wisconsin Act .... (this act),  
9 section 9137 (8mk). No moneys may be encumbered from this appropriation after  
10 June 30, 2002.”.

11 **489.** Page 331, line 24: after that line insert:

12 “**SECTION 603rb.** 20.370 (5) (ay) of the statutes is renumbered 20.375 (2) (sm).

13 **SECTION 603rf.** 20.370 (5) (bq) of the statutes is renumbered 20.375 (2) (t).

14 **SECTION 603rk.** 20.370 (5) (br) of the statutes is renumbered 20.375 (2) (tm).

15 **SECTION 603rn.** 20.370 (5) (bs) of the statutes is renumbered 20.375 (2) (u).

16 **SECTION 603rp.** 20.370 (5) (bt) of the statutes is renumbered 20.375 (2) (um).

17 **SECTION 603rs.** 20.370 (5) (bu) of the statutes is renumbered 20.375 (2) (v).

18 **SECTION 603rw.** 20.370 (5) (bv) of the statutes is renumbered 20.375 (2) (vm).”.

19 **490.** Page 332, line 4: after that line insert:

20 “**SECTION 603ub.** 20.370 (5) (bw) of the statutes, as affected by 2001 Wisconsin  
21 Act .... (this act), is renumbered 20.375 (2) (w).

22 **SECTION 603x.** 20.370 (5) (bx) of the statutes is renumbered 20.375 (2) (xg).”.

23 **491.** Page 332, line 8: after that line insert:



1           “**SECTION 604m.** 20.370 (5) (by) of the statutes, as affected by 2001 Wisconsin  
2 Act .... (this act), is renumbered 20.375 (2) (wm).”.

3           **492.** Page 332, line 13: substitute “~~for the grant for Black Point Estate under~~  
4 ~~s. 23.0962,~~” for “for the grant for Black Point Estate under s. 23.0962,”.

5           **493.** Page 332, line 14: after “31.309,” insert “for the Southeastern Wisconsin  
6 Fox River commission under 2001 Wisconsin Act .... (this act).”.

7           **494.** Page 332, line 19: after “(5e),” insert “for funding for a museum in Racine  
8 under s. 23.0963.”.

9           **495.** Page 332, line 22: after “act),” insert “section 605,”.

10          **496.** Page 332, line 25: delete “for the grant for Black Point Estate under s.  
11 23.0962,”.

12          **497.** Page 333, line 1: after “31.309,” insert “~~for the Southeastern Wisconsin~~  
13 ~~Fox River commission under 2001 Wisconsin Act .... (this act).~~”.

14          **498.** Page 333, line 6: after “(5e),” insert “for funding for a museum in Racine  
15 under s. 23.0963,”.

16          **499.** Page 333, line 7: after that line insert:

17           “**SECTION 605c.** 20.370 (5) (cq) of the statutes, as affected by 2001 Wisconsin  
18 Act .... (this act), section 605b, is amended to read:

19           20.370 (5) (cq) *Recreation aid — recreational boating and other projects.* As a  
20 continuing appropriation, the amounts in the schedule for recreational boating aids  
21 under s. 30.92, for the grant for Black Point Estate under s. 23.0962, for the Portage  
22 levee system and the Portage canal under s. 31.309, for development of a state park  
23 under s. 23.198, for funding for the Fox River Navigational System Authority under

1 s. 237.08 (2), for funding for a museum in Racine under s. 23.0963, and for the  
2 engineering and environmental study under s. 31.307.”.

3 **500.** Page 333, line 21: after that line insert:

4 “SECTION 607q. 20.370 (5) (cz) of the statutes is created to read:

5 20.370 (5) (cz) *Recreation aids — snowmobile–bicycle–pedestrian overpass.*  
6 Biennially, from the snowmobile account in the conservation fund, the amounts in  
7 the schedule for the payment required under 2001 Wisconsin Act .... (this act), section  
8 9137 (4p) for a snowmobile–bicycle–pedestrian overpass.”.

9 SECTION 607s. 20.370 (5) (cz) of the statutes, as created by 2001 Wisconsin Act  
10 .... (this act), is repealed.”.

11 **501.** Page 333, line 21: after that line insert:

12 “SECTION 608e. 20.370 (5) (da) of the statutes is amended to read:

13 20.370 (5) (da) *Aids in lieu of taxes.* From the general fund, a sum sufficient  
14 to pay aids to municipalities for state lands under ss. 70.113 and 70.114 that are  
15 under the jurisdiction of the department.

16 SECTION 608m. 20.370 (5) (dq) of the statutes is amended to read:

17 20.370 (5) (dq) *Aids in lieu of taxes.* A sum sufficient to pay aids to  
18 municipalities for state lands under s. 70.113 that are under the jurisdiction of the  
19 department.

20 SECTION 608s. 20.370 (5) (dx) of the statutes is renumbered 20.375 (2) (ym).”.

21 **502.** Page 334, line 8: delete lines 8 to 14.

22 **503.** Page 334, line 19: delete “2001 Wisconsin Act .... (this act), section 9137  
23 (4k)” and substitute “s. 281.73”.

24 **504.** Page 334, line 24: delete “2003” and substitute “2005”.

1           **505.** Page 334, line 25: after that line insert:

2           “**SECTION 615t.** 20.370 (6) (dc) of the statutes is created to read:

3           20.370 **(6)** (dc) *Land spreading reduction pilot program.* The amounts in the  
4           schedule for the land spreading reduction pilot program under s. 281.74.”.

5           **506.** Page 334, line 25: after that line insert:

6           “**SECTION 615e.** 20.370 (6) (bv) of the statutes is created to read:

7           20.370 **(6)** (bv) *Recycling efficiency incentive grants.* From the recycling fund,  
8           the amounts in the schedule for recycling efficiency incentive grants under s.  
9           287.235.”.

10          **507.** Page 335, line 2: delete lines 2 to 8.

11          **508.** Page 335, line 24: after that line insert:

12          “**SECTION 621b.** 20.370 (7) (au) of the statutes, as created by 2001 Wisconsin  
13          Act .... (this act), is renumbered 20.375 (3) (u) and amended to read:

14          20.375 **(3)** (u) *State forest acquisition and development — principal repayment*  
15          *and interest.* ~~From the conservation fund, the~~ The amounts in the schedule to  
16          reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred  
17          in financing land acquisition and development for state forests from the  
18          appropriations under s. 20.866 (2) (ta), ~~(ts)~~, and (tz). No moneys may be expended  
19          or encumbered from this appropriation after June 30, 2003.”.

20          **509.** Page 336, line 16: after “(ti)” insert “and in financing grants for dam  
21          rehabilitation projects under s. 31.387”.

22          **510.** Page 336, line 19: after that line insert:

23          “**SECTION 621hc.** 20.370 (7) (fa) of the statutes is amended to read:

1           20.370 (7) (fa) *Resource maintenance and development — state funds.* As a  
2 continuing appropriation, the amounts in the schedule for the maintenance and  
3 development of state parks under ch. 27; ~~of recreation areas, other than game or fish~~  
4 ~~refuges, in state forests under ch. 28;~~ of lands owned, managed, supervised or  
5 controlled by the department in the lower Wisconsin state riverway as defined in s.  
6 30.40 (15); and of other recreational lands owned by the department, and for the  
7 maintenance of the ice age trail. Of the amounts appropriated under this paragraph,  
8 \$50,000 may be expended only to match at the ratio of 1 to 1 funds received under  
9 par. (gg) from a county, city, village, town or organization after August 9, 1989, that  
10 are given specifically for the purchase of equipment and materials for maintenance  
11 of the ice age trail. At least \$150,000 in each fiscal year shall be expended from this  
12 appropriation for maintaining and developing historic sites at least \$10,000 of which  
13 shall be expended in each fiscal year for maintaining and developing Heritage Hill  
14 state park.

15           **SECTION 621hL.** 20.370 (7) (ft) of the statutes is amended to read:

16           20.370 (7) (ft) *Resource acquisition and development — boating access.* From  
17 the conservation fund, as a continuing appropriation, the amounts in the schedule  
18 for state recreational boating projects which provide public access to inland waters,  
19 as defined in s. 29.001 (45), which are lakes in the region identified under s. ~~25.29~~  
20 ~~(7) (a)~~ 25.28 (3) (am).

21           **SECTION 621hx.** 20.370 (7) (mc) of the statutes is amended to read:

22           20.370 (7) (mc) *Resource maintenance and development — state park, forest*  
23 *and riverway roads.* As a continuing appropriation, the amounts in the schedule for  
24 state park and southern state forest roads and roads in the lower Wisconsin state  
25 riverway as defined in s. 30.40 (15) under s. 84.28 and for the maintenance of roads

1 in state parks under ch. 27 and recreation areas in southern state forests under ch.  
2 28 which are not eligible for funding under s. 84.28. The department may expend up  
3 to \$400,000 from this appropriation in each fiscal year for these state park and forest  
4 roads and roads in the lower Wisconsin state riverway as defined in s. 30.40 (15)  
5 under s. 84.28 and shall expend the balance from the appropriation for the  
6 maintenance of roads which are not eligible for funding under s. 84.28.”.

7 **511.** Page 337, line 14: after that line insert:

8 “**SECTION 624m.** 20.370 (9) (iq) of the statutes is amended to read:

9 20.370 (9) (iq) *Natural resources magazine.* All moneys received from  
10 subscriptions and other revenues generated by the Wisconsin natural resources  
11 magazine, and all moneys transferred under 2001 Wisconsin Act .... (this act), section  
12 9237 (5z), to be used for its production, handling, and distribution.”.

13 **512.** Page 339, line 4: after that line insert:

14 “**SECTION 621db.** 20.375 (intro.) of the statutes is created to read:

15 **20.375 Forestry, department of.** (intro.) There is appropriated from the  
16 forestry fund, or from other funds if so indicated, to the department of forestry for  
17 the following programs:

18 **SECTION 629dj.** 20.375 (2) (title) of the statutes is created to read:

19 20.375 (2) (title) FORESTRY.

20 **SECTION 629dk.** 20.375 (2) (h) of the statutes is created to read:

21 20.375 (2) (h) *General program operations — private and public sources.* From  
22 the general fund, all moneys not otherwise appropriated that are received from  
23 private or public sources, other than state agencies and the federal government, for  
24 facilities, materials, or services provided by the department relating to state forests,

1 other than southern state forests, to pay for expenses associated with those facilities,  
2 materials, or services.

3 **SECTION 629dL.** 20.375 (2) (k) of the statutes is created to read:

4 20.375 (2) (k) *General program operations — service funds.* From the general  
5 fund, all moneys received by the department from the department and from other  
6 state agencies for facilities, materials, or services provided by the department  
7 relating to state forests, other than southern state forests, under an agreement or  
8 other arrangement with the department or other state agencies to pay for expenses  
9 associated with those facilities, materials, or services.

10 **SECTION 629dm.** 20.375 (2) (q) of the statutes is created to read:

11 20.375 (2) (q) *General program operations.* The amounts in the schedule for  
12 the general program operations of state forests, other than southern state forests,  
13 under ch. 26, 27, and 28 and subch. VI of ch. 77.

14 **SECTION 629dn.** 20.375 (2) (qf) of the statutes is created to read:

15 20.375 (2) (qf) *Forestry acquisition and development.* As a continuing  
16 appropriation, the amounts in the schedule for land acquisition, development, and  
17 improvement on state forest land, other than land in the southern state forests.

18 **SECTION 629do.** 20.375 (2) (rq) of the statutes is created to read:

19 20.375 (2) (rq) *Resource aids — private conservation organizations; Great*  
20 *Lakes Forestry Museum.* As a continuing appropriation, the amounts in the schedule  
21 for annual grants to nonprofit conservation organizations under ss. 23.0955 and  
22 23.0956 and for a grant to the Great Lakes Forestry Museum under 2001 Wisconsin  
23 Act .... (this act), section 9137 (5mk).

24 **SECTION 629dom.** 20.375 (2) (rq) of the statutes, as created by 2001 Wisconsin

25 Act .... (this act), is amended to read:

1           20.375 (2) (rq) *Resource aids — private conservation organizations; Great*  
2 *Lakes Forestry Museum.* As a continuing appropriation, the amounts in the schedule  
3 for annual grants to nonprofit conservation organizations under ss. 23.0955 and  
4 23.0956 and for a grant to the Great Lakes Forestry Museum under 2001 Wisconsin  
5 Act .... (this act), section 9137 (5mk).

6           **SECTION 629dp.** 20.375 (2) (x) of the statutes is created to read:

7           20.375 (2) (x) *General program operations — federal funds.* Except as provided  
8 in par. (z), all moneys received as federal aid for activities relating to state forests,  
9 as authorized by the governor under s. 16.54, for the purposes for which received.

10          **SECTION 629dq.** 20.375 (3) (title) of the statutes is created to read:

11          20.375 (3) (title) DEPARTMENTWIDE.

12          **SECTION 629ds.** 20.375 (3) (b) of the statutes is created to read:

13          20.375 (3) (b) *Resource maintenance and development — state forest roads.*  
14 From the general fund, as a continuing appropriation, the amounts in the schedule  
15 for state forest roads, other than roads in southern state forests, under s. 84.28 and  
16 for the maintenance of roads in recreation areas in state forests, other than southern  
17 state forests, under ch. 28 that are not eligible for funding under s. 84.28.

18          **SECTION 629dsm.** 20.375 (3) (c) of the statutes is created to read:

19          20.375 (3) (c) *Resource maintenance and development — state funds.* From the  
20 general fund, as a continuing appropriation, the amounts in the schedule for the  
21 maintenance and development of recreation areas, other than game or fish refuges,  
22 on state forest and under ch. 28, other than land in southern state forests.

23          **SECTION 629dt.** 20.375 (3) (d) of the statutes is created to read:



1           20.375 (3) (d) *Aids in lieu of taxes.* From the general fund, a sum sufficient to  
2 pay aids to municipalities for state lands under ss. 70.113 and 70.114 that are under  
3 the jurisdiction of the department.

4           **SECTION 629dy.** 20.375 (3) (r) of the statutes is created to read:

5           20.375 (3) (r) *Taxes and assessments.* The amounts in the schedule to pay taxes  
6 and assessments that are or may become a lien on property under the control of the  
7 department.

8           **SECTION 629dz.** 20.375 (3) (s) of the statutes is created to read:

9           20.375 (3) (s) *Aids in lieu of taxes.* A sum sufficient to pay aids to municipalities  
10 for state lands under s. 70.113 that are under the jurisdiction of the department.

11           **SECTION 629dzb.** 20.375 (3) (sg) of the statutes is created to read:

12           20.375 (3) (sg) *State snowmobile trails and areas.* From the snowmobile  
13 account in the conservation fund, the amounts in the schedule for state snowmobile  
14 trails and areas in the state forests, other than the southern state forest.

15           **SECTION 629dzd.** 20.375 (3) (sr) of the statutes is created to read:

16           20.375 (3) (sr) *State all-terrain vehicle projects.* From the conservation fund,  
17 the amounts in the schedule from moneys received from the all-terrain vehicle fees  
18 under s. 23.33 (2) (c) to (e) for state all-terrain vehicle projects in the state forests,  
19 other than the southern state forests.

20           **SECTION 629dzi.** 20.375 (3) (t) of the statutes is created to read:

21           20.375 (3) (t) *Gifts and grants.* All moneys received from gifts, grants, or  
22 bequests for administrative services relating to state forests, other than southern  
23 state forests.

24           **SECTION 629fb.** 20.375 (3) (tm) of the statutes is created to read:



1           20.375 (3) (tm) *Promotional activities and publications.* All moneys received  
2 from subscriptions and other revenues generated by promotional activities,  
3 photographs, slides, videotapes, artwork, publications, magazines, and other  
4 periodicals to be used for these promotional activities, photographs, slides,  
5 videotapes, artwork, publications, and magazines and for educational and  
6 informational activities concerning conservation and forestry.

7           **SECTION 629fd.** 20.375 (3) (tn) of the statutes is created to read:

8           20.375 (3) (tn) *Administrative facilities — principal repayment and interest.*  
9 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and  
10 interest costs incurred in financing the acquisition, construction, development,  
11 enlargement, or improvement of administrative office, laboratory, equipment  
12 storage, or maintenance facilities.

13           **SECTION 629fg.** 20.375 (3) (um) of the statutes is created to read:

14           20.375 (3) (um) *Forestry land endowment fund.* From the forestry land  
15 endowment fund, a sum sufficient for preserving, developing, managing, or  
16 maintaining land as provided in s. 23.0919 (2).

17           **SECTION 629fj.** 20.375 (3) (v) of the statutes is created to read:

18           20.375 (3) (v) *Facilities acquisition, development, and maintenance.* As a  
19 continuing appropriation, the amounts in the schedule for the acquisition,  
20 development, and construction costs of new structures and buildings and for the  
21 maintenance costs of existing structures and buildings under the control of the  
22 department.

23           **SECTION 629fm.** 20.375 (3) (x) of the statutes is created to read:

24           20.375 (3) (x) *General program operations — federal funds.* All moneys  
25 received as federal aid for activities relating to administrative services of the state

1 forests, other than southern state forests, as authorized by the governor under s.  
2 16.54, for the purposes for which received.”.

3 **513.** Page 339, line 21: delete the material beginning with “, and \$50,000” and  
4 ending with “games” on line 22.

5 **514.** Page 339, line 25: delete that line.

6 **515.** Page 340, line 5: after “grants” insert “under s. 41.11 (7) and”.

7 **516.** Page 340, line 5: after “41.17” insert “, for operating the heritage tourism  
8 program under s. 41.19,”.

9 **517.** Page 340, line 20: delete “6.” and substitute “6. 6b.”.

10 **518.** Page 341, line 15: after that line insert:

11 “**SECTION 632m.** 20.395 (1) (ar) of the statutes is amended to read:

12 20.395 (1) (ar) *Corrections of transportation aid payments.* A sum sufficient  
13 to make the corrections of transportation aid payments under s. 86.30 (2) (f) 1. and  
14 to make the payment specified in 2001 Wisconsin Act .... (this act), section 9159 (3q).

15 **SECTION 632n.** 20.395 (1) (ar) of the statutes, as affected by 2001 Wisconsin Act  
16 .... (this act), is amended to read:

17 20.395 (1) (ar) *Corrections of transportation aid payments.* A sum sufficient  
18 to make the corrections of transportation aid payments under s. 86.30 (2) (f) 1. and  
19 to make the payment specified in 2001 Wisconsin Act .... (this act), section 9159 (3q).”.

20 **519.** Page 341, line 15: after that line insert:

21 “.**SECTION 632g.** 20.380 (2) (q) of the statutes is amended to read:

22 20.380 (2) (q) *Kickapoo reserve management board; general program*  
23 *operations.* From the ~~conservation~~ forestry fund, the amounts in the schedule for the

1 general program operations of the Kickapoo reserve management board under s.  
2 41.41.”.

3 **520.** Page 342, line 18: delete the material beginning with that line and  
4 ending with page 343, line 3, and substitute:

5 “**SECTION 646c.** 20.395 (2) (eq) of the statutes is amended to read:

6 20.395 (2) (eq) *Highway and local bridge improvement assistance, state funds.*  
7 As a continuing appropriation, the amounts in the schedule for bridge development,  
8 construction, and rehabilitation under s. 84.18, for the development and  
9 construction of bridges under ss. 84.12 and 84.17, for payments to local units of  
10 government for jurisdictional transfers under s. 84.16 and, for the improvement of  
11 the state trunk highway system under 1985 Wisconsin Act 341, section 6 (1), and to  
12 provide for the payments specified under 2001 Wisconsin Act .... (this act), section  
13 9152 (3d).”.

14 **521.** Page 343, line 7: delete “payment” and substitute “payment payments”.

15 **522.** Page 343, line 8: after “(4x)” insert “and (4z)”.

16 **523.** Page 343, line 9: delete lines 9 to 22.

17 **524.** Page 343, line 22: after that line insert:

18 “**SECTION 654g.** 20.395 (3) (bq) of the statutes is amended to read:

19 20.395 (3) (bq) *Major highway development, state funds.* As a continuing  
20 appropriation, the amounts in the schedule for major development of state trunk and  
21 connecting highways and, for the disadvantaged business demonstration and  
22 training program under s. 84.076, and for the highway corridor planning grant  
23 program under s. 85.027.”.

24 **525.** Page 343, line 22: after that line insert:

1           **SECTION 654p.** 20.395 (2) (gr) of the statutes is amended to read:

2           20.395 (2) (gr) *Railroad crossing improvement and protection installation,*  
3 *state funds.* As a continuing appropriation, the amounts in the schedule to pay the  
4 costs for railroad crossing protection improvements under s. 195.28 (2) ~~and~~, for the  
5 installation of railroad crossing gates under 1999 Wisconsin Act 9, section 9150 (9g),  
6 and for the purpose specified under 2001 Wisconsin Act .... (this act), section 9152  
7 (5g).

8           **SECTION 654r.** 20.395 (2) (gx) of the statutes is amended to read:

9           20.395 (2) (gx) *Railroad crossing improvement, federal funds.* All moneys  
10 received from the federal government for the purposes of railroad crossing protection  
11 under s. 195.28 ~~and~~, for the purposes of railroad crossing gates under 1999 Wisconsin  
12 Act 9, section 9150 (9g), and for the purpose specified under 2001 Wisconsin Act ....  
13 (this act), section 9152 (5g), for such purposes.”.

14           **526.** Page 344, line 16: delete “(8g).” and substitute “(8g)., and 2001 Wisconsin  
15 Act .... (this act), section 9152 (4e).”.

16           **527.** Page 344, line 16: delete the material beginning with “the” and ending  
17 with “specified” on line 17 and substitute “any southeast Wisconsin freeway  
18 rehabilitation projects”.

19           **528.** Page 344, line 17: after “84.014” insert “, or to the installation,  
20 replacement, rehabilitation, or maintenance of highway signs, traffic control signals,  
21 highway lighting, pavement markings, or intelligent transportation systems, unless  
22 incidental to the improvement of existing state trunk and connecting highways”.

23           **529.** Page 344, line 19: delete “*reconstruction*” and substitute  
24 “*rehabilitation*”.

1           **530.** Page 344, line 20: delete the material beginning with “reconstruction”  
2 and ending with “repair” on line 21 and substitute “rehabilitation”.

3           **531.** Page 344, line 23: after “(a).” insert “This paragraph does not apply to  
4 the installation, replacement, rehabilitation, or maintenance of highway signs,  
5 traffic control signals, highway lighting, pavement markings, or intelligent  
6 transportation systems, unless incidental to rehabilitation of southeast Wisconsin  
7 freeways.”.

8           **532.** Page 345, line 15: delete the material beginning with “the” and ending  
9 with “specified” on line 16 and substitute “any southeast Wisconsin freeway  
10 rehabilitation projects”.

11           **533.** Page 345, line 18: delete “*reconstruction*” and substitute  
12 “*rehabilitation*”.

13           **534.** Page 345, line 19: delete the material beginning with “reconstruction”  
14 and ending with “repair” on line 20 and substitute “rehabilitation”.

15           **535.** Page 346, line 11: delete the material beginning with “the” and ending  
16 with “specified” on line 12 and substitute “any southeast Wisconsin freeway  
17 rehabilitation projects”.

18           **536.** Page 346, line 12: after “84.014” insert “, or to the installation,  
19 replacement, rehabilitation, or maintenance of highway signs, traffic control signals,  
20 highway lighting, pavement markings, or intelligent transportation systems, unless  
21 incidental to the improvement of existing state trunk and connecting highways”.

22           **537.** Page 346, line 14: delete “*reconstruction*” and substitute  
23 “*rehabilitation*”.

1           **538.** Page 346, line 15: delete “reconstruction and interim repair” and  
2 substitute “rehabilitation”.

3           **539.** Page 346, line 18: after “purposes.” insert “This paragraph does not  
4 apply to the installation, replacement, rehabilitation, or maintenance of highway  
5 signs, traffic control signals, highway lighting, pavement markings, or intelligent  
6 transportation systems, unless incidental to rehabilitation of southeast Wisconsin  
7 freeways.”.

8           **540.** Page 347, line 1: delete the material beginning with “for” and ending  
9 with “lighting” on line 3 and substitute “~~for highway operations such as permit~~  
10 ~~issuance, pavement marking, highway signing, traffic signalization and highway~~  
11 ~~lighting~~ for permit issuance and other highway operations, including the  
12 installation, replacement, rehabilitation, or maintenance of highway signs, traffic  
13 control signals, highway lighting, pavement markings, and intelligent  
14 transportation systems.”.

15           **541.** Page 347, line 23: delete the material beginning with “for” and ending  
16 with “lighting” on line 25 and substitute “~~for highway operations such as permit~~  
17 ~~issuance, pavement marking, highway signing, traffic signalization and highway~~  
18 ~~lighting~~ for permit issuance and other highway operations, including the  
19 installation, replacement, rehabilitation, or maintenance of highway signs, traffic  
20 control signals, highway lighting, pavement markings, and intelligent  
21 transportation systems.”.

22           **542.** Page 350, line 7: after “and” insert “for the transfers under 2001  
23 Wisconsin Act .... (this act), section 9152 (2t), and”.

24           **543.** Page 350, line 11: after that line insert:

1           “**SECTION 672L.** 20.395 (5) (jt) of the statutes is created to read:

2           20.395 (5) (jt) *Pretrial intoxicated driver intervention programs, service funds.*

3 All moneys received from the office of justice assistance in the department of  
4 administration for the purpose of awarding grants under s. 85.53.”.

5           **544.** Page 350, line 12: delete lines 12 to 16.

6           **545.** Page 350, line 16: after that line insert:

7           “**SECTION 676r.** 20.410 (1) (be) of the statutes is created to read:

8           20.410 (1) (be) *Postconviction evidence testing costs.* The amounts in the  
9 schedule for the costs of performing forensic deoxyribonucleic acid testing for  
10 indigent persons under s. 974.07, pursuant to a court order issued under s. 974.07  
11 (12).”.

12           **546.** Page 352, line 7: delete lines 7 to 12.

13           **547.** Page 352, line 18: after that line insert:

14           “**SECTION 688d.** 20.432 (1) (kc) of the statutes is created to read:

15           20.432 (1) (kc) *Volunteer coordination.* The amounts in the schedule for  
16 coordination of volunteer ombudsmen. All moneys transferred from the  
17 appropriation account under s. 20.435 (6) (g) shall be credited to this appropriation  
18 account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30  
19 of each fiscal year shall revert to the appropriation under s. 20.435 (6) (g).”.

20           **548.** Page 356, line 18: after that line insert:

21           “**SECTION 701h.** 20.435 (3) (fp) of the statutes is created to read:

22           20.435 (3) (fp) *Food pantry grants and administration.* The amounts in the  
23 schedule for costs of administering the grant program under s. 46.766 (5) and for  
24 grants awarded under s. 46.766 (2).”.

1           **549.** Page 356, line 19: delete lines 19 to 22 and substitute:

2           “**SECTION 702f.** 20.435 (3) (j) of the statutes is created to read:

3           20.435 (3) (j) *Statewide automated child welfare information system receipts.*

4           All moneys received from counties under s. 46.45 (2) (a), for the costs of implementing  
5           and operating the statewide automated child welfare information system  
6           established under s. 46.03 (7) (g).”.

7           **550.** Page 357, line 18: after “(8).” insert “to develop and implement a registry  
8           of recipient immunizations.”.

9           **551.** Page 358, line 6: after “program” insert “and the badger care health care  
10          program under s. 49.665”.

11          **552.** Page 358, line 11: after that line insert:

12          “**SECTION 707r.** 20.435 (4) (bu) of the statutes is created to read:

13          20.435 (4) (bu) *Health insurance supplement.* The amounts in the schedule for  
14          the health insurance supplement for community disability service providers under  
15          2001 Wisconsin Act .... (this act), section 9123 (13q).

16          **SECTION 707s.** 20.435 (4) (bu) of the statutes, as created by 2001 Wisconsin Act  
17          .... (this act), is repealed.”.

18          **553.** Page 358, line 11: after that line insert:

19          “**SECTION 707bg.** 20.435 (4) (bv) of the statutes is created to read:

20          20.435 (4) (bv) *Prescription drug assistance for elderly; aids.* Biennially, the  
21          amounts in the schedule for payment to pharmacies and pharmacists under s. 49.688  
22          (7) for prescription drug assistance for elderly persons.”.



1           **554.** Page 358, line 11: delete that line and substitute “assistance program  
2 and, the badger care health care program under s. 49.665, and the food stamp  
3 program.”.

4           **555.** Page 358, line 18: after that line insert:

5           “**SECTION 709j.** 20.435 (4) (iL) of the statutes is created to read:

6           20.435 (4) (iL) *Medical assistance provider assessments.* All moneys received  
7 from assessments charged under s. 49.45 (2) (b) 9., for performance by the  
8 department of audits and investigations under s. 49.45 (3) (g).”.

9           **556.** Page 359, line 8: after that line insert:

10          “**SECTION 711g.** 20.435 (4) (j) of the statutes is created to read:

11          20.435 (4) (j) *Prescription drug assistance for elderly; manufacturer rebates.*  
12 All moneys received from rebate payments by manufacturers under s. 49.688 (6), to  
13 be used for payment to pharmacies and pharmacists under s. 49.688 (7) for  
14 prescription drug assistance for elderly persons.

15          **SECTION 711h.** 20.435 (4) (jb) of the statutes is created to read:

16          20.435 (4) (jb) *Prescription drug assistance for elderly; enrollment fees.* All  
17 moneys received from payment of enrollment fees under s. 49.688 (3), to be used for  
18 administration of the program under s. 49.688.”.

19          **557.** Page 360, line 4: after that line insert:

20          “**SECTION 713hk.** 20.435 (4) (ky) of the statutes is amended to read:

21          20.435 (4) (ky) *Interagency and intra-agency aids.* All moneys received from  
22 other state agencies, ~~including moneys transferred from s. 20.505 (8) (hm) 7.,~~ and all  
23 moneys received by the department from the department for aids to individuals and  
24 organizations, for the purpose of providing those aids.”.

1           **558.** Page 360, line 9: after “activities” insert “in the medical assistance and  
2 food stamp programs”.

3           **559.** Page 360, line 10: delete “(b) 6.” and substitute “(a) 3m., 49.197,”.

4           **560.** Page 361, line 21: delete “all moneys received” and substitute  
5 “biennially, the amounts in the schedule”.

6           **561.** Page 361, line 22: delete “49.472 (6), and 49.665” and substitute “and  
7 49.472 (6)”.

8           **562.** Page 362, line 6: delete “all moneys received” and substitute “biennially,  
9 the amounts in the schedule”.

10           **563.** Page 362, line 7: delete “and 49.472 (7), ~~and~~” and substitute “and 49.472  
11 (6)”.

12           **564.** Page 362, line 8: delete “~~49.665~~”.

13           **565.** Page 362, line 11: after that line insert:

14           “**SECTION 717bd.** 20.435 (4) (wm) of the statutes is created to read:

15           20.435 (4) (wm) *Medical assistance trust fund; nursing homes.* From the  
16 medical assistance trust fund, a sum sufficient equal to the balance in the fund, less  
17 the amounts appropriated under pars. (w) and (x), for meeting medical assistance  
18 reimbursement costs under s. 49.45 (6m) and (6u).”.

19           **566.** Page 364, line 16: delete “*clinic*” and substitute “*clinics*”.

20           **567.** Page 364, line 17: delete “clinic” and substitute “clinics”.

21           **568.** Page 364, line 20: after “250.15” insert “and 2001 Wisconsin Act .... (this  
22 act), section 9123 (14e)”.

23           **569.** Page 365, line 9: after that line insert:

1           **SECTION 721r.** 20.435 (6) (a) of the statutes is amended to read:

2           20.435 **(6)** (a) *General program operations; ~~projects; council on physical~~*  
3 *disabilities; publicity activities.* The amounts in the schedule for general program  
4 operations, including field services and administrative services, ~~for the~~  
5 ~~demonstration projects under 1999 Wisconsin Act 9, section 9123 (3) (a) and for~~  
6 ~~operation of the council on physical disabilities under s. 46.29, and for the assistive~~  
7 ~~technology and adaptive equipment program under 2001 Wisconsin Act .... (this act),~~  
8 ~~section 9123 (15j) (a) and for publicity activities under s. 46.858.~~”

9           **SECTION 721s.** 20.435 (6) (a) of the statutes, as affected by 2001 Wisconsin Act  
10 .... (this act), is amended to read:

11           20.435 **(6)** (a) *General program operations; council on physical disabilities;*  
12 *publicity activities.* The amounts in the schedule for general program operations,  
13 including field services and administrative services, for operation of the council on  
14 physical disabilities under s. 46.29, ~~and for the assistive technology and adaptive~~  
15 ~~equipment program under 2001 Wisconsin Act .... (this act), section 9123 (15j) (a) and~~  
16 ~~for publicity activities under s. 16.858.~~”.

17           **570.** Page 365, line 16: delete “(g)” and substitute “(kc)”.

18           **571.** Page 365, line 18: after that line insert:

19           **SECTION 722d.** 20.435 (6) (jm) of the statutes is amended to read:

20           20.435 **(6)** (jm) *Licensing and support services.* The amounts in the schedule  
21 for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a) and (b) and (5) (a),  
22 49.45 (47), 50.02 (2), 50.025, 50.065 (2) (am) and (b) 1., (3) (a) and (b) and (5), 50.13,  
23 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV  
24 of ch. 50 and to conduct health facilities plan and rule development activities, for

1 accrediting nursing homes, convalescent homes and homes for the aged, to conduct  
2 capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36  
3 (2) and for the costs of inspecting, licensing and approving facilities, issuing permits  
4 and providing technical assistance that are not specified under any other paragraph  
5 in this subsection. All moneys received under ss. 48.685 (8), 49.45 (47) (c), 50.02 (2),  
6 50.025, 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1)  
7 (c) and 50.981, all moneys received from fees for the costs of inspecting, licensing and  
8 approving facilities, issuing permits and providing technical assistance that are not  
9 specified under any other paragraph in this subsection, and all moneys received  
10 under 50.135 (2), less the amounts credited to the appropriation account under sub.  
11 (4) (gm), shall be credited to this appropriation account.”.

12 **572.** Page 365, line 21: after “46.48” insert “and for the assistive technology  
13 and adaptive equipment program under 2001 Wisconsin Act .... (this act), section  
14 9123 (15j) (b) and (c)”.

15 **573.** Page 366, line 12: after that line insert:

16 “**SECTION 725b.** 20.435 (7) (bc) of the statutes, as affected by 2001 Wisconsin  
17 Act .... (this act), is amended to read:

18 20.435 (7) (bc) *Grants for community programs.* The amounts in the schedule  
19 for grants for community programs under s. 46.48 ~~and for the assistive technology~~  
20 ~~and adaptive equipment program under 2001 Wisconsin Act .... (this act), section~~  
21 ~~9123 (15j) (b) and (c).~~ Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the  
22 department may transfer funds between fiscal years under this paragraph.  
23 Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department of health and  
24 family services may credit or deposit into this appropriation funds for the purpose

1 specified in s. 46.48 (13) that the department transfers from the appropriation under  
2 par. (bL) that are allocated by the department under that appropriation but  
3 unexpended or unencumbered on June 30 of each year. Except for amounts  
4 authorized to be carried forward under s. 46.48 and as otherwise provided in this  
5 paragraph, all funds allocated but not encumbered by December 31 of each year lapse  
6 to the general fund on the next January 1 unless carried forward to the next calendar  
7 year by the joint committee on finance. Notwithstanding ss. 20.001 (3) (a) and 20.002  
8 (1), the department shall transfer from this appropriation account to the  
9 appropriation account for the department of workforce development under s. 20.445  
10 (3) (dz) funds allocated by the department under s. 46.48 (30) but unexpended on  
11 June 30 of each year.”.

12 **574.** Page 366, line 14: delete “*program grants*” and substitute “*program*  
13 *grants programs*”.

14 **575.** Page 366, line 15: delete “for to provide” and substitute “for”.

15 **576.** Page 366, line 16: delete lines 16 and 17 and substitute “do not operate  
16 certified community support programs and for community support program services  
17 under s.”.

18 **577.** Page 366, line 18: after “51.421” insert “(3) (e)”.

19 **578.** Page 366, line 20: after that line insert:

20 “**SECTION 726p.** 20.435 (7) (c) of the statutes is amended to read:

21 20.435 (7) (c) *Independent living centers.* The amounts in the schedule for the  
22 purpose of making grants to independent living centers for the severely disabled  
23 under s. 46.96 and under 2001 Wisconsin Act .... (this act), section 9123 (15j) (d).

1           **SECTION 726q.** 20.435 (7) (c) of the statutes, as affected by 2001 Wisconsin Act  
2 .... (this act), is amended to read:

3           20.435 (7) (c) *Independent living centers.* The amounts in the schedule for the  
4 purpose of making grants to independent living centers for the severely disabled  
5 under s. 46.96 and under 2001 Wisconsin Act .... (this act), section 9123 (15j) (d).”.

6           **579.** Page 367, line 6: delete that line and substitute:

7           “**SECTION 728p.** 20.435 (7) (kg) of the statutes is amended to read:

8           20.435 (7) (kg) *Compulsive gambling awareness campaigns.* The amounts in  
9 the schedule for the purpose of awarding grants under s. 46.03 (43). All moneys  
10 transferred from s. 20.505 (8) (hm) 1. 20.566 (8) (q) shall be credited to this  
11 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered  
12 balance of this appropriation account at the end of each fiscal year shall be  
13 transferred to the lottery fund.”.

14           **580.** Page 368, line 22: delete lines 22 and 23 and substitute “1396v as the  
15 result of income augmentation activities ~~for which the state has contracted~~ and all  
16 moneys that are received under 42 USC 1396 to 1396v in”.

17           **581.** Page 369, line 1: delete lines 1 and 2 and substitute “be used as provided  
18 in s. 46.46 and 2001 Wisconsin Act .... (this act), sections 9123 (8z) and 9223 (5zk).”.

19           **582.** Page 369, line 2: after that line insert:

20           “**SECTION 732r.** 20.435 (8) (mb) of the statutes, as affected by 2001 Wisconsin  
21 Act .... (this act), is amended to read:

22           20.435 (8) (mb) *Income augmentation services receipts.* All moneys that are  
23 received under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd, and 42 USC 1396 to  
24 1396v as the result of income augmentation activities for which the state has

1 contracted and all moneys that are received under 42 USC 1396 to 1396v in  
2 reimbursement of the cost of providing targeted case management services to  
3 children whose care is not eligible for reimbursement under 42 USC 670 to 679a, to  
4 be used as provided in s. 46.46 and ~~2001 Wisconsin Act .... (this act), sections 9123~~  
5 ~~(8z) and 9223 (5zk).~~ All moneys received under this paragraph in excess of the  
6 moneys necessary to support the costs specified in s. 46.46 shall be deposited in the  
7 general fund as a nonappropriated receipt.”

8 **583.** Page 369, line 2: delete “(5zk) and (8z)” and substitute “9123 (8z) and  
9 9223 (5zk)”.

10 **584.** Page 369, line 3: delete lines 3 to 7.

11 **585.** Page 369, line 14: after that line insert:

12 “SECTION 736t. 20.445 (3) (br) of the statutes is repealed.”.

13 **586.** Page 370, line 1: after “(cm)” insert “; for job training services under the  
14 workforce attachment and advancement program under s. 49.173”.

15 **587.** Page 370, line 20: delete “and” and substitute “and”.

16 **588.** Page 370, line 21: before “Wisconsin” insert “and”.

17 **589.** Page 370, line 21: delete the material beginning with “, and American”  
18 and ending with “programs” on line 22.

19 **590.** Page 370, line 23: after “(cm)” insert “; for job training services under the  
20 workforce attachment and advancement program under s. 49.173”.

21 **591.** Page 370, line 25: delete “and (4)” and substitute “and (4)”.

22 **592.** Page 371, line 10: after that line insert:

23 “SECTION 737f. 20.445 (3) (fs) of the statutes is created to read:

1           20.445 (3) (fs) *Child support order conversion assistance*. The amounts in the  
2 schedule to provide assistance to county child support agencies for the costs of  
3 converting child support orders to fixed–sum orders, to be allocated to counties on  
4 the basis of the number of percentage–expressed or mixed orders in a county in cases  
5 in which the state is a real party in interest under s. 767.075 (1).”.

6           **593.** Page 372, line 24: delete the material beginning with “all” and ending  
7 with “49.197,” on line 25 and substitute “~~all moneys received from counties and tribal~~  
8 ~~governing bodies as a result of error reduction activities under s. 49.197,”~~”.

9           **594.** Page 373, line 5: after “program” insert “relating to the aid to families  
10 with dependent children program and the Wisconsin works program”.

11           **595.** Page 374, line 1: delete lines 1 to 8 and substitute:

12           “**SECTION 743dc.** 20.445 (3) (md) of the statutes is amended to read:

13           20.445 (3) (md) *Federal block grant aids*. The amounts in the schedule, less  
14 the amounts withheld under s. 49.143 (3), for aids to individuals or organizations and  
15 to be transferred to the appropriation accounts under sub. (7) (ke) and ss. 20.255 (2)  
16 (kh), (kn), and (kp), 20.433 (1) (k), 20.434 (1) (kp) and (ky), 20.435 (3) (kc), (kd), (km)  
17 and (ky), (5) (ky), (7) (kw) and (ky), and (8) (kx), 20.465 (4) (k), and 20.835 (2) (kf).  
18 All block grant moneys received for these purposes from the federal government or  
19 any of its agencies and all moneys recovered under s. 49.143 (3) shall be credited to  
20 this appropriation account.”.

21           **596.** Page 376, line 12: after that line insert:

22           “**SECTION 749d.** 20.445 (6) (b) of the statutes is repealed.”.

23           **597.** Page 376, line 13: after that line insert:

24           “**SECTION 751d.** 20.445 (6) (c) of the statutes is repealed.”.



1           **598.** Page 376, line 13: after that line insert:

2           “**SECTION 753m.** 20.445 (6) (u) of the statutes is amended to read:

3           20.445 **(6)** (u) *General enrollee operations; ~~conservation~~ forestry fund.*

4           Biennially, from the ~~conservation~~ forestry fund, the amounts in the schedule for the  
5           payment of Wisconsin conservation corps enrollee compensation and for the  
6           payment of other Wisconsin conservation corps costs for activities authorized under  
7           s. 106.215 (7) (a) ~~or (e)~~ if those costs are not paid by project sponsors. Corps enrollee  
8           compensation includes the cost of salaries, benefits, incentive payments and  
9           vouchers.”.

10          **599.** Page 376, line 14: after that line insert:

11          “**SECTION 759p.** 20.445 (6) (y) of the statutes is amended to read:

12          20.445 **(6)** (y) *Administrative support; ~~conservation~~ forestry fund.* From the  
13          ~~conservation~~ forestry fund, the amounts in the schedule for the payment of  
14          administrative expenses related to the Wisconsin conservation corps program.”.

15          **600.** Page 377, line 4: after that line insert:

16          “**SECTION 764qy.** 20.455 (2) (fm) of the statutes is amended to read:

17          20.455 **(2)** (fm) *Gaming law enforcement.* The amounts in the schedule for the  
18          performance of the department’s gaming law enforcement responsibilities as  
19          specified in s. 165.70 (3m). ~~No moneys may be encumbered or expended from this~~  
20          ~~appropriation account after the day of publication of the 2001–03 biennial budget~~  
21          ~~act.”.~~

22          **601.** Page 379, line 25: delete the material beginning with that line and  
23          ending with page 380, line 5.

24          **602.** Page 381, line 14: delete lines 14 to 16 and substitute:

1           “20.475 (1) (g) *Fees from vehicle-related offenses*. The amounts in the schedule  
2 for salaries and fringe benefits of district attorneys and state employees of the office  
3 of the district attorney. All moneys received from penalties under s. 59.25 (3) (jm)  
4 by the state treasurer shall be credited to this appropriation account.”.

5           **603.** Page 381, line 21: after that line insert:

6           “**SECTION 783t.** 20.485 (1) (gk) of the statutes is amended to read:

7           20.485 (1) (gk) *Institutional operations*. The amounts in the schedule for the  
8 care of the Wisconsin Veterans Home at King, the Southern Wisconsin Veterans  
9 Retirement Center, and veterans facilities. All moneys received under par. (m) and  
10 s. 45.37 (9) (d) and (9d) shall be credited to this appropriation.”.

11          **604.** Page 382, line 3: after that line insert:

12          “**SECTION 785d.** 20.485 (2) (eg) of the statutes is created to read:

13          20.485 (2) (eg) *Victorious charge monument grant*. From the general fund, the  
14 amounts in the schedule to provide a grant to the Milwaukee Arts Board for the  
15 restoration of the Victorious Charge Civil War monument under 2001 Wisconsin Act  
16 .... (this act), section 9157 (7v). No moneys may be encumbered or expended from this  
17 appropriation after June 30, 2002.”.

18          **605.** Page 382, line 3: after that line insert:

19          “**SECTION 785e.** 20.485 (2) (e) of the statutes is amended to read:

20          20.485 (2) (e) *Veterans memorial grants*. From the general fund, as a  
21 continuing appropriation, the amounts in the schedule for the veterans memorial  
22 grant program under s. 45.04 and for the grant under 2001 Wisconsin Act .... (this  
23 act), section 9157 (8g).”.

1           **606.** Page 383, line 7: after “45.357” insert “, for the emergency aid pilot  
2 program under 2001 Wisconsin Act .... (this act), section 9157 (8c).”.

3           **607.** Page 383, line 8: after that line insert:

4           “**SECTION 788sf.** 20.485 (2) (rm) of the statutes, as affected by 2001 Wisconsin  
5 Act .... (this act), is amended to read:

6           20.485 **(2)** (rm) *Veterans assistance.* Biennially, the amounts in the schedule  
7 for general program operations of the veterans assistance program under s. 45.357,  
8 ~~for the emergency aid pilot program under 2001 Wisconsin Act .... (this act), section~~  
9 ~~9157 (8c)~~, and for a grant to establish a supportive living environment for veterans  
10 under 2001 Wisconsin Act .... (this act), section 9157 (6c).”.

11           **608.** Page 385, line 5: after that line insert:

12           “**SECTION 802m.** 20.505 (1) (fe) of the statutes is created to read:

13           20.505 **(1)** (fe) *Wisconsin Patient Safety Institute, Inc., grants.* The amounts in  
14 the schedule to provide grants to the Wisconsin Patient Safety Institute, Inc.”.

15           **609.** Page 385, line 16: after that line insert:

16           “**SECTION 804g.** 20.505 (1) (ij) of the statutes is amended to read:

17           20.505 **(1)** (ij) *Land information board; aids to counties.* From the moneys  
18 received by the land information board under s. 59.72 (5) (a), all moneys not  
19 appropriated under pars. (ie), ~~(if)~~, and (ik) for the purpose of providing aids to  
20 counties for land information projects under s. 16.967 (7).”.

21           **610.** Page 386, line 13: after that line insert:

22           “**SECTION 813aw.** 20.505 (1) (ka) of the statutes is amended to read:

23           20.505 **(1)** (ka) *Materials and services to state agencies and certain districts.*  
24 The amounts in the schedule to provide services primarily to state agencies or local

1 professional baseball park districts created under subch. III of ch. 229, other than  
2 services specified in pars. (im),~~(is)~~ and (kb) to (ku) and subs. (2) (k) and (5) (ka), and  
3 to repurchase inventory items sold primarily to state agencies or such districts. All  
4 moneys received from the provision of services primarily to state agencies and such  
5 districts and from the sale of inventory items primarily to state agencies and such  
6 districts, other than moneys received and disbursed under pars. (im),~~(is)~~ and (kb)  
7 to (ku) and subs. (2) (k) and (5) (ka), shall be credited to this appropriation account.

8 **SECTION 813b.** 20.505 (1) (ka) of the statutes, as affected by 1999 Wisconsin Act  
9 9, section 519, is amended to read:

10 20.505 (1) (ka) *Materials and services to state agencies and certain districts.*

11 The amounts in the schedule to provide services primarily to state agencies or local  
12 professional baseball park districts created under subch. III of ch. 229, other than  
13 services specified in pars. (im),~~(is)~~ and (kb) to (ku) and subs. (2) (k) and (5) (ka), and  
14 to repurchase inventory items sold primarily to state agencies or such districts. All  
15 moneys received from the provision of services primarily to state agencies and such  
16 districts and from the sale of inventory items primarily to state agencies and such  
17 districts, other than moneys received and disbursed under pars. (im),~~(is)~~ and (kb)  
18 to (ku) and subs. (2) (k) and (5) (ka), shall be credited to this appropriation account.”.

19 **611.** Page 387, line 16: after “agencies” insert “: veterans services”.

20 **612.** Page 387, line 20: after “services” insert “and to provide veterans  
21 services under s. 22.07 (9)”.

22 **613.** Page 391, line 24: after that line insert:

23 “**SECTION 848r.** 20.505 (5) (c) of the statutes is repealed.”.

24 **614.** Page 394, line 2: after that line insert:

1           **SECTION 859r.** 20.505 (6) (kr) of the statutes is created to read:

2           20.505 **(6)** (kr) *Grants for cooperative county-tribal law enforcement.* The  
3 amounts in the schedule to provide grants to counties for cooperative law  
4 enforcement activities with Indian tribes as provided under 2001 Wisconsin Act ...  
5 (this act), section 9101 (21k). All moneys transferred from the appropriation account  
6 under s. 20.505 (8) (hm) 15r. shall be credited to this appropriation account.  
7 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year  
8 shall revert to the appropriation account under s. 20.505 (8) (hm).

9           **SECTION 859s.** 20.505 (6) (kr) of the statutes, as created by 2001 Wisconsin Act  
10 .... (this act), is repealed.”.

11           **615.** Page 395, line 21: after that line insert:

12           **SECTION 879g.** 20.505 (8) (b) of the statutes is created to read:

13           20.505 **(8)** (b) *General program operations.* The amounts in the schedule for  
14 general program operations under ch. 562.”.

15           **616.** Page 396, line 6: after that line insert:

16           **SECTION 880g.** 20.505 (8) (hm) 2m. of the statutes is created to read:

17           20.505 **(8)** (hm) 2m. The amount transferred to s. 20.115 (1) (k) shall be the  
18 amount in the schedule under s. 20.115 (1) (k).”.

19           **617.** Page 396, line 9: after that line insert:

20           **SECTION 881i.** 20.505 (8) (hm) 6. of the statutes is amended to read:

21           20.505 **(8)** (hm) 6. The amount transferred to s. 20.380 (1) (kg) and ~~(km)~~  
22 ~~combined~~ shall be \$4,000,000 the amount in the schedule under s. 20.380 (1) (kg).

23           **SECTION 881k.** 20.505 (8) (hm) 6b. of the statutes is created to read:

1           20.505 (8) (hm) 6b. The amount transferred to s. 20.380 (1) (km) shall be the  
2 amount in the schedule under s. 20.380 (1) (km).”.

3           **618.** Page 396, line 20: delete lines 20 to 22.

4           **619.** Page 397, line 4: delete “of” and substitute “in”.

5           **620.** Page 397, line 18: after that line insert:

6           “**SECTION 887s.** 20.505 (8) (hm) 10t. of the statutes is created to read:

7           20.505 (8) (hm) 10t. The amount transferred to s. 20.255 (2) (kj) shall be the  
8 amount in the schedule under s. 20.255 (2) (kj).”.

9           **621.** Page 397, line 21: after that line insert:

10          “**SECTION 890g.** 20.505 (8) (hm) 15r. of the statutes is created to read:

11          20.505 (8) (hm) 15r. The amount transferred to sub. (6) (kr) shall be the amount  
12 in the schedule under sub. (6) (kr).

13          **SECTION 890h.** 20.505 (8) (hm) 15r. of the statutes, as created by 2001  
14 Wisconsin Act .... (this act), is repealed.”.

15          **622.** Page 398, line 24: delete lines 24 and 25.

16          **623.** Page 399, line 1: delete lines 1 to 25.

17          **624.** Page 400, line 1: delete lines 1 to 12.

18          **625.** Page 400, line 22: after that line insert:

19          “**SECTION 906m.** 20.510 (1) (bm) of the statutes is created to read:

20          20.510 (1) (bm) *Training of chief inspectors.* Biennially, the amounts in the  
21 schedule for training of chief inspectors under s. 7.31.”.

22          **626.** Page 400, line 22: after that line insert:

23          “**SECTION 906m.** 20.510 (1) (c) of the statutes is created to read:

1           20.510 (1) (c) *Voting system transitional assistance.* Biennially, the amounts  
2 in the schedule to provide assistance to counties and municipalities in eliminating  
3 punch card voting systems under s. 7.08 (7) and 2001 Wisconsin Act .... (this act),  
4 section 9115 (20x).

5           **SECTION 906n.** 20.510 (1) (c) of the statutes, as created by 2001 Wisconsin Act  
6 .... (this act), is repealed.”.

7           **627.** Page 401, line 11: after that line insert:

8           “**SECTION 910t.** 20.515 (2) (g) of the statutes is amended to read:

9           20.515 (2) (g) *Private employer health care coverage plan.* All moneys received  
10 under subch. X of ch. 40 from employers who elect to participate in the private  
11 employer health care coverage program under subch. X of ch. 40, for the costs of  
12 designing, marketing and contracting for or providing administrative services for  
13 the program and for lapsing to the general fund the amounts required under s. 40.98  
14 (6m).”.

15           **628.** Page 405, line 5: after that line insert:

16           “**SECTION 920v.** 20.566 (8) (q) of the statutes is amended to read:

17           20.566 (8) (q) *General program operations.* From the lottery fund, the amounts  
18 in the schedule for general program operations under ch. 565. Annually, of the  
19 moneys appropriated under this paragraph, an amount equal to the amounts in the  
20 schedule under s. 20.435 (7) (kg) shall be transferred to the appropriation account  
21 under s. 20.435 (7) (kg).”.

22           **629.** Page 406, line 5: after that line insert:

23           “**SECTION 926r.** 20.680 (2) (a) of the statutes is amended to read:

1           20.680 (2) (a) *General program operations. The Biennially, the amounts in the*  
2 *schedule to carry into effect the functions of the director of state courts.”.*

3           **630.** Page 406, line 5: after that line insert:

4           “**SECTION 926m.** 20.625 (1) (c) of the statutes is amended to read:

5           20.625 (1) (c) *Court interpreter fees. The amounts in the schedule to pay*  
6 *interpreter fees reimbursed under s. ~~885.37 (4) (a) 2.~~ 758.19 (8).”.*

7           **631.** Page 406, line 9: after that line insert:

8           “**SECTION 931m.** 20.835 (1) (e) (title) of the statutes is amended to read:

9           20.835 (1) (e) (title) *State aid; ~~computers~~ tax exempt property.”.*

10          **632.** Page 406, line 12: after that line insert:

11          “**SECTION 933j.** 20.835 (3) (s) of the statutes is created to read:

12          20.835 (3) (s) *Lottery and gaming credit; late applications. From the lottery*  
13 *fund, a sum sufficient to make payments for the lottery and gaming credit under s.*  
14 *79.10 (10) (bm) and (bn).”.*

15          **633.** Page 407, line 3: delete that line.

16          **634.** Page 413, line 13: delete “\$13,465,100” and substitute “\$4,479,700”.

17          **635.** Page 413, line 14: delete “to 15.” and substitute “to 5., 7., 11., and 14.”.

18          **636.** Page 414, line 9: substitute “(5) ~~(e),~~” for “(5) (c)”.

19          **637.** Page 414, line 9: substitute “(g) and” for “(g), and”.

20          **638.** Page 414, line 9: delete “and (9) (b) and (h)”.

21          **639.** Page 414, line 10: after “(3) (a), (b),” insert “(bm)”.

22          **640.** Page 414, line 10: after “(br),” insert “(bt),”.

23          **641.** Page 414, line 11: after that line insert:



1           “**SECTION 962b.** 20.866 (1) (u) of the statutes, as affected by 2001 Wisconsin Act  
2           2001 .... (this act), is amended to read:

3           20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
4           appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)  
5           (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),  
6           20.255 (1) (d), 20.275 (1) (er), (es), (h), and (hb), 20.285 (1) (d), (db), (fh), (ih), (kd), and  
7           (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar),  
8           (at), ~~(au)~~, (ba), (bq), (ca), (cb), (cc), (cd), (ce), (cf), (da), (ea), (eq), and (er), 20.375 (3)  
9           (tn) and (u), 20.395 (6) (af), (aq), and (ar), 20.410 (1) (e), (ec), and (ko) and (3) (e),  
10          20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm),  
11          20.505 (5) (c), (g), and (kc) and (9) (b) and (h), 20.855 (8) (a) and 20.867 (1) (a) and (b)  
12          and (3) (a), (b), (bp), (br), (g), (h), (i), and (q) for the payment of principal and interest  
13          on public debt contracted under subchs. I and IV of ch. 18.”.

14          **642.** Page 414, line 17: increase the underscored dollar amount by  
15          \$40,000,000 for the purpose of funding construction of a meat/muscle science  
16          laboratory and a veterinary diagnostic laboratory at the University of  
17          Wisconsin–Madison.

18          **643.** Page 414, line 17: increase the underscored dollar amount by  
19          \$16,500,000 to increase funding for the mechanical engineering building renovation  
20          and addition at the University of Wisconsin–Madison.

21          **644.** Page 414, line 17: decrease the underscored dollar amount by \$500,000  
22          to reduce funding for the construction of Klotsche Center physical education addition  
23          at the University of Wisconsin–Milwaukee.

1           **645.** Page 414, line 24: increase the underscored dollar amount by \$99,500  
2 for the purpose of constructing a baseball field parking lot at the University of  
3 Wisconsin — Parkside.

4           **646.** Page 414, line 24: increase the underscored dollar amount by \$3,600,000  
5 for the purpose of funding construction of a veterinary diagnostic laboratory at the  
6 University of Wisconsin–Madison.

7           **647.** Page 415, line 2: after that line insert:

8           “**SECTION 962m.** 20.866 (2) (ta) of the statutes is amended to read:

9           20.866 (2) (ta) *Natural resources; Warren Knowles–Gaylord Nelson*  
10 *stewardship 2000 program.* From the capital improvement fund a sum sufficient for  
11 the Warren Knowles–Gaylord Nelson stewardship 2000 program under s. 23.0917.  
12 The state may contract public debt in an amount not to exceed \$460,000,000  
13 \$572,000,000 for this program. Except as provided in s. 23.0917 (4g) (b), (4m) (k), (5)  
14 and (5m), the amounts obligated, as defined in s. 23.0917 (1) (e), under this  
15 paragraph may not exceed \$46,000,000 in each fiscal year 2000–01, may not exceed  
16 \$46,000,000 in fiscal year 2001–02, and may not exceed \$60,000,000 in each fiscal  
17 year beginning with fiscal year 2002–2003 and ending with fiscal year 2009–10.”.

18           **648.** Page 416, line 16: after “*restoration*” insert “*and dam rehabilitation*”.

19           **649.** Page 416, line 18: after “281.665” insert “and to provide grants for dam  
20 rehabilitation projects under s. 31.387”.

21           **650.** Page 416, line 19: after “purpose.” insert “Of this amount, \$500,000 is  
22 allocated in fiscal biennium 2001–03 for dam rehabilitation grants under s. 31. 387.”.

23           **651.** Page 417, line 2: after that line insert:

24           “**SECTION 968c.** 20.866 (2) (tL) of the statutes is amended to read:

1           20.866 (2) (tL) *Natural resources; segregated revenue supported dam safety*  
2 *projects.* From the capital improvement fund, a sum sufficient for the department  
3 of natural resources to provide financial assistance to counties, cities, villages,  
4 towns, and public inland lake protection and rehabilitation districts for dam safety  
5 projects under s. 31.385. The state may contract public debt in an amount not to  
6 exceed ~~\$6,350,000~~ \$6,600,000 for this purpose.”.

7           **652.** Page 417, line 12: after “281.57” insert “(10e), (10f).”.

8           **653.** Page 417, line 25: after that line insert:

9           “**SECTION 969eg.** 20.866 (2) (tu) of the statutes, as affected by 2001 Wisconsin  
10 Act .... (this act), is amended to read:

11           20.866 (2) (tu) *Natural resources and forestry; segregated revenue supported*  
12 *facilities.* From the capital improvement fund, a sum sufficient for the department  
13 of natural resources and the department of forestry to acquire, construct, develop,  
14 enlarge or improve ~~natural resource~~ administrative office, laboratory, equipment  
15 storage or maintenance facilities and to acquire, construct, develop, enlarge or  
16 improve state recreation facilities and state fish hatcheries. The state may contract  
17 public debt in an amount not to exceed \$30,576,400 for this purpose.”.

18           **654.** Page 418, line 23: decrease the underscored dollar amount by \$3,000,000  
19 to reduce funding for the construction of the Women’s Correctional Center --  
20 Milwaukee.

21           **655.** Page 419, line 11: after that line insert:

22           “**SECTION 972m.** 20.866 (2) (wr) of the statutes is repealed.”.

23           **656.** Page 419, line 12: delete lines 12 to 24.

24           **657.** Page 420, line 1: delete lines 1 and 2.

1           **658.** Page 420, line 14: delete lines 14 to 18 and substitute:

2           “**SECTION 973c.** 20.866 (2) (y) of the statutes, as affected by 2001 Wisconsin Act  
3 12, is amended to read:

4           20.866 (2) (y) *Building commission; housing state departments and agencies.*  
5 From the capital improvement fund, a sum sufficient to the building commission for  
6 the purpose of housing state departments and agencies. The state may contract  
7 public debt in an amount not to exceed ~~\$430,246,600~~ \$463,367,100 for this purpose.”.

8           **659.** Page 421, line 11: increase the underscored dollar amount by  
9 \$95,000,000.

10          **660.** Page 421, line 11: increase the underscored dollar amount by  
11 \$30,000,000 to increase funding for University of Wisconsin System facilities repair  
12 and renovation.

13          **661.** Page 421, line 11: increase the underscored dollar amount by  
14 \$66,000,000.

15          **662.** Page 421, line 14: increase the dollar amount by \$95,000,000.

16          **663.** Page 421, line 18: after that line insert:

17          “**SECTION 973r.** 20.866 (2) (zbg) of the statutes is created to read:

18          20.866 (2) (zbg) *HR Academy, Inc.* From the capital improvement fund, a sum  
19 sufficient for the building commission to provide a grant to HR Academy, Inc., in the  
20 city of Milwaukee to aid in the construction of a youth and family center in the city  
21 of Milwaukee. The state may contract public debt in an amount not to exceed  
22 \$1,500,000 for this purpose.”.

23          **664.** Page 421, line 18: after that line insert:

24          “**SECTION 973r.** 20.866 (2) (z) 4m. of the statutes is created to read:

1           20.866 (2) (z) 4m. An amount equal to \$30,000,000 is allocated for the repair  
2 and renovation of University of Wisconsin System facilities.”.

3           **665.** Page 421, line 18: delete that line and substitute:

4           “b. July 1, 2003, to June 30, 2005, \$63,500,000.

5           c. July 1, 2005, to June 30, 2007, \$95,500,000.

6           d. July 1, 2007, to June 30, 2009, \$127,500,000.

7           e. July 1, 2009, or thereafter, \$158,500,000.”.

8           **666.** Page 421, line 24: after that line insert:

9           “**SECTION 974r.** 20.866 (2) (zbq) of the statutes is created to read:

10           20.866 (2) (zbq) *Racine County; Discovery Place museum.* From the capital  
11 improvement fund, a sum sufficient to provide a grant to Racine County, to aid in the  
12 construction of the Discovery Place museum as part of the Heritage museum. The  
13 state may contract public debt in an amount not to exceed \$1,000,000 for this  
14 purpose.”.

15           **667.** Page 422, line 15: delete the material beginning with “If the” and ending  
16 with “(a)” on line 19.

17           **668.** Page 422, line 19: after that line insert:

18           “**SECTION 977e.** 20.866 (2) (ze) of the statutes is amended to read:

19           20.866 (2) (ze) *Historical society; self-amortizing facilities.* From the capital  
20 improvement fund, a sum sufficient for the historical society to acquire, construct,  
21 develop, enlarge or improve facilities at historic sites, but not including the  
22 Wisconsin history center. The state may contract public debt in an amount not to  
23 exceed \$3,173,600 for this purpose.

24           **SECTION 977h.** 20.866 (2) (zgh) of the statutes is created to read:

1           20.866 (2) (zgh) *Historical society; Wisconsin history center.* From the capital  
2 improvement fund, a sum sufficient for the historical society to construct a Wisconsin  
3 history center. The state may contract public debt in an amount not to exceed  
4 \$131,500,000 for this purpose.”.

5           **669.** Page 423, line 16: increase the underscored dollar amount by \$9,000,000  
6 to provide funding for various state fair park building projects.

7           **670.** Page 423, line 22: increase the underscored dollar amount by  
8 \$39,000,000 to adjust funding for various state fair park building projects.

9           **671.** Page 423, line 23: after that line insert:

10           “**SECTION 978s.** 20.867 (3) (bm) of the statutes is created to read:

11           20.867 (3) (bm) *Principal repayment, interest, and rebates; HR Academy, Inc.*  
12 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and  
13 interest costs incurred in financing the construction of a youth and family center for  
14 HR Academy, Inc., in the city of Milwaukee, and to make the payments determined  
15 by the building commission under s. 13.488 (1) (m) that are attributable to the  
16 proceeds of obligations incurred in financing the construction of a youth and family  
17 center for the HR Academy, Inc.”.

18           **672.** Page 423, line 23: after that line insert:

19           “**SECTION 978t.** 20.867 (3) (bt) of the statutes is created to read:

20           20.867 (3) (bt) *Principal repayment, interest, and rebates; Discovery Place*  
21 *museum.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal  
22 and interest costs incurred in financing the construction grant under s. 13.48 (32r),  
23 and to make the payments determined by the building commission under s. 13.488

1 (1) (m) that are attributable to the proceeds of obligations incurred in financing the  
2 construction grant under s. 13.48 (32r).”.

3 **673.** Page 424, line 22: after that line insert:

4 “**SECTION 980c.** 20.867 (6) of the statutes is created to read:

5 20.867 **(6)** CASH BUILDING PROJECTS FUND. (a) *General fund transfer.* From the  
6 general fund, to be transferred to the cash building projects fund, a sum sufficient  
7 equal to the amount that is required to be transferred to the cash building projects  
8 fund under s. 16.518 (4).

9 (q) *Payment of cash in lieu of borrowing.* From the cash building projects fund,  
10 a sum sufficient to permit payment of cash in lieu of borrowing for the purposes for  
11 which the contracting of public debt is authorized under s. 20.866 (2).”.

12 **674.** Page 425, line 1: delete lines 1 to 9.

13 **675.** Page 425, line 18: after that line insert:

14 “**SECTION 983m.** 20.9145 of the statutes is created to read:

15 **20.9145 Sale of residual state property. (1)** In this section, “residual state  
16 property” means vacant state–owned land, together with any improvements  
17 thereon, that are not utilized under any statutory program, or any plan or proposal  
18 of a state agency.

19 **(2)** No later than the end of the 2–year period beginning on the effective date  
20 of this subsection .... [revisor inserts date], each state agency that has jurisdiction  
21 over residual state property shall solicit bids for the sale of the property.

22 **(3)** A state agency selling residual state property under sub. (2) shall sell the  
23 property to the highest responsible bidder, if any, who offers to pay at least the fair  
24 market value of the property.

1           **(4)** No later than September 1 annually, each state agency that sold a parcel  
2 of residual state property in the preceding fiscal year shall file a report with the  
3 cochairpersons of the joint committee on finance specifying the location and size of  
4 the parcel, the date sold, the estimated fair market value, the sale price and the  
5 allocation of the proceeds of the sale.

6           **(5)** This section does not apply to residual state property that is leased to a  
7 person other than a state agency on the effective date of this subsection .... [revisor  
8 inserts date], if the lease contains terms that preclude sale of the property during the  
9 term of the lease, until the lease expires or the lease is modified, renewed, or  
10 extended, whichever first occurs.

11           **SECTION 983mn.** 20.9145 of the statutes, as created by 2001 Wisconsin Act ...  
12 (this act), is repealed.”.

13           **676.** Page 426, line 12: delete lines 12 to 19.

14           **677.** Page 426, line 19: after that line insert:

15           “**SECTION 988m.** 20.923 (4) (f) 7y. of the statutes is created to read:  
16 20.923 **(4)** (f) 7y. Forestry, department of: secretary.”.

17           **678.** Page 427, line 15: delete lines 15 to 22.

18           **679.** Page 427, line 23: after that line insert:

19           “**SECTION 993i.** 20.923 (6) (m) of the statutes is amended to read:

20           20.923 **(6)** (m) University of Wisconsin System: deans, principals, professors,  
21 instructors, research assistants, librarians and other teachers, as defined in s. 40.02  
22 (55), and the staff of the environmental education board, and instructional staff  
23 employed by the board of regents of the University of Wisconsin System who provide  
24 services for a charter school established by contract under s. 118.40 (2r) (cm).”.



1           **680.** Page 428, line 5: delete lines 5 to 8 and substitute “alleged or found to  
2 be delinquent unless one of the following applies:

3           1. If the building, structure, or facility was converted for that purpose, the  
4 conversion either was completed before January 1, 2001, or began after the building,  
5 structure, or facility was enumerated in the authorized state building program.

6           2. If the building, structure, or facility was not converted for that purpose, the  
7 construction of the building, structure, or facility either was completed before  
8 January 1, 2001, or began after the building, structure, or facility was enumerated  
9 in the authorized state building program.”.

10           **681.** Page 428, line 21: delete the material beginning with that line and  
11 ending with page 438, line 9.

12           **682.** Page 438, line 9: after that line insert:

13           “**SECTION 1013m.** 21.25 (1) of the statutes is amended to read:

14           21.25 (1) The department of military affairs shall may administer the Badger  
15 Challenge program for disadvantaged youth. ~~The department shall recruit 10% of~~  
16 ~~the 1999–2000 class of the program from families who are eligible to receive~~  
17 ~~temporary assistance for needy families under 42 USC 601 et seq. The If the~~  
18 ~~department administers the Badger Challenge program under this subsection, it~~  
19 ~~shall recruit 25% of the 2000–01 each class of the program from families who are~~  
20 ~~eligible to receive temporary assistance for needy families under 42 USC 601 et seq.~~  
21 ~~The If the department of military affairs administers the Badger Challenge program~~  
22 ~~under this subsection, it shall promulgate rules for administering the Badger~~  
23 ~~Challenge program.”.~~

24           **683.** Page 438, line 12: after that line insert:

1           **“SECTION 1024bg.** 21.49 (2) (c) of the statutes is created to read:

2           21.49 (2) (c) A member of the U.S. armed forces, including the Wisconsin  
3 national guard, for 10 years or more.

4           **SECTION 1024bi.** 21.49 (2) (d) of the statutes is amended to read:

5           21.49 (2) (d) Failing to meet the national guard service eligibility criteria  
6 established by the department ~~by rule~~ or absent without leave for more than 9 unit  
7 training assemblies.

8           **SECTION 1024bk.** 21.49 (2) (f) of the statutes is created to read:

9           21.49 (2) (f) Failing to achieve a minimum grade point average of 2.0 or an  
10 average grade of “C” for the semester for which reimbursement is requested.”.

11           **684.** Page 438, line 15: delete “~~or part-time~~” and substitute “or part-time”.

12           **685.** Page 438, line 16: delete “~~or 100%~~” and substitute “or ~~100%~~ 85%”.

13           **686.** Page 438, line 18: delete lines 18 to 22 and substitute “a comparable  
14 number of credits, whichever amount is less.”.

15           **687.** Page 438, line 22: after that line insert:

16           **“SECTION 1024e.** 21.49 (3) (b) 3. of the statutes is amended to read:

17           21.49 (3) (b) 3. Contain the signatures of both the guard member claiming the  
18 grant and a representative of the school, certifying that the member has  
19 satisfactorily completed the course and has achieved the minimum grade point  
20 average or grade, as required under sub. (2) (f).”.

21           **688.** Page 438, line 23: delete the material beginning with that line and  
22 ending with page 439, line 11 and substitute:

23           **“SECTION 1024i.** 21.49 (3m) of the statutes is amended to read:

1           21.49 (3m) REPAYMENT OF GRANTS. The department ~~may~~ shall require a guard  
2 member who has received a grant under this section to repay the amount of the grant  
3 to the department if the national guard member, ~~within 12 months of receipt of the~~  
4 ~~grant, fails to meet any of~~ on or after the effective date of this subsection .... [revisor  
5 inserts date]. is separated from the national guard service ~~eligibility~~ criteria  
6 established ~~by the department by rule~~ for misconduct, as defined in the rules and  
7 regulations of the national guard, including being absent without leave for more  
8 than 9 unit training assemblies. The department may elect to collect the amount  
9 owed under this subsection through the tax intercept program under s. 71.93.

10           **SECTION 1024m.** 21.49 (4) (d) of the statutes is created to read:

11           21.49 (4) (d) After June 30, 2005, a guard member is only eligible for a tuition  
12 grant under this section for a course in one of the following schools:

13           1. The extension division and any campus of the University of Wisconsin  
14 System.

15           2. Any public institution of higher education that is included in the  
16 Minnesota–Wisconsin student reciprocity agreement under s. 39.47.

17           3. Any technical college established under ch. 38.”.

18           **689.** Page 439, line 12: delete lines 12 to 15.

19           **690.** Page 440, line 4: delete lines 4 to 6.

20           **691.** Page 442, line 5: after that line insert:

21           **“SECTION 1030m.** 22.07 (9) of the statutes is created to read:

22           22.07 (9) In consultation with the department of veterans affairs, administer  
23 a program to increase outreach to veterans regarding veterans services and benefits,  
24 and to provide training to employees of the department of veterans affairs and county

1 veterans service officers. The department of electronic government shall make the  
2 program available through a satellite system that is linked to 5 remote locations in  
3 this state.”.

4 **692.** Page 445, line 22: after that line insert:

5 “**SECTION 1034fb.** 23.09 (2) (d) 1. of the statutes is repealed.

6 **SECTION 1034fd.** 23.09 (2) (d) 5. of the statutes is repealed.

7 **SECTION 1034fg.** 23.09 (2p) (a) of the statutes is amended to read:

8 23.09 (**2p**) (a) The department of natural resources shall determine the value  
9 of land donated to the department state that is within the project boundaries of a  
10 state park, a southern state forest, or a state recreation area. The department of  
11 forestry shall determine the value of land donated to the state that is within the  
12 project boundaries of other state forests. If the donation involves the transfer of the  
13 title in fee simple absolute or other arrangement for the transfer of all interest in the  
14 land to the state, the valuation shall be based on the fair market value of the land  
15 before the transfer. If the donation is a dedication transferring a partial interest in  
16 land to the state, the valuation shall be based on the extent to which the fair market  
17 value of the land is diminished by that transfer and the associated articles of  
18 dedication. If the donation involves a sale of land ~~to the department~~ at less than the  
19 fair market value, the valuation of the donation shall be based on the difference  
20 between the purchase price and the fair market value.

21 **SECTION 1034fh.** 23.09 (2p) (b) of the statutes is amended to read:

22 23.09 (**2p**) (b) Except as provided in par. (c), an amount of money equal to the  
23 value of the donation under par. (a) shall be released from the appropriation under  
24 s. 20.866 (2) (ta) or (tz) or both to be used for land acquisition activities for the same

1 project for which any donation was made on or after August 9, 1989. ~~The~~ From the  
2 moneys made available to the department under the agreement under s. 23.0917  
3 (4r), the department shall determine how the moneys being released are to be  
4 allocated from these appropriations. This paragraph does not apply to transfers of  
5 land from agencies other than the department of forestry.

6 **SECTION 1034fj.** 23.09 (3) (a) of the statutes is amended to read:

7 23.09 (3) (a) The department of natural resources shall cooperate with the  
8 ~~several-state~~ department of forestry and other departments and officials in the  
9 conduct of matters in which the interests of the respective departments or officials  
10 overlap. The cooperating agencies may provide by agreement for the manner of  
11 sharing expenses and responsibilities under this paragraph.

12 **SECTION 1034fk.** 23.09 (11) (a) of the statutes is renumbered 23.09 (11) (ar).

13 **SECTION 1034fL.** 23.09 (11) (ag) of the statutes is created to read:

14 23.09 (11) (ag) In this subsection, “department” means the department of  
15 forestry.

16 **SECTION 1034fn.** 23.09 (17m) (a) of the statutes is renumbered 23.09 (17m)  
17 (am) and amended to read:

18 23.09 (17m) (am) The county board of any county, which by resolution indicates  
19 its desire to improve the natural environment for wildlife on county lands entered  
20 under s. 28.11, may make application to the department for the allocation of funds  
21 appropriated for such purposes by s. ~~20.370 (5) (as)~~ 20.375 (2) (sL).

22 **SECTION 1034fp.** 23.09 (17m) (ac) of the statutes is created to read:

23 23.09 (17m) (ac) In this subsection, “department” means the department of  
24 forestry.

25 **SECTION 1034fq.** 23.09 (17m) (b) of the statutes is amended to read:

1           23.09 (17m) (b) The annual allocation for each county shall not exceed 10 cents  
2 for each acre entered under s. 28.11, but any funds remaining from the appropriation  
3 made by s. ~~20.370 (5) (as)~~ 20.375 (2) (sL) and unallocated to the counties on March  
4 31 of each year may be allotted to any county in an amount not to exceed an additional  
5 10 cents per acre under the procedure established in this subsection. These aids shall  
6 be used to undertake wildlife management activities provided in the comprehensive  
7 county forest land use plan and included in the annual work plan and budget.

8           **SECTION 1034fr.** 23.09 (18) (a) of the statutes is amended to read:

9           23.09 (18) (a) In each fiscal year, the department of forestry shall make  
10 payments to each county that has more than 40,000 acres within its boundaries that  
11 are entered on the tax roll under s. 77.04 (1) or 77.84 (1) on July 1 of that fiscal year.

12           **SECTION 1034fs.** 23.09 (18) (b) of the statutes is amended to read:

13           23.09 (18) (b) The amount of the payment made in a fiscal year to an eligible  
14 county shall equal the county's proportionate share of the moneys appropriated  
15 under s. ~~20.370 (5) (br)~~ 20.375 (2) (tm) for the fiscal year. An eligible county's  
16 proportionate share shall equal the number of acres within its boundaries that are  
17 entered on the tax roll under s. 77.04 (1) or 77.84 (1) on July 1 of the fiscal year divided  
18 by the total number of acres that are entered on the tax roll under s. 77.04 (1) or 77.84  
19 (1) on that same date and that are within the boundaries of counties that are eligible  
20 for payments under this section, multiplied by the amount appropriated under s.  
21 ~~20.370 (5) (br)~~ 20.375 (2) (tm) for the fiscal year.

22           **SECTION 1034ft.** 23.09 (18) (c) of the statutes is amended to read:

23           23.09 (18) (c) The department of forestry shall calculate and issue the payment  
24 for each eligible county by October 1 following each fiscal year.

25           **SECTION 1034fu.** 23.09 (20) (ar) of the statutes is created to read:

1           23.09 **(20)** (ar) For each fiscal year, the department of natural resources and  
2 the department of forestry shall enter into an agreement to determine which projects  
3 are eligible for assistance under this subsection and to authorize the expenditures  
4 for those projects. The secretary of administration shall resolve any disputes  
5 between the departments concerning the agreement entered into under this  
6 paragraph.

7           **SECTION 1034fv.** 23.09 (21m) of the statutes is amended to read:

8           23.09 **(21m)** ENVIRONMENTAL CLEANUP. The department of natural resources  
9 may engage in environmental clean-up activities on the lands under its the  
10 ownership, management, supervision, or control of the department of natural  
11 resources or the department of forestry.

12           **SECTION 1034fw.** 23.09 (26) (a) of the statutes is amended to read:

13           23.09 **(26)** (a) The procedures in sub. (11) ~~(a)~~ (ar), (d), (e) and (f) shall apply to  
14 this subsection except that the department shall consult with the snowmobile  
15 recreational council before adopting snowmobile trail construction standards, the  
16 restriction in sub. (11) ~~(a)~~ (ar) as to county lands is not applicable, the restriction in  
17 sub. (11) (d) as to encumbrance of funds is not applicable and the restriction in sub.  
18 (11) (e) as to requests for state aids exceeding available funds is not applicable.

19           **SECTION 1034fx.** 23.09 (26) (am) 2. of the statutes is amended to read:

20           23.09 **(26)** (am) 2. Enter into agreements with the department of natural  
21 resources or the department of forestry to use for snowmobile trails, facilities, or  
22 areas lands owned or leased by the department of natural resources or the  
23 department of forestry. No lands of the department of natural resources or the  
24 department of forestry that are to be used for snowmobiling purposes within the  
25 meaning of this subsection may be obtained through condemnation.

1           **SECTION 1034fyr.** 23.0917 (1) (c) of the statutes is amended to read:

2           23.0917 (1) (c) “Department land” means an area of land that is owned by the  
3 state, that is under the jurisdiction of the department and that is used for one of the  
4 purposes specified in s. 23.09 (2) (d) or that is under the jurisdiction of the  
5 department of forestry and is in state forest lands.”.

6           **693.** Page 446, line 2: after “ss. 23.197” insert “(2m).”.

7           **694.** Page 446, line 3: after that line insert:

8           “**SECTION 1034hm.** 23.0917 (3) (a) of the statutes, as affected by 2001  
9 Wisconsin Act .... (this act), is amended to read:

10           23.0917 (3) (a) Beginning with fiscal year 2000–01 and ending with fiscal year  
11 2009–10, the department may obligate moneys under the subprogram for land  
12 acquisition to acquire land for the purposes specified in s. 23.09 (2) (d) and for the  
13 state forests, and for grants for these purposes under s. 23.096, except as provided  
14 under ss. 23.197 (3m) (b), (7), (7m), and (8) and 23.198 (1) (a).”.

15           **695.** Page 446, line 9: after that line insert:

16           “**SECTION 1034L.** 23.0917 (3) (dm) 1m. of the statutes is created to read:

17           23.0917 (3) (dm) 1m. For fiscal year 2001–02, \$34,500,000.

18           **SECTION 1034m.** 23.0917 (3) (dm) 2. of the statutes is amended to read:

19           23.0917 (3) (dm) 2. For each fiscal year beginning with ~~2001–02~~ 2002–03 and  
20 ending with fiscal year 2009–10, \$34,500,000 \$45,000,000.”.

21           **696.** Page 446, line 16: delete that line and substitute:

22           “23.0917 (4) (cm) Notwithstanding the purposes for which the department is  
23 authorized to obligate moneys under pars. (a), (b), and (c), the department may  
24 obligate moneys”.



1           **697.** Page 446, line 20: after that line insert:

2           “1m. Construction of a visitor center and administration building at the  
3 Kickapoo valley reserve under s. 23.197 (2m).”.

4           **698.** Page 446, line 24: delete lines 24 and 25.

5           **699.** Page 447, line 2: after that line insert:

6           “6. Restoration of an area on the exposed bed of the former flowage on the  
7 Prairie River.

8           **SECTION 1034r.** 23.0917 (4) (d) 1. of the statutes is amended to read:

9           23.0917 (4) (d) 1. The department may obligate not more than \$11,500,000 in  
10 each fiscal year 2000–01 and not more than \$11,500,000 in fiscal year 2001–02 under  
11 the subprogram except as provided in sub. (5). For each fiscal year beginning with  
12 2002–03 and ending with fiscal year 2009–10, the department may obligate not more  
13 than \$15,000,000 under the subprogram except as provided in sub. (5).”.

14           **700.** Page 447, line 2: after that line insert:

15           “**SECTION 1034qm.** 23.0917 (4r) of the statutes is created to read:

16           23.0917 (4r) AGREEMENT BETWEEN DEPARTMENTS. (a) For each fiscal year, the  
17 department of natural resources and the department of forestry shall enter into an  
18 agreement establishing all of the following:

19           1. The amount of funding from the appropriation under s. 20.866 (2) (ta) that  
20 will be obligated for the land acquisition subprogram under sub. (3) and the amount  
21 of funding from the appropriation under s. 20.866 (2) (ta) that will be obligated for  
22 the property development and local assistance subprogram under sub. (4).

23           2. For the land acquisition subprogram, the amount of funding from the  
24 appropriation under s. 20.866 (2) (ta) that will be obligated for the acquisition of state

1 forest land, for each of the purposes specified in s. 23.09 (2) (d), and for the grants for  
2 each of these purposes under s. 23.096, other than for the projects or activities  
3 specified under s. 23.197.

4 3. For the property development and local assistance subprogram, the amount  
5 of funding from the appropriation under s. 20.866 (2) (ta) that will be obligated for  
6 each of the purposes listed under sub. (4) (b) and (c), other than for the projects or  
7 activities specified under ss. 23.197 and 23.198.

8 4. The priorities under sub. (3) (c).

9 (b) The secretary of administration shall resolve any disputes between the  
10 departments concerning the agreement under par. (a).”.

11 **701.** Page 447, line 9: delete lines 9 to 11 and substitute “conservation  
12 organization shall submit to the department ~~two appraisals if the department~~  
13 ~~estimates that the fair market value of the land exceeds \$200,000~~ at least one  
14 appraisal and the department shall obtain its own independent appraisal.”.

15 **702.** Page 448, line 2: after that line insert:

16 “**SECTION 1036b.** 23.0957 (title) of the statutes is amended to read:

17 **23.0957 (title) Annual grants to a nonstock, nonprofit corporation;**  
18 **urban land conservation projects.**

19 **SECTION 1036c.** 23.0957 (1) (title) of the statutes is created to read:

20 23.0957 (1) (title) DEFINITIONS.

21 **SECTION 1036d.** 23.0957 (1) (b) of the statutes is amended to read:

22 23.0957 (1) (b) “Interested group” means a community group, nonprofit  
23 organization, or local governmental unit that is interested in environmental quality  
24 issues and in acquiring urban, developing, maintaining, or restoring land for one or

1 ~~more urban forestry protection, water resource management, conservation,~~  
2 ~~recreation or other urban open space~~ conservation purposes.

3 **SECTION 1036e.** 23.0957 (1) (c) of the statutes is created to read:

4 23.0957 (1) (c) “Urban conservation purpose” means an urban, open space  
5 conservation or restoration area; urban forest protection or enhancement; water  
6 resource management in urban areas; resource management strategies for urban  
7 areas; conservation activities in an urban area; or recreation activities in an urban  
8 area.

9 **SECTION 1036em.** 23.0957 (2) (intro.) of the statutes is amended to read:

10 23.0957 (2) RECIPIENT REQUIREMENTS. (intro.) The department shall provide  
11 one grant of \$75,000 \$150,000 in each fiscal year, ~~beginning with fiscal year~~  
12 ~~1999–2000~~ to be used for one or more urban conservation purposes, to a nonstock,  
13 nonprofit corporation that meets all of the following requirements:

14 **SECTION 1036f.** 23.0957 (2) (intro.) of the statutes, as affected by 2001  
15 Wisconsin Act .... (this act), is amended to read:

16 23.0957 (2) RECIPIENT REQUIREMENTS. (intro.) The department of natural  
17 resources and beginning with fiscal year 2002–03, the department of forestry shall  
18 provide one grant of \$150,000 in each fiscal year, to be used for one or more urban  
19 conservation purposes, to a nonstock, nonprofit corporation that meets all of the  
20 following requirements:

21 **SECTION 1036g.** 23.0957 (2) (c) 2. of the statutes is repealed.

22 **SECTION 1036h.** 23.0957 (2) (c) 3. of the statutes is repealed.

23 **SECTION 1036j.** 23.0957 (2) (c) 5. of the statutes is repealed.

24 **SECTION 1036k.** 23.0957 (2) (c) 7. of the statutes is repealed.

25 **SECTION 1036m.** 23.0957 (2) (d) of the statutes is amended to read:

1           23.0957 (2) (d) The corporation contributes \$25,000 \$50,000 in funds annually  
2 to be used with the grant that it receives under this subsection.

3           **SECTION 1036n.** 23.0957 (2) (e) of the statutes is created to read:

4           23.0957 (2) (e) The corporation contributes substantial support to a network  
5 that encourages activities that further one or more urban conservation purposes in  
6 various urban communities in this state.

7           **SECTION 1036p.** 23.0957 (2r) of the statutes is created to read:

8           23.0957 (2r) AUTHORIZED ACTIVITIES. A corporation receiving a grant under sub.  
9 (2) may use proceeds from the grant for projects that are for one or more urban  
10 conservation purposes and that are undertaken by the corporation. For urban, open  
11 space projects, conservation projects in urban areas, or recreation projects in urban  
12 areas undertaken by the corporation, the corporation may use the proceeds for the  
13 acquisition of land for these projects.

14           **SECTION 1036q.** 23.0957 (3) (intro.) of the statutes is amended to read:

15           23.0957 (3) REQUIRED ACTIVITIES. (intro.) A corporation receiving a grant under  
16 sub. (2) ~~may use the grant for urban forest protection, water resource enhancement~~  
17 ~~or other urban open space objectives and shall do~~ use proceeds from the grant to do  
18 all of the following ~~with the grant~~:

19           **SECTION 1036r.** 23.0957 (3) (a) of the statutes is renumbered 23.0957 (3) (a)  
20 (intro.) and amended to read:

21           23.0957 (3) (a) (intro.) Provide to interested groups technical assistance,  
22 especially ~~in the areas of urban open space real estate transactions, reclaiming and~~  
23 ~~restoring the natural values of urban parks, urban forests and open space areas,~~  
24 ~~designing and constructing amenities in open space areas,~~ on all of the following  
25 topics:

1           1. Methods of cultivating citizen participation in acquiring, developing, and  
2           maintaining urban, open space areas and securing.

3           2. Methods of securing public financing for urban, open space areas.

4           **SECTION 1036s.** 23.0957 (3) (a) 3. of the statutes is created to read:

5           23.0957 **(3)** (a) 3. Comprehensive management methods for urban forests.

6           **SECTION 1036t.** 23.0957 (3) (a) 4. of the statutes is created to read:

7           23.0957 **(3)** (a) 4. The use of resource management strategies to improve water  
8           and air quality and to revitalize urban communities.

9           **SECTION 1036u.** 23.0957 (3) (a) 5. of the statutes is created to read:

10          23.0957 **(3)** (a) 5. Methods for reducing the presence of toxic substances in  
11          residential neighborhoods in urban areas.

12          **SECTION 1036v.** 23.0957 (3) (a) 6. of the statutes is created to read:

13          23.0957 **(3)** (a) 6. Methods for promoting environmental education and  
14          environmental stewardship in urban communities.

15          **SECTION 1036w.** 23.0957 (3) (c) of the statutes is amended to read:

16          23.0957 **(3)** (c) Assist ~~community~~ interested groups, ~~nonprofit organizations~~  
17          ~~and local governmental units in acquiring urban property for open space, developing,~~  
18          maintaining, or restoring land for one or more urban conservation purposes and in  
19          ~~restoring urban property acquired for conservation, recreation and other open space~~  
20          purposes.

21          **SECTION 1036wm.** 23.0957 (3) (d) of the statutes is amended to read:

22          23.0957 **(3)** (d) For each fiscal year, prepare a report detailing the activities for  
23          which a grant under sub. (2) is expended. Copies of the report shall be submitted to  
24          the department and to the appropriate standing committees of the legislature, as  
25          determined by the speaker of the assembly ~~or~~ and the president of the senate.

1           **SECTION 1036x.** 23.0957 (3) (d) of the statutes, as affected by 2001 Wisconsin  
2 Act .... (this act), is amended to read:

3           23.0957 **(3)** (d) For each fiscal year, prepare a report detailing the activities for  
4 which a grant under sub. (2) is expended. ~~Copies~~ Beginning with the report for fiscal  
5 year 2002–03, copies of the report shall be submitted to the department of forestry  
6 and to the appropriate standing committees of the legislature, as determined by the  
7 speaker of the assembly and the president of the senate.

8           **SECTION 1036y.** 23.0957 (4) of the statutes is repealed.”.

9           **703.** Page 448, line 2: after that line insert:

10           “**SECTION 1036m.** 23.0962 of the statutes is repealed.”.

11           **704.** Page 448, line 2: after that line insert:

12           “**SECTION 1036m.** 23.0963 of the statutes is created to read:

13           **23.0963 Racine museum. (1)** From the appropriation under s. 20.370 (5) (cq),  
14 beginning with fiscal year 2001–02 and ending with 2004–05, the department,  
15 subject to sub (2), shall provide \$500,000 in funding in each fiscal year to Racine  
16 County for the construction of the Discovery Place museum as part of the Heritage  
17 museum in the city of Racine.

18           **(2)** The department may not provide the funding for construction under sub.  
19 (1) unless the department of administration has reviewed and approved the  
20 applicable plans for the construction.”.

21           **705.** Page 448, line 2: after that line insert:

22           “**SECTION 1036b.** 23.0919 of the statutes is created to read:

23           **23.0919 Forestry land endowment fund. (1)** In this section, “land”  
24 includes any buildings, facilities, or other structures located on the land.

1           **(2)** Unless the secretary of forestry determines otherwise in a specific case, only  
2 the income from the gifts, grants, or bequests in the forestry land endowment fund  
3 is available for expenditure. The secretary of forestry may authorize expenditures  
4 only for preserving, developing, managing, or maintaining land that is under the  
5 jurisdiction of the department of forestry and that is used for conservation purposes.  
6 In this subsection, unless otherwise provided in a gift, grant, or bequest, principal  
7 and income are determined as provided under s. 701.20 (3).

8           **SECTION 1036c.** 23.092 (5) (a) of the statutes is amended to read:

9           23.092 **(5)** (a) The department shall determine the value of land or an easement  
10 donated to the department that is within a habitat area and is dedicated for purposes  
11 of habitat protection, enhancement, or restoration. For an easement, the valuation  
12 shall be based on the extent to which the fair market value of the land is diminished  
13 by the transfer. Except as provided in par. (b), an amount of money equal to the value  
14 of the donation shall be released from the appropriation under s. 20.866 (2) (ta) or  
15 (tz) or both to be used for habitat protection, enhancement, or restoration activities  
16 for the same habitat area in which any donation was made on or after  
17 August 9, 1989. The department shall determine how the moneys being released are  
18 to be allocated from these appropriations. The amounts released from the  
19 appropriation under s. 20.866 (2) (ta) shall be subject to the agreement under s.  
20 23.0917 (4r).

21           **SECTION 1036d.** 23.094 (4) (a) of the statutes is amended to read:

22           23.094 **(4)** (a) The department shall determine the value of land or an easement  
23 donated to the department for purposes of this section and for stream bank  
24 protection under s. 23.096. For an easement, the valuation shall be based on the  
25 extent to which the fair market value of the land is diminished by the transfer.

1 Except as provided in par. (b), an amount of money equal to the value of the donation  
2 shall be released from the appropriation under s. 20.866 (2) (ta) or (tz) or both to be  
3 used to acquire easements and land under this section and s. 23.096 for the same  
4 stream for which any donation was made on or after August 9, 1989. The  
5 department shall determine how the moneys being released are to be allocated from  
6 these appropriations. The amounts released from the appropriation under s. 20.866  
7 (2) (ta) shall be subject to the agreement under s. 23.0917 (4r).

8 **SECTION 1036e.** 23.095 (1m) (title) of the statutes is amended to read:

9 23.095 **(1m)** (title) PROHIBITION ON ~~DEPARTMENT LAND~~ CERTAIN STATE LANDS.

10 **SECTION 1036f.** 23.095 (1m) (a) of the statutes is amended to read:

11 23.095 **(1m)** (a) No person may damage or attempt to damage any natural  
12 resource or any archaeological feature located on state-owned lands that are under  
13 the supervision, management, and control of the department ~~except as of natural~~  
14 resources or the department of forestry unless the person is authorized to do so by  
15 the department of natural resources or the department of forestry.

16 **SECTION 1036fg.** 23.0955 (2) (am) of the statutes is amended to read:

17 23.0955 **(2)** (am) ~~Beginning in fiscal year 1997–98, the~~ The department may  
18 ~~provide an annual award one grant of \$150,000 in each fiscal year~~ to a nonstock,  
19 nonprofit corporation that meets all of the qualifications under par. (a).

20 **SECTION 1036fm.** 23.0955 (2) (c) of the statutes is created to read:

21 23.0955 **(2)** (c) If the department awards a grant under this subsection, the  
22 department shall pay part of the grant in an amount equal to \$112,500 from the  
23 appropriation under s. 20.370 (5) (aw) to the corporation receiving the grant, and the  
24 department of forestry shall pay part of the grant in an amount equal to \$37,500 from  
25 the appropriation under s. 20.375 (2) (rq) to the corporation receiving the grant.



1           **SECTION 1036fr.** 23.0956 (1) (intro.) of the statutes is amended to read:

2           23.0956 **(1)** (intro.) ~~From the appropriation under s. 20.370 (5) (aw), the~~ The  
3 department shall ~~provide~~ award one grant of \$85,000 in each fiscal year, ~~beginning~~  
4 ~~with fiscal year 2000–01,~~ to a nonstock, nonprofit corporation that is described under  
5 section 501 (c) (3) or (4) of the Internal Revenue Code and organized in this state if  
6 the corporation meets all of the following requirements:

7           **SECTION 1036fv.** 23.0956 (3) of the statutes is created to read:

8           23.0956 **(3)** The department shall pay part of the grant in an amount equal to  
9 \$42,500 from the appropriation under s. 20.370 (5) (aw) to the corporation receiving  
10 the grant, and the department of forestry shall pay part of the grant in an amount  
11 equal to \$42,500 from the appropriation under s. 20.375 (2) (rq) to the corporation  
12 receiving the grant.

13           **SECTION 1036i.** 23.096 (2) (a) of the statutes is amended to read:

14           23.096 **(2)** (a) The department may award grants from the appropriation under  
15 s. 20.866 (2) (ta) or (tz) to nonprofit conservation organizations to acquire property  
16 for all of the purposes described in ss. 23.09 (2) (d) ~~1. to 7.~~ 2., 3., 4., 6., 9., 11., 12. and  
17 15., (19), (20), and (20m), 23.092, 23.094, 23.17, 23.175, 23.27, 23.29, 23.293, 30.24,  
18 and 30.277 and for state forests, and for forest nurseries and experimental stations.

19           **SECTION 1036j.** 23.096 (2) (am) of the statutes is created to read:

20           23.096 **(2)** (am) In determining which grants will be awarded under this  
21 section, the department of forestry and the department of natural resources shall  
22 both approve each grant. Any dispute regarding which nonprofit conservation  
23 organization will receive a grant under this section shall be resolved by the secretary  
24 of administration. The grants awarded under this section from the appropriation  
25 under s. 20.866 (2) (ta) shall be subject to the agreement under s. 23.0917 (4r).

1           **SECTION 1036k.** 23.096 (3) (intro.) of the statutes is amended to read:

2           23.096 (3) (intro.) In Except as provided in sub. (3m), in order to receive a grant  
3 under this section, the nonprofit conservation organization shall enter into a  
4 contract with the department that contains all of the following provisions:

5           **SECTION 1036L.** 23.096 (3m) of the statutes is created to read:

6           23.096 (3m) In order to receive a grant under this section for state forests, other  
7 than southern state forests, or for forest nurseries or experimental stations, the  
8 nonprofit conservation organization shall enter into a contract with the department  
9 of forestry that contains all of the provisions under sub. (3).

10          **SECTION 1036m.** 23.096 (4) (a) 1. of the statutes is amended to read:

11          23.096 (4) (a) 1. The department that entered into the contract under sub. (3)  
12 or (3m) approves the subsequent sale or transfer.

13          **SECTION 1036n.** 23.096 (4) (a) 2. of the statutes is amended to read:

14          23.096 (4) (a) 2. The party to whom the property is sold or transferred enters  
15 into a new contract with the department specified in subd. 1. that contains the  
16 provisions under sub. (3).

17          **SECTION 1036p.** 23.096 (4) (b) of the statutes is amended to read:

18          23.096 (4) (b) The nonprofit conservation organization may subsequently sell  
19 or transfer the acquired property to satisfy a debt or other obligation if the  
20 department that enters into the contract under sub. (3) or (3m) approves the sale or  
21 transfer.”.

22          **706.** Page 448, line 9: after that line insert:

23          “**SECTION 1037m.** 23.097 (1) of the statutes, as affected by 2001 Wisconsin Act  
24 .... (this act), is renumbered 23.097 (1m).”.

1           **707.** Page 448, line 14: after that line insert:

2           “**SECTION 1038b.** 23.113 of the statutes is created to read:

3           **23.113 Designation of chief state forester.** The secretary shall designate  
4 the administrator of the division of forestry in the department as the chief state  
5 forester. The chief state forester shall be a professional forester as recognized by the  
6 society of American foresters.

7           **SECTION 1038c.** 23.113 of the statutes, as created by 2001 Wisconsin Act ....  
8 (this act), is amended to read:

9           **23.113 Designation of chief state forester.** The secretary of forestry shall  
10 designate the administrator of the division of forestry in the department of forestry  
11 as the chief state forester. The chief state forester shall be a professional forester as  
12 recognized by the society of American foresters.”.

13           **708.** Page 448, line 14: after that line insert:

14           “**SECTION 1038bg.** 23.118 of the statutes is created to read:

15           **23.118 Signs required.** If the department acquires an easement that provides  
16 the public with access to a body of water for the purpose of fishing, the department  
17 shall place a sign on the property where the easement is located that informs the  
18 public that the easement allows the public access to the body of water for the purpose  
19 of fishing.”.

20           **709.** Page 448, line 14: after that line insert:

21           “**SECTION 1038am.** 23.10 (1m) of the statutes is created to read:

22           **23.10 (1m)** The department shall designate a conservation warden as the chief  
23 warden. The chief warden shall have the duty to direct, supervise, and control

1 conservation wardens in the performance of their duties under sub. (1) and s.  
2 29.921.”.

3 **710.** Page 448, line 14: after that line insert:

4 “**SECTION 1038bb.** 23.097 (1b) of the statutes is created to read:

5 23.097 (1b) In this section, “department” means the department of forestry.

6 **SECTION 1038bd.** 23.098 (1) (ag) of the statutes is amended to read:

7 23.098 (1) (ag) “Department property” means an area of real property that is  
8 owned by the state, that is under the jurisdiction of the department of natural  
9 resources, and that is used for one of the purposes specified in s. 23.09 (2) (d) or that  
10 is in a state forest.

11 **SECTION 1038be.** 23.098 (2) of the statutes is amended to read:

12 23.098 (2) The department of natural resources and the department of forestry  
13 shall establish jointly administer a program to make grants from the appropriations  
14 under s. 20.866 (2) (ta) and (tz) to friends groups and nonprofit conservation  
15 organizations for projects for property development activities on department  
16 properties. ~~The department may not encumber~~ Not more than \$250,000 may be  
17 encumbered in each fiscal year for ~~these grants~~ under this section.

18 **SECTION 1038bg.** 23.098 (2m) of the statutes is created to read:

19 23.098 (2m) In determining which grants will be awarded under this section,  
20 the department of forestry and the department of natural resources shall both  
21 approve each grant. Any dispute regarding which friends groups will receive a grant  
22 under this section shall be resolved by the secretary of administration.

23 **SECTION 1038bi.** 23.098 (3) of the statutes is amended to read:

1           23.098 (3) The department of natural resources and the department of forestry  
2 shall jointly promulgate rules to establish criteria to be used in determining which  
3 property development activities are eligible for ~~these grants~~ under this section. The  
4 rules promulgated by the department of natural resources under this subsection that  
5 are in effect on the effective date of this subsection ... [revisor inserts date], shall  
6 remain in effect until rules are jointly promulgated by the 2 departments.

7           **SECTION 1038bk.** 23.098 (4) (a) of the statutes is amended to read:

8           23.098 (4) (a) The department of natural resources and the department of  
9 forestry shall periodically prepare a list of projects on department properties that are  
10 eligible for grants under this section and shall include in the list the estimated cost  
11 of each project.

12           **SECTION 1038bm.** 23.098 (4) (am) of the statutes is amended to read:

13           23.098 (4) (am) In awarding grants under this section for eligible projects, the  
14 department of natural resources and the department of forestry shall jointly  
15 establish a system under which the grants are offered to eligible friends groups  
16 before being offered to eligible nonprofit conservation organizations.

17           **SECTION 1038bp.** 23.098 (4) (b) of the statutes is amended to read:

18           23.098 (4) (b) ~~The department may not encumber~~ Not more than \$20,000 may  
19 be encumbered for grants under this section for a department property in each fiscal  
20 year.

21           **SECTION 1038br.** 23.11 (1) of the statutes is amended to read:

22           23.11 (1) In addition to the powers and duties heretofore conferred and imposed  
23 upon said the department by this chapter it shall have and take the general care,  
24 protection, and supervision of all state parks, of all state fish hatcheries and lands  
25 used therewith, of all southern state forests, and of all lands owned by the state or

1 in which it has any interests, except lands the care and supervision of which are  
2 vested in some other officer, body, or board; and said the department is granted such  
3 further powers as may be necessary or convenient to enable it to exercise the  
4 functions and perform the duties required of it by this chapter and by other  
5 provisions of law. But it may not perform any act upon state lands held for sale that  
6 will diminish their salable value.”.

7 **711.** Page 449, line 3: after that line insert:

8 “**SECTION 1038dm.** 23.13 of the statutes is amended to read:

9 **23.13 Governor to be informed.** The board of commissioners of public lands  
10 ~~and,~~ the department of natural resources, and the department of forestry shall  
11 furnish to the governor upon the governor’s request a copy of any paper, document,  
12 or record in their respective offices and give the governor orally such information as  
13 the governor may call for.”.

14 **712.** Page 449, line 6: after that line insert:

15 “**SECTION 1038mm.** 23.14 (1m) of the statutes is created to read:

16 23.14 **(1m)** Prior to the acquisition of any land, or interest in land, by the  
17 department, the department shall notify in writing each city, village, or town, and  
18 each county, in which the land or interest in land is located at least 30 days before  
19 the department completes the acquisition.

20 **SECTION 1038p.** 23.14 (1m) of the statutes, as created by 2001 Wisconsin Act  
21 .... (this act), is amended to read:

22 23.14 **(1m)** Prior to the acquisition of any land, or interest in land, by the  
23 department of natural resources or the department of forestry, the department of  
24 natural resources or the department of forestry shall notify in writing each city,

1 village, or town, and each county, in which the land or interest in land is located at  
2 least 30 days before the department completes the acquisition.”.

3 **713.** Page 449, line 6: after that line insert:

4 “**SECTION 1038p.** 23.14 (1) of the statutes, as affected by 2001 Wisconsin Act  
5 .... (this act), is amended to read:

6 23.14 (1) Prior to the initial acquisition of any lands by the department after  
7 July 1, 1977, of natural resources or by the department of forestry for any new facility  
8 or project, the proposed initial acquisition shall be submitted to the governor for his  
9 or her approval. New facilities or projects include, without limitation because of  
10 enumeration, state parks, state forests, recreation areas, public shooting, trapping  
11 or fishing grounds or waters, fish hatcheries, game farms, forest nurseries,  
12 experimental stations, endangered species preservation areas, picnic and camping  
13 grounds, hiking trails, cross-country ski trails, bridle trails, nature trails, bicycle  
14 trails, snowmobile trails, youth camps, land in the lower Wisconsin state riverway  
15 as defined in s. 30.40 (15), natural areas and wild rivers.”.

16 **714.** Page 449, line 17: after that line insert:

17 “**SECTION 1038u.** 23.145 of the statutes is created to read:

18 **23.145 Acquisition of land in the Chiwaukee Prairie-Carol Beach**  
19 **National Natural Landmark.** The department may not promulgate a rule or  
20 otherwise establish a policy that imposes a specified maximum purchase price per  
21 parcel or per acre for real property that the department acquires that is located  
22 within the boundaries of the Chiwaukee Prairie-Carol Beach National Natural  
23 Landmark.”.

24 **715.** Page 449, line 17: after that line insert:

1           “**SECTION 1038sam.** 23.14 (2) of the statutes, as created by 2001 Wisconsin Act  
2 .... (this act), is amended to read:

3           23.14 **(2)** The department of forestry may not acquire any rights in the lands  
4 that are included in the Milwaukee county County grounds unless the department  
5 first notifies the joint committee on finance in writing of the proposed acquisition.  
6 If the cochairpersons of the committee do not notify the department within 14  
7 working days after the date of the department’s notification that the committee has  
8 scheduled a meeting to review the proposed acquisition, the department may acquire  
9 the proposed rights. If, within 14 working days after the date of the department’s  
10 notification, the cochairpersons of the committee notify the department that the  
11 committee has scheduled a meeting to review the proposed acquisition, the  
12 department may acquire the rights only upon approval of the committee.

13           **SECTION 1038sb.** 23.15 (title) of the statutes is amended to read:

14           **23.15 (title) Sale of certain state-owned lands under the jurisdiction**  
15 **of the department of natural resources.**

16           **SECTION 1038sc.** 23.15 (1) of the statutes is amended to read:

17           23.15 **(1)** The natural resources board may sell, at public or private sale, lands  
18 real property and structures owned by the state that are under the jurisdiction of the  
19 department of natural resources ~~when~~ if the natural resources board determines  
20 that ~~said lands~~ the real property and structures are no longer necessary for the  
21 state’s use for conservation purposes and, ~~if real property,~~ the real property is not the  
22 subject of a petition under s. 16.375 (2).

23           **SECTION 1038sd.** 23.15 (1m) of the statutes is created to read:

24           23.15 **(1m)** The secretary of forestry may sell, at public or private sale, real  
25 property and structures owned by the state that are under the jurisdiction of the



1 department of forestry if the department of forestry determines that the real  
2 property and structures are no longer necessary for the state's use for conservation  
3 purposes and the real property is not the subject of a petition under s. 16.375 (2). The  
4 department of forestry may not perform any act on land in the state forests under its  
5 jurisdiction that is being held for sale if the act will diminish the sale value of the  
6 land.

7 **SECTION 1038se.** 23.15 (2) of the statutes is amended to read:

8 23.15 (2) ~~Said~~ The natural resources board and the secretary of forestry shall  
9 present to the governor a full and complete report of the lands to be sold, the reason  
10 for the sale, the price for which ~~said~~ the lands should be sold ~~together with, and~~ an  
11 application for ~~the~~ their sale of the same. The governor ~~shall thereupon make such~~  
12 ~~investigation as the governor deems necessary respecting said lands to be sold~~ may  
13 investigate and approve or disapprove such the application. If the governor ~~shall~~  
14 ~~approve the same,~~ approves the application for the sale, the governor shall issue a  
15 permit shall be issued by the governor for such the sale on the terms set forth in the  
16 application.

17 **SECTION 1038sf.** 23.15 (3) of the statutes is amended to read:

18 23.15 (3) Upon completion of such a sale of land under the jurisdiction of the  
19 department of natural resources, the chairperson and secretary of the natural  
20 resources board, or the secretary of natural resources, if the secretary is duly  
21 authorized by the natural resources board, shall execute such the necessary  
22 ~~instruments as are necessary to transfer title and the natural resources board or its~~  
23 ~~duly authorized agents shall deliver the same~~ instruments to the purchaser upon  
24 payment of the amount set forth in the application. Upon completion of a sale of land  
25 under the jurisdiction of the department of forestry, the secretary of forestry shall

1 execute the necessary instruments to transfer title and shall deliver the instruments  
2 to the purchaser upon payment of the amount set forth in the application.

3 **SECTION 1038sg.** 23.15 (4) of the statutes is amended to read:

4 23.15 (4) ~~Said~~ The natural resources board ~~effecting the sale of any such lands~~  
5 ~~and structures shall~~, upon receiving payment ~~therefor~~, under sub. (3), shall deposit  
6 the funds moneys received in the conservation fund to be used exclusively for the  
7 purpose of purchasing other areas of land for the ~~creating~~ creation and ~~establishing~~  
8 establishment of public hunting and fishing grounds, and wildlife and fish refuges,  
9 southern state forests, and state parks and for land in the lower Wisconsin state  
10 riverway as defined in s. 30.40 (15).

11 **SECTION 1038sh.** 23.15 (4m) of the statutes is created to read:

12 23.15 (4m) The secretary of forestry, upon receiving payment under sub. (3),  
13 shall deposit the moneys received in the forestry fund to be used exclusively for the  
14 purpose of purchasing other areas of land for the creation and establishment of areas  
15 in the state forests.

16 **SECTION 1038si.** 23.15 (5) (a) of the statutes is amended to read:

17 23.15 (5) (a) In this subsection, “surplus land” means land under the  
18 jurisdiction of the department ~~which~~ of natural resources or the department of  
19 forestry that is unused and not needed for ~~department~~ department’s operations  
20 or that is not included in the ~~that~~ department’s plan for construction or development.

21 **SECTION 1038sj.** 23.15 (5) (b) of the statutes is amended to read:

22 23.15 (5) (b) Biennially, ~~beginning on January 1, 1984~~, the department of  
23 natural resources and the department of forestry shall each submit to the state  
24 building commission and the joint committee on finance an inventory of surplus land  
25 containing the description, location, and fair market value of each parcel.

1           **SECTION 1038sk.** 23.15 (5) (c) of the statutes is created to read:

2           23.15 (5) (c) The department of natural resources and the department of  
3 forestry shall notify the department of administration of the intention to sell any  
4 surplus lands under the jurisdiction of the respective department so that the  
5 department of administration may ensure that the sale is in compliance with federal  
6 law.”.

7           **716.** Page 449, line 23: after that line insert:

8           “**SECTION 1039aj.** 23.175 (3m) of the statutes is amended to read:

9           23.175 (3m) ALLOCATION BETWEEN APPROPRIATIONS. For purposes of sub. (3) (b),  
10 the department shall determine how the moneys being expended are to be allocated  
11 from the appropriations under s. 20.866 (2) (ta) and (tz). The moneys expended from  
12 the appropriation under s. 20.866 (2) (ta) shall be subject to the agreement under s.  
13 23.0917 (4r). The department may not allocate or expend any moneys from the  
14 appropriation under s. 20.866 (2) (ta) before July 1, 2000.”.

15           **717.** Page 450, line 14: after that line insert:

16           “**SECTION 1039br.** 23.197 (1) (a) of the statutes is amended to read:

17           23.197 (1) (a) From the appropriation under s. 20.866 (2) (ta) or (tz) or both, the  
18 department shall provide funding to the city of Racine for a multipurpose pathway  
19 along the Root River. The amount provided by the department may not exceed the  
20 amount that equals the matching contribution for the pathway made by the city of  
21 Racine or \$750,000 \$1,125,000, whichever is less.”.

22           **718.** Page 450, line 14: after that line insert:

23           “**SECTION 1039bm.** 23.197 (2m) of the statutes is created to read:

1           23.197 **(2m)** KICKAPOO VALLEY RESERVE; VISITOR CENTER. From the appropriation  
2 under s. 20.866 (2) (ta), the department shall provide \$2,370,000 to the Kickapoo  
3 reserve management board for construction of a visitor center and administration  
4 building at the Kickapoo valley reserve. For purposes of s. 23.0917, moneys provided  
5 from the appropriation under s. 20.866 (2) (ta) shall be treated as moneys obligated  
6 from either or both of the subprograms under s. 23.0917 (3) and (4).”.

7           **719.** Page 450, line 14: after that line insert:

8           “**SECTION 1039bv.** 23.197 (3) (a) of the statutes is amended to read:

9           23.197 **(3)** (a) From the appropriation under s. 20.866 (2) (ta) or (tz) or both, the  
10 department shall provide the amount necessary for the development of a  
11 recreational area on Keyes Lake in Florence County, but the amount may not exceed  
12 ~~\$125,000~~ \$175,000.”.

13           **720.** Page 450, line 14: after “section.” insert “Section 23.15 does not apply to  
14 any land offered for exchange or exchanged by the department under this section.”.

15           **721.** Page 451, line 10: delete lines 10 to 17.

16           **722.** Page 451, line 17: after that line insert:

17           “**SECTION 1039fm.** 23.197 (5r) of the statutes is created to read:

18           23.197 **(5r)** HILLSBORO; CAMPING AND RECREATIONAL AREA. From the  
19 appropriation under s. 20.866 (2) (ta), the department shall provide \$60,000 to the  
20 city of Hillsboro for the development of a camping and recreational area near the  
21 Hillsboro and Northeastern Spur Trail in the city of Hillsboro. For purposes of s.  
22 23.0917, moneys provided from the appropriation under s. 20.866 (2) (ta) shall be  
23 treated as moneys obligated from the subprogram for property development and

1 local assistance. Notwithstanding s. 23.09 (20) (b), the 50% matching requirement  
2 under s. 23.09 (20) (b) does not apply to the state aid provided under this subsection.”.

3 **723.** Page 451, line 24: after that line insert:

4 “**SECTION 1039km.** 23.197 (6r) of the statutes is created to read:

5 23.197 (6r) MILWAUKEE COUNTY; BEACH DEVELOPMENT. From the appropriation  
6 under s. 20.866 (2) (ta), the department shall provide \$648,100 to Milwaukee County  
7 to redevelop the beach at Grant Park in Milwaukee County. For purposes of s.  
8 23.0917, moneys provided from the appropriation under s. 20.866 (2) (ta) shall be  
9 treated as moneys obligated from the subprogram for property development and  
10 local assistance. The requirements for matching contributions under s. 23.09 (20)  
11 (b) shall apply to the state aid provided under this subsection.”.

12 **724.** Page 453, line 1: delete “\$250,000” and substitute “\$200,000”.

13 **725.** Page 453, line 7: after that line insert:

14 “**SECTION 1039t.** 23.197 (9) of the statutes is created to read:

15 23.197 (9) PRAIRIE RIVER RESTORATION. From the appropriation under s. 20.866  
16 (2) (ta), the department shall provide funding to the city of Merrill in the amount of  
17 \$450,000 for a project to restore an area on the exposed bed of the former flowage on  
18 the Prairie River. For the purposes of s. 23.0917, moneys provided under this  
19 subsection from the appropriation under s. 20.866 (2) (ta) shall be treated as moneys  
20 obligated under the subprogram for property development and local assistance.”.

21 **726.** Page 458, line 8: after that line insert:

22 “**SECTION 1043m.** 23.257 of the statutes is created to read:

1           **23.257 Departmental regions.** If the department divides the state into  
2 regions for the purpose of managing its functions, it shall include all of Crawford and  
3 Vernon counties in the region that covers the west central part of the state.”.

4           **727.** Page 458, line 8: after that line insert:

5           “**SECTION 1042kb.** 23.26 (3) of the statutes is amended to read:

6           23.26 **(3)** Advise the department of natural resources, the department of  
7 forestry and other agencies on matters pertaining to the acquisition, development,  
8 utilization, maintenance, and withdrawal of state natural areas, including  
9 determinations as to the extent of multiple use that may be allowed on state natural  
10 areas that are a part of a state park, state forest, public hunting ground, or similar  
11 areas under state ownership or control.

12           **SECTION 1042kd.** 23.29 (2) of the statutes is amended to read:

13           23.29 **(2)** CONTRIBUTIONS; STATE MATCH. The department may accept  
14 contributions and gifts for the Wisconsin natural areas heritage program. The  
15 department shall convert donations of land which it determines, with the advice of  
16 the council, are not appropriate for the Wisconsin natural areas heritage program  
17 into cash. The department shall convert other noncash contributions into cash.  
18 These moneys shall be deposited in the general fund and credited to the  
19 appropriation under s. 20.370 (1) (mg). These moneys shall be matched by an equal  
20 amount released from the appropriation under s. 20.866 (2) (ta), (tt) or (tz) or from  
21 any combination of these appropriations to be used for natural areas land acquisition  
22 activities under s. 23.27 (5). The department shall determine how the moneys being  
23 released are to be allocated from these appropriations. The amounts released from

1 the appropriation under s. 20.866 (2) (ta) shall be subject to the agreement under s.  
2 23.0917 (4r).

3 **SECTION 1042kn.** 23.293 (4) of the statutes is amended to read:

4 23.293 (4) CONTRIBUTIONS AND GIFTS; STATE MATCH. The department may accept  
5 contributions and gifts for the ice age trail program. The department may convert  
6 gifts of land which it determines are not appropriate for the ice age trail program into  
7 cash. The department may convert other noncash contributions and gifts into cash.  
8 These moneys shall be deposited in the general fund and credited to the  
9 appropriation under s. 20.370 (7) (gg). An amount equal to the value of all  
10 contributions and gifts shall be released from the appropriation under s. 20.866 (2)  
11 (ta), (tw) or (tz) or from any combination of these appropriations to be used for land  
12 acquisition and development activities under s. 23.17. The department shall  
13 determine how the moneys being released are to be allocated from these  
14 appropriations. The amounts released from the appropriation under s. 20.866 (2) (ta)  
15 shall be subject to the agreement under s. 23.0917 (4r).

16 **SECTION 1042kp.** 23.293 (5) of the statutes is amended to read:

17 23.293 (5) LAND DEDICATIONS; VALUATION; STATE MATCH. The department shall  
18 determine the value of land accepted for dedication under the ice age trail program.  
19 If the land dedication involves the transfer of the title in fee simple absolute or other  
20 arrangement for the transfer of all interest in the land to the state, the valuation of  
21 the land shall be based on the fair market value of the land before the transfer. If  
22 the land dedication involves the transfer of a partial interest in land to the state, the  
23 valuation of the land shall be based on the extent to which the fair market value of  
24 the land is diminished by that transfer and the associated articles of dedication. If  
25 the land dedication involves a sale of land to the department at less than the fair

1 market value, the valuation of the land shall be based on the difference between the  
2 purchase price and the fair market value. An amount equal to the valuation of the  
3 land accepted for dedication under the ice age trail program shall be released from  
4 the appropriation under s. 20.866 (2) (ta), (tw) or (tz) or from any combination of these  
5 appropriations to be used for ice age trail acquisition activities under s. 23.17. The  
6 department shall determine how the moneys being released are to be allocated from  
7 these appropriations. The amounts released from the appropriation under s. 20.866  
8 (2) (ta) shall be subject to the agreement under s. 23.0917 (4r). This subsection does  
9 not apply to dedications of land under the ownership of the state.

10 **SECTION 1042kpm.** 23.295 (2) (intro.) of the statutes is amended to read:

11 23.295 (2) (intro.) The department of natural resources, and beginning with  
12 fiscal year 2002–03 the department of forestry, shall provide one grant of \$75,000 in  
13 each fiscal year, ~~beginning with fiscal year 1999–2000,~~ to a nonstock, nonprofit  
14 corporation that meets all of the following requirements:

15 **SECTION 1042kr.** 23.295 (3) (f) of the statutes is amended to read:

16 23.295 (3) (f) For each fiscal year, prepare a report detailing the activities for  
17 which a grant under sub. (2) is expended. ~~Copies~~ Beginning with the report for fiscal  
18 year 2002–03, copies of the report shall be submitted to the department of natural  
19 resources, to the department of forestry, and to the appropriate standing committees  
20 of the legislature, as determined by the speaker of the assembly or the president of  
21 the senate.

22 **SECTION 1042ks.** 23.30 (4) of the statutes is created to read:

23 23.30 (4) CONSULTATION WITH THE DEPARTMENT OF FORESTRY. In carrying out its  
24 duties under sub. (3) and its duties under s. 23.31, the natural resources board shall  
25 consult with the department of forestry.



1           **SECTION 1042kt.** 23.305 (title) of the statutes is amended to read:

2           **23.305** (title) **Leasing of department land certain lands for recreational**  
3 **purposes.**

4           **SECTION 1042ku.** 23.305 (2) of the statutes is amended to read:

5           23.305 **(2)** Notwithstanding ss. 23.30 and 28.04, the department may lease  
6 state park land or ~~state forest land~~ in the southern state forests to towns, villages or  
7 counties for outdoor recreational purposes associated with spectator sports.  
8 Notwithstanding ss. 23.30 and 28.04, the department of forestry may lease state  
9 forest land, other than land in the southern state forests, to towns, villages, or  
10 counties for outdoor recreational purposes associated with spectator sports.

11           **SECTION 1042kv.** 23.305 (3) of the statutes is amended to read:

12           23.305 **(3)** The lease shall be for a term not to exceed 15 years. The lease shall  
13 contain covenants to protect the department entering into the lease from all liability  
14 and costs associated with use of the land and to guard against trespass and waste.  
15 The rents arising from ~~the a lease~~ entered into by the department shall be paid into  
16 the state treasury and credited to the ~~proper~~ conservation fund. The rents arising  
17 from a lease entered into by the department of forestry shall be paid into the state  
18 treasury and credited to the forestry fund.”.

19           **728.** Page 458, line 12: after that line insert:

20           “**SECTION 1046m.** 23.33 (1) (ig) of the statutes is amended to read:

21           23.33 **(1)** (ig) “Law enforcement officer” has the meaning specified under s.  
22 165.85 (2) (c) and includes a person appointed as a conservation warden ~~by the~~  
23 department under s. 23.10 (1) or a state forest ranger appointed under s. 28.92.”.

24           **729.** Page 461, line 25: after that line insert:

1           **“SECTION 1066am.** 23.33 (5) (a) of the statutes is amended to read:

2           23.33 (5) (a) *Age restriction.* No person under 12 years of age may operate an  
3 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an  
4 agricultural purpose and he or she is under the supervision of a person over 18 years  
5 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain  
6 vehicle trail designated by the department of natural resources or by the department  
7 of forestry and he or she is accompanied by his or her parent. No person who is under  
8 12 years of age may operate an all-terrain vehicle which is an implement of  
9 husbandry on a roadway under any circumstances. No person who is under 12 years  
10 of age may operate an all-terrain vehicle on a roadway under the authorization  
11 provided under sub. (4) (d) 6. under any circumstances. No person who is under 12  
12 years of age may rent or lease an all-terrain vehicle. For purposes of this paragraph,  
13 supervision does not require that the person under 12 years of age be subject to  
14 continuous direction or control by the person over 18 years of age.”.

15           **730.** Page 463, line 12: after “350.138” insert “(1)”.

16           **731.** Page 463, line 23: after that line insert:

17           **“SECTION 1066av.** 23.33 (7m) of the statutes is created to read:

18           23.33 (7m) REPORTING REQUIREMENT. The department shall submit an annual  
19 report to the joint legislative audit committee on how the increase in conservation  
20 warden positions under 2001 Wisconsin Act .... (this act), that provide additional  
21 state law enforcement functions related to all-terrain vehicles has benefited the  
22 department’s efforts to enforce the laws relating to the operation of all-terrain  
23 vehicles and to educate the public on these laws. The department shall submit this  
24 report no later than August 15 annually and shall submit the first report no later

1 than August 15, 2002. The report shall cover the fiscal year ending on the June 30  
2 that immediately precedes the date of the report.”.

3 **732.** Page 463, line 23: after that line insert:

4 “**SECTION 1066atg.** 23.33 (5m) (c) 4. of the statutes, as created by 2001  
5 Wisconsin Act .... (this act), is amended to read:

6 23.33 **(5m)** (c) 4. Assisting the department of natural resources, the  
7 department of forestry, and the department of tourism in creating an outreach  
8 program to inform local communities of appropriate all-terrain vehicle use in their  
9 communities and of the economic benefits that may be gained from promoting  
10 tourism to attract all-terrain vehicle operators.

11 **SECTION 1066ati.** 23.33 (5m) (c) 5. of the statutes, as created by 2001 Wisconsin  
12 Act .... (this act), is amended to to read:

13 23.33 **(5m)** (c) 5. Attempting to improve and maintain its relationship with the  
14 department of natural resources, the department of forestry, the department of  
15 tourism, all-terrain vehicle dealers, all-terrain vehicle manufacturers, snowmobile  
16 clubs, as defined in s. 350.138 (1) (e), snowmobile alliances, as defined in s. 350.138  
17 (1) (d), and other organizations that promote the recreational operation of  
18 snowmobiles.

19 **SECTION 1066atv.** 23.33 (8) (c) of the statutes is amended to read:

20 23.33 **(8)** (c) *Trails.* ~~A~~ Any town, any village, any city, any county ~~or~~, the  
21 department of natural resources, or the department of forestry may designate  
22 corridors through land which it owns or controls, or for which it obtains leases,  
23 easements or permission, for use as all-terrain vehicle trails.

24 **SECTION 1066atz.** 23.33 (9) (b) (intro.) of the statutes is amended to read:

1           23.33 (9) (b) *All-terrain vehicle projects.* (intro.) Any of the following  
2 all-terrain vehicle projects are is eligible for funding as ~~a state~~ an all-terrain vehicle  
3 project from the appropriation account under s. 20.370 (1) (ms) or 20.375 (3) (sr) or  
4 for aid as a nonstate all-terrain vehicle project from the appropriation accounts  
5 under s. 20.370 (5) (ct) and (cu):

6           **SECTION 1066aui.** 23.33 (9m) of the statutes is created to read:

7           23.33 (9m) STATE TRAILS. The department of forestry shall designate, develop,  
8 and maintain the all-terrain vehicle trails in state forests, other than southern state  
9 forests.

10          **SECTION 1066auk.** 23.33 (12) (a) of the statutes is amended to read:

11          23.33 (12) (a) ~~An officer of the state traffic patrol under s. 110.07 (1), inspector~~  
12 ~~under s. 110.07 (3), conservation warden appointed by the department under s.~~  
13 ~~23.10, county sheriff or municipal peace~~ Any law enforcement officer has authority  
14 and jurisdiction to enforce this section and ordinances enacted in conformity with  
15 this section.”.

16          **733.** Page 464, line 14: after that line insert:

17          “**SECTION 1066b.** 23.43 of the statutes is created to read:

18          **23.43 Watershed management center.** From the appropriation under s.  
19 20.370 (4) (aq), the department shall annually provide to the board of regents of the  
20 University of Wisconsin System \$150,000 to establish and operate the watershed  
21 management center under s. 36.25 (46).”.

22          **734.** Page 464, line 19: after “29.024” insert “or the issuance of vehicle  
23 admission receipts under s. 27.01 (7m) (d)”.

24          **735.** Page 466, line 6: after that line insert:

1           **SECTION 1088d.** 24.60 (1v) of the statutes is created to read:

2           24.60 (1v) Federated public library system means a federated public library  
3 system whose territory lies within 2 or more counties.”.

4           **736.** Page 466, line 6: after that line insert:

5           **SECTION 1067g.** 24.39 (1) of the statutes is amended to read:

6           24.39 (1) The board of commissioners of public lands may grant leases of parts  
7 or parcels of any public lands except state park lands and state forest lands; grant  
8 easements, leases to enter upon any of said lands to flow the same or to prospect for  
9 and to dig and remove therefrom ore, minerals and other deposits, and sell therefrom  
10 such timber as the board shall find necessary to prevent future loss or damage. All  
11 sales of standing live timber shall be on a selective cutting basis in line with federal  
12 forest practices. Such easements, leases, licenses, and sales shall be made only for  
13 a full and fair consideration paid or to be paid to the state, the amount and terms  
14 whereof shall be fixed by said board, and such easements, leases, licenses and sales  
15 shall conform to the requirements, so far as applicable, prescribed by ch. 26 for the  
16 exercise by the department of natural resources of similar powers affecting state  
17 park lands and state forest lands.

18           **SECTION 1067r.** 24.39 (2) of the statutes is amended to read:

19           24.39 (2) In negotiating for such leases, licenses, or sales, and in exercising the  
20 other powers conferred by this section the board of commissioners of public lands  
21 shall, so far as it finds it desirable and practicable, request and make proper use of  
22 such services and information as the department of natural resources or the  
23 department of forestry may be able to furnish.”.

24           **737.** Page 467, line 2: after that line insert:

1           “6. The board notifies the joint committee on finance in writing of its intention  
2 to purchase the land. If the cochairpersons of the committee do not notify the board  
3 that the committee has scheduled a meeting for the purpose of reviewing the  
4 proposed purchase of land within 14 working days after the date of the board’s  
5 notification, the land may be purchased by the board. If, within 14 working days  
6 after the date of the board’s notification, the cochairpersons of the committee notify  
7 the board that the committee has scheduled a meeting for the purpose of reviewing  
8 the proposed purchase, the land may be purchased only upon approval of the  
9 committee.

10           **SECTION 1089m.** 24.61 (3) (a) 11. of the statutes is created to read:

11           24.61 (3) (a) 11. A federated public library system, as provided under s. 43.17  
12 (9) (b) or otherwise authorized by law.

13           **SECTION 1089n.** 24.61 (3) (b) of the statutes is amended to read:

14           24.61 (3) (b) *Terms; conditions.* A municipality or cooperative educational  
15 service agency, or federated public library system may obtain a state trust fund loan  
16 for the sum of money, for the time and upon the conditions as may be agreed upon  
17 between the board and the borrower, subject to the limitations, restrictions, and  
18 conditions set forth in this subchapter.

19           **SECTION 1089t.** 24.63 (2r) of the statutes is created to read:

20           24.63 (2r) **FEDERATED PUBLIC LIBRARY SYSTEM LOANS.** A state trust fund loan to  
21 a federated public library system may be made for any term, not exceeding 20 years,  
22 that is agreed upon between the federated public library system and the board and  
23 may be made for a total amount that, together with all other indebtedness of the  
24 federated public library system, does not exceed the federated public library system’s  
25 allowable indebtedness under s. 43.17 (9) (b).”.

1           **738.** Page 467, line 3: delete the material beginning with that line and ending  
2 with page 468, line 7.

3           **739.** Page 468, line 7: after that line insert:

4           “**SECTION 1092m.** 24.66 (3v) of the statutes is created to read:

5           24.66 (3v) FOR FEDERATED PUBLIC LIBRARY SYSTEMS. An application for a loan by  
6 a federated public library system shall be accompanied by a certified copy of a  
7 resolution of the board of the federated public library system approving the loan.”.

8           **740.** Page 468, line 7: after that line insert:

9           “**SECTION 1096m.** 24.67 (1) (intro.) of the statutes is amended to read:

10          24.67 (1) (intro.) If the board approves the application, it shall cause  
11 certificates of indebtedness to be prepared in proper form and transmitted to the  
12 municipality ~~or~~, cooperative educational service agency, or federated public library  
13 system submitting the application. The certificate of indebtedness shall be executed  
14 and signed:

15          **SECTION 1097m.** 24.67 (1) (m) of the statutes is created to read:

16          24.67 (1) (m) For a federated public library system, by its president.

17          **SECTION 1098m.** 24.67 (2) (h) of the statutes is created to read:

18          24.67 (2) (h) For a federated public library system, by a member of the  
19 federated public library system board designated by that board who is not the  
20 president of that board.

21          **SECTION 1099m.** 24.67 (3) of the statutes is amended to read:

22          24.67 (3) If a municipality has acted under subs. (1) and (2), it shall certify that  
23 fact to the department of administration. Upon receiving a certification from a  
24 municipality, or upon direction of the board if a loan is made to a cooperative

1 educational service agency or a federated public library system, the secretary of  
2 administration shall draw a warrant upon the state treasurer for the amount of the  
3 loan, payable to the treasurer of the municipality ~~or~~ cooperative educational service  
4 agency, or federated public library system making the loan or as the treasurer of the  
5 municipality ~~or~~ cooperative educational service agency, or federated public library  
6 system directs. The certificate of indebtedness shall then be conclusive evidence of  
7 the validity of the indebtedness and that all the requirements of law concerning the  
8 application for the making and acceptance of the loan have been complied with.

9 **SECTION 1100m.** 24.70 (1) of the statutes is amended to read:

10 24.70 (1) APPLICABILITY. This section applies to all outstanding state trust fund  
11 loans to borrowers other than school districts and federated public library systems.

12 **SECTION 1101m.** 24.715 of the statutes is created to read:

13 **24.715 Collections from federated public library systems. (1)**  
14 APPLICABILITY. This section applies to all outstanding trust fund loans to federated  
15 public library systems.

16 **(2) CERTIFIED STATEMENT.** If a federated public library system has a state trust  
17 fund loan, the board shall transmit to the system board a certified statement of the  
18 amount due on or before October 1 of each year until the loan is paid. The board shall  
19 furnish a copy of each certified statement to the state treasurer and the department  
20 of public instruction.

21 **(3) PAYMENT TO STATE TREASURER.** The system board shall transmit to the state  
22 treasurer on its own order the full amount levied for state trust fund loans within 15  
23 days after March 15. The state treasurer shall notify the board when he or she  
24 receives payment. Any payment not made by March 30 is delinquent and is subject



1 to a penalty of one percent per month or fraction thereof, to be paid to the state  
2 treasurer with the delinquent payment.

3 **(4) FAILURE TO MAKE PAYMENT.** If the system board fails to remit the amounts  
4 due under sub. (3), the state superintendent, upon certification of delinquency by the  
5 board, shall deduct the amount due including any penalty from any aid payments  
6 due the system, shall remit such amount to the state treasurer and, no later than  
7 June 15, shall notify the system board and the board to that effect.”.

8 **741.** Page 468, line 17: after that line insert:

9 “**SECTION 1104.** 25.17 (1) (ag) of the statutes is created to read:  
10 25.17 (1) (ag) Agricultural producer security fund (s. 25.463);”.

11 **742.** Page 468, line 19: after that line insert:

12 “**SECTION 1104p.** 25.17 (1) (at) of the statutes is created to read:  
13 25.17 (1) (at) Cemetery management insurance fund (s. 25.86);”.

14 **743.** Page 468, line 19: after that line insert:

15 “**SECTION 1104n.** 25.17 (1) (aq) of the statutes is created to read:  
16 25.17 (1) (aq) Cash building projects fund (s. 25.91).”.

17 **744.** Page 468, line 21: after that line insert:

18 “**SECTION 1107g.** 25.17 (1) (fs) of the statutes is created to read:  
19 25.17 (1) (fs) Forestry fund (s. 25.28).

20 **SECTION 1107r.** 25.17 (1) (fv) of the statutes is created to read:

21 25.17 (1) (fv) Forestry land endowment fund (s. 25.294);”.

22 **745.** Page 469, line 1: delete lines 1 and 2.

23 **746.** Page 469, line 2: after that line insert:

24 “**SECTION 1110m.** 25.17 (1) (yt) of the statutes is created to read:

1           25.17 (1) (yt) Wisconsin outdoor wildlife heritage trust fund (s. 25.297).”.

2           **747.** Page 469, line 6: after “(16)” insert “(a)”.

3           **748.** Page 469, line 10: after “June 1” insert “, less the amount transferred to  
4 the tobacco control fund under s. 13.101 (16) (b)”.

5           **749.** Page 469, line 23: after that line insert:

6           “**SECTION 1111j.** 25.17 (59) of the statutes is amended to read:

7           25.17 (59) Invest or deposit money from the appropriation under s. 20.143 (1)  
8 (fm) in a public depository located in this state that is ~~at least 51% owned by a~~  
9 ~~minority group member or minority group members, as defined in s. 560.036 (1) (f)~~  
10 a minority business certified by the department of commerce under s. 560.036 (2).”.

11           **750.** Page 470, line 13: after that line insert:

12           “**SECTION 1113g.** 25.28 of the statutes is created to read:

13           **25.28 Forestry fund. (1)** There is established a separate nonlapsible trust  
14 fund designated as the forestry fund to consist of all of the following:

15           (a) All moneys accruing to the state for or in behalf of the department of forestry  
16 under s. 29.235 (6) and chs. 23, 26, 27, and 28.

17           (b) All moneys received under subchs. I and VI of ch. 77.

18           (c) All moneys received under s. 70.58.

19           (d) All other state funds appropriated or transferred to the forestry fund.

20           **(2)** All moneys received from the United States for fire prevention and control,  
21 forest planting, and other forestry activities shall be devoted to the purposes for  
22 which these moneys are received.

23           **SECTION 1113r.** 25.29 (1) (a) of the statutes is amended to read:

1           25.29 (1) (a) Except as provided in ss. 25.293 and 25.295, all moneys accruing  
2 to the state for or in behalf of the department under chs. 26, 27, 28, 29, and 350,  
3 ~~subchs. I and VI of ch. 77~~ and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50  
4 to 30.55, ~~70.58~~, 71.10 (5) and 71.30 (10), including grants received from the federal  
5 government or any of its agencies except as otherwise provided by law.”.

6           **751.** Page 470, line 23: after that line insert:

7           “**SECTION 1117m.** 25.29 (3g) of the statutes is created to read:

8           25.29 (3g) For purposes of sub. (3) and s. 29.037, the joint committee on finance  
9 shall determine what constitutes the administration of the department when it is  
10 exercising its responsibilities that are specific to the management of the fish and  
11 wildlife resources of this state.”.

12           **752.** Page 471, line 10: after that line insert:

13           “**SECTION 1119m.** 25.297 of the statutes is created to read:

14           **25.297 Wisconsin outdoor wildlife heritage trust fund.** There is  
15 established a separate nonlapsible trust fund designated as the Wisconsin outdoor  
16 wildlife heritage trust fund, to consist of all gifts, grants, or bequests or other  
17 contributions made to the Wisconsin outdoor wildlife heritage trust fund.”.

18           **753.** Page 471, line 10: after that line insert:

19           “**SECTION 1119c.** 25.29 (6) of the statutes, as affected by 2001 Wisconsin Act ....  
20 (this act), is amended to read:

21           25.29 (6) All moneys received from the United States ~~for fire prevention and~~  
22 ~~control, forest planting and other forestry activities,~~ for wildlife restoration projects  
23 and fish restoration and management projects, and for other purposes shall be  
24 devoted to the purposes for which these moneys are received.

1           **SECTION 1119g.** 25.29 (7) (intro.) of the statutes is renumbered 25.28 (3) (a).

2           **SECTION 1119L.** 25.29 (7) (a) of the statutes is renumbered 25.28 (3) (am) and  
3 amended to read:

4           **25.28 (3) (am)** Eight percent of the tax levied under s. 70.58 or of the funds  
5 provided for in lieu of the levy shall be used to acquire and develop forests of the state  
6 for the purposes or capable of providing the benefits described under s. 28.04 (2)  
7 within areas approved by the department of forestry and the governor and located  
8 within the region composed of Manitowoc, Calumet, Winnebago, Sheboygan, Fond  
9 du Lac, Ozaukee, Washington, Dodge, Milwaukee, Waukesha, Jefferson, Racine,  
10 Kenosha, Walworth, Rock and Outagamie counties.

11           **SECTION 1119p.** 25.29 (7) (b) of the statutes is renumbered 25.28 (3) (b) and  
12 amended to read:

13           **25.28 (3) (b)** An additional 4% of the tax levied under s. 70.58 or of the funds  
14 provided in lieu of the levy shall be used to purchase forests for the state for the  
15 purposes or capable of providing the benefits described under s. 28.04 (2) within  
16 areas approved by the department of forestry and the governor and located within  
17 the region specified under par. (a) (am).

18           **SECTION 1119t.** 25.294 of the statutes is created to read:

19           **25.294 Forestry land endowment fund.** There is established a separate  
20 nonlapsible trust fund designated as the forestry land endowment fund, to consist  
21 of:

22           **(1)** All gifts, grants, or bequests made to the forestry land endowment fund. The  
23 department of forestry may convert any noncash gift, grant, or bequest into cash for  
24 deposit into the fund.

1           **(2)** All interest and other income generated from these gifts, grants, and  
2 bequests.

3           **SECTION 1119x.** 25.295 (1) (b) of the statutes is amended to read:

4           25.295 **(1)** (b) Notwithstanding s. 23.15 (4), all moneys received by the  
5 department of natural resources state from utility easements on property located in  
6 the state park system, a southern state forest, or a state recreation area ~~under ss.~~  
7 ~~23.09 (10), 27.01 (2) (g) and 28.02 (5).~~”.

8           **754.** Page 472, line 14: delete lines 14 to 16.

9           **755.** Page 472, line 23: delete that line.

10          **756.** Page 473, line 8: after that line insert:

11          “**SECTION 1128.** 25.463 of the statutes is created to read:

12          **25.463 Agricultural producer security fund.** There is established a  
13 separate nonlapsible trust fund designated as the agricultural producer security  
14 fund, to consist of all fees, surcharges, assessments, reimbursements, and proceeds  
15 of surety bonds received by the department of agriculture, trade and consumer  
16 protection under ch. 126.”.

17          **757.** Page 473, line 14: after that line insert:

18          “**SECTION 1132.** 25.61 of the statutes is amended to read:

19          **25.61 VendorNet fund.** There is created a separate nonlapsible trust fund  
20 designated as the VendorNet fund consisting of all revenues accruing to the state  
21 from fees assessed under s. ss. 16.701 and 16.702 (1) and from gifts, grants, and  
22 bequests made for the purposes of s. ss. 16.701 and 16.702 (1) and moneys transferred  
23 to the fund from other funds.”.

24          **758.** Page 473, line 15: delete lines 15 to 18.

1           **759.** Page 474, line 6: delete “beginning”.

2           **760.** Page 474, line 7: delete “each” and substitute “that”.

3           **761.** Page 474, line 8: after that line insert:

4           “**SECTION 1136g.** 25.66 (1) (d) of the statutes is created to read:

5           25.66 (1) (d) Beginning in fiscal year 2003–04, all moneys transferred from the  
6 permanent endowment fund under s. 13.101 (16) (b).”.

7           **762.** Page 474, line 16: delete “Beginning in” and substitute “In”.

8           **763.** Page 474, line 17: delete “or in any fiscal year thereafter”.

9           **764.** Page 475, line 22: delete “s.” and substitute “~~s.~~ ss. 13.101 (16) (b) and”.

10          **765.** Page 476, line 10: after that line insert:

11          “**SECTION 1142t.** 25.75 (2) of the statutes is amended to read:

12          25.75 (2) CREATION. There is created a separate nonlapsible trust fund known  
13 as the lottery fund, to consist of gross lottery revenues received by the department  
14 of revenue and moneys transferred to the lottery fund under ss. 20.435 (7) (kg).  
15 20.455 (2) (g), and 20.505 (8) (am), (g), and (jm).”.

16          **766.** Page 477, line 1: delete “(1)” and substitute “(intro.)”.

17          **767.** Page 477, line 4: delete “(a)” and substitute “(1)”.

18          **768.** Page 477, line 6: delete “(b)” and substitute “(2)”.

19          **769.** Page 477, line 8: delete that line.

20          **770.** Page 477, line 9: delete lines 9 to 11.

21          **771.** Page 477, line 11: after that line insert:

22          “**SECTION 1144m.** 25.86 of the statutes is created to read:

1           **25.86 Cemetery management insurance fund.** There is established a  
2 separate nonlapsible trust fund designated as the cemetery management insurance  
3 fund, to consist of the moneys received under s. 69.22 (7).”.

4           **772.** Page 477, line 12: after that line insert:

5           “**SECTION 1145d.** 25.91 of the statutes is created to read:

6           **25.91 Cash building projects fund.** There is created a separate nonlapsible  
7 fund designated as the cash building projects fund, consisting of moneys transferred  
8 from the general fund under s. 16.518 (4).”.

9           **773.** Page 477, line 12: after that line insert:

10           “**SECTION 1146g.** 26.01 of the statutes is amended to read:

11           **26.01 Definition.** In this chapter, unless the context requires otherwise  
12 “department” means the department of ~~natural resources~~ forestry.

13           **SECTION 1146r.** 26.06 (1) of the statutes is amended to read:

14           26.06 (1) Foresters, forest supervisors, and state forest rangers and wardens  
15 of the department and the cruisers and foresters of the board of commissioners of  
16 public lands have the enforcement powers specified in s. 26.97 with respect to, and  
17 may seize, without process, any forest products unlawfully severed from public lands  
18 of the state, federal lands leased to the state, county forest lands entered under s.  
19 28.11, forest croplands entered under subch. I of ch. 77, or managed forest land  
20 designated under subch. VI of ch. 77. Seized products cut from lands under the  
21 control of the board of commissioners of public lands shall be held for the  
22 commissioners and those cut from forest croplands, managed forest land, or county  
23 forest shall be held for the owner, and subject to the payment of severance taxes, yield  
24 taxes or severance share thereon to the state. Products cut from state forest lands

1 or federal lands leased to the department shall be appraised and sold. Products  
2 appraised at more than \$500 shall be sold on sealed bids not less than 10 days after  
3 a class 1 notice has been published, under ch. 985, in the county where the material  
4 is located. Any sheriff may seize and hold for the owner thereof any forest products  
5 unlawfully severed or removed.

6 **SECTION 1146t.** 26.08 (1) of the statutes is amended to read:

7 26.08 (1) The department of forestry may, ~~from time to time,~~ lease parts or  
8 parcels of ~~state park lands or state forest lands, other than lands in southern state~~  
9 forests. The department of natural resources may lease parts or parcels of state park  
10 lands or lands in southern state forests. These leases shall contain proper covenants  
11 to guard against trespass and waste. The rents arising from these leases shall be  
12 paid into the state treasury to the credit of the proper fund. Licenses also may be  
13 granted to prospect for ore or mineral upon any of these lands; but proper security  
14 shall be taken that the licensees will fully inform the department that grants a  
15 license of every discovery of ore or mineral and will restore the surface to its former  
16 condition and value if no discovery of valuable deposits is made. The department  
17 that enters into a lease or grants a license shall retain a copy of each lease or license  
18 and file the original in the office of the board of commissioners of public lands.

19 **SECTION 1146u.** 26.08 (2) (a) of the statutes is amended to read:

20 26.08 (2) (a) Except as provided under pars. (b) to (d), ~~the department may lease~~  
21 ~~state park land or state forest land for~~ leases under sub. (1) shall be for terms not  
22 exceeding 15 years.”.

23 **774.** Page 477, line 15: after that line insert:

24 “**SECTION 1147m.** 26.08 (3) of the statutes is amended to read:



1           26.08 (3) The department of natural resources and the department of forestry  
2 shall furnish to the board of commissioners of public lands such maps, plats, surveys,  
3 valuations, information, and other services as the board may request respecting any  
4 of the public lands, for use by it in granting leases or licenses or in making sales under  
5 s. 24.39.

6           **SECTION 1147r.** 26.11 (6) of the statutes is amended to read:

7           26.11 (6) The department, as the director of the effort, may suppress a forest  
8 fire on lands located outside the boundaries of intensive or extensive forest fire  
9 protection districts but not within the limits of any city or village if the town  
10 responsible for suppressing fires within its boundaries spends more than \$3,000, as  
11 determined by rates established by the department, on suppressing the forest fire  
12 and if the town chairperson makes a request to the department for assistance.  
13 Persons participating in the suppression efforts shall act at the direction of the  
14 department after the department begins suppression efforts under this subsection.  
15 Funds expended by the state under this subsection shall be drawn from the  
16 appropriation under s. ~~20.370 (1) (mu)~~ 20.375 (2) (q).”.

17           **775.** Page 477, line 21: after that line insert:

18           “**SECTION 1148c.** 26.11 (7) (a) of the statutes, as affected by 2001 Wisconsin Act  
19 .... (this act), is amended to read:

20           26.11 (7) (a) Notwithstanding s. 20.001 (3) (c), if the sum of the unencumbered  
21 balances in the appropriation accounts under s. ~~20.370 (1) (es)~~ 20.375 (2) (r) and ~~(mz)~~  
22 (z) exceeds \$1,000,000 on June 30 of any fiscal year, the amount in excess of  
23 \$1,000,000 shall lapse from the appropriation account under s. ~~20.370 (1) (es)~~ 20.375  
24 (2) (r) to the ~~conservation~~ forestry fund, except as provided in par. (b).

1           **SECTION 1148f.** 26.11 (7) (b) of the statutes is amended to read:

2           26.11 (7) (b) Notwithstanding s. 20.001 (3) (c), if the amount in the  
3 appropriation account under s. ~~20.370 (1) (es)~~ 20.375 (2) (r) is insufficient for the  
4 amount that must lapse under par. (a), the remainder that is necessary for the lapse  
5 shall lapse from the appropriation account under s. ~~20.370 (1) (mz)~~ 20.375 (2) (z).

6           **SECTION 1148j.** 26.12 (2) of the statutes is amended to read:

7           26.12 (2) ORGANIZATION. The department shall organize each forest protection  
8 area so as to most effectively prevent, detect and suppress forest fires, and to that  
9 end may employ experienced wardens or state forest rangers to have charge of its  
10 efforts in each area; may subdivide each area into patrol areas; may establish lookout  
11 towers, construct ranger stations, telephone lines, purchase tools for fire fighting as  
12 well as other necessary supplies or equipment, and carry on all other activities  
13 considered necessary to effectively protect the area from forest fires, including the  
14 promulgation of rules for the payment of fire fighters, the preparation of notices and  
15 forms for publication and the disposition and use of all fire-fighting equipment or  
16 property. All property or equipment purchased by the state shall be owned by the  
17 state, but counties or towns may purchase and own equipment for fire suppression,  
18 and the equipment shall be used for the improvement of the forest fire-fighting  
19 organization.

20           **SECTION 1148r.** 26.14 (2) of the statutes is amended to read:

21           26.14 (2) All such state forest rangers, town chairpersons, emergency fire  
22 wardens, conservation wardens and other duly appointed deputies may in the  
23 performance of their official duty go on the lands of any person to fight forest fires,  
24 and in so doing may set back fires, dig trenches, cut fire lines or carry on all other

1 customary activities in the fighting of forest fires, without incurring a liability to  
2 anyone.”.

3 **776.** Page 478, line 2: after that line insert:

4 “**SECTION 1149b.** 26.20 (6) (b) of the statutes is amended to read:

5 26.20 (6) (b) Any state forest ranger, conservation warden, sheriff or other duly  
6 appointed authority may, in the performance of official duties, require any train  
7 causing fires or suspected of causing fires to stop within a safe distance from the fires  
8 to avoid further setting or spread of fire.

9 **SECTION 1149c.** 26.22 of the statutes is amended to read:

10 **26.22 Sales, etc.** The department of forestry may sell any timber on the state  
11 park or state forest lands which, other than lands in southern state forests, that has  
12 been damaged by fire or wind, on such terms and in such manner as it shall deem  
13 best for the interest of the state. The department of natural resources may sell any  
14 timber on lands in southern state forests that has been damaged by fire or wind, on  
15 such terms and in such manner as it shall deem best for the interest of the state.

16 **SECTION 1149d.** 26.30 (2) of the statutes is amended to read:

17 26.30 (2) **POWERS.** The department is vested with authority and jurisdiction in  
18 all matters relating to the prevention, detection and control of forest pests on the  
19 forest lands of the state, and to do all things necessary in the exercise of such  
20 authority and jurisdiction, except that this shall not be construed to grant any  
21 powers or authority to the department for the silvicultural control of forest pests on  
22 any land. This section shall apply only to the detection and control of forest pests on  
23 forest lands and does not affect the authority of the department of agriculture, trade  
24 and consumer protection under chs. 93 and 94. The action of the department under

1 sub. (4) shall be coordinated with the department of agriculture, trade and consumer  
2 protection in accordance with s. 20.901. The secretaries of ~~natural resources~~ forestry  
3 and agriculture, trade and consumer protection shall execute annually a  
4 memorandum of agreement to enable the coordination of pest control work of their  
5 departments.

6 **SECTION 1149e.** 26.30 (4) of the statutes is amended to read:

7 26.30 (4) SURVEYS, INVESTIGATIONS AND CONTROL. The department shall make  
8 surveys and investigations to determine the presence, condition and extent of  
9 infestations and it shall also carry on control measures when necessary. For such  
10 purposes the department or its wardens or state forest rangers may enter public and  
11 private lands at reasonable times without incurring a liability to anyone.

12 **SECTION 1149g.** 26.37 (1) (intro.) of the statutes is amended to read:

13 26.37 (1) (intro.) The department of ~~natural resources~~ forestry and the  
14 department of commerce shall ~~jointly develop a~~ comply with any plan to establish  
15 required to be developed by the department of natural resources and the department  
16 of commerce to establish a lake states wood utilization consortium to provide  
17 research, development and demonstration grants to enhance the forest products  
18 industry in Wisconsin and other states. ~~The~~ if the plan shall do does all of the  
19 following:

20 **SECTION 1149h.** 26.37 (1) (a) of the statutes is amended to read:

21 26.37 (1) (a) ~~Define~~ Defines the powers, duties and responsibilities of the  
22 consortium.

23 **SECTION 1149i.** 26.37 (1) (b) of the statutes is amended to read:

24 26.37 (1) (b) ~~Establish~~ Establishes an implementation committee for the  
25 consortium. Members of the committee may include one or more representatives

1 from the department of natural resources, the department of forestry, the  
2 department of commerce and the forest products industry.

3 **SECTION 1149j.** 26.37 (1) (c) of the statutes is amended to read:

4 26.37 (1) (c) ~~Specify~~ Specifies eligibility requirements for the grants and  
5 criteria for awarding the grants, including how the grants are to be distributed to  
6 each state participating in the consortium.

7 **SECTION 1149k.** 26.37 (1) (d) of the statutes is amended to read:

8 26.37 (1) (d) ~~Require~~ Requires that the grants require matching funds or  
9 in-kind contributions by industrial recipients of the grants.

10 **SECTION 1149L.** 26.37 (1) (e) of the statutes is amended to read:

11 26.37 (1) (e) ~~Require~~ Requires the implementation committee to identify an  
12 organization that can administer and award the grants and oversee the grant  
13 program.

14 **SECTION 1149Lb.** 26.37 (1) (f) of the statutes is amended to read:

15 26.37 (1) (f) ~~Require~~ Requires the consortium to actively pursue funding from  
16 the states of Michigan and Minnesota of \$200,000 annually from each state for 3  
17 years.

18 **SECTION 1149Ld.** 26.37 (1) (g) of the statutes is amended to read:

19 26.37 (1) (g) ~~Require~~ Requires the consortium to actively pursue federal and  
20 other funding sources.”.

21 **777.** Page 479, line 1: substitute “20.375 (2) (ru)” for “20.375 (1) (cu)”.

22 **778.** Page 479, line 2: after that line insert:

23 “**SECTION 1149md.** 26.39 (2) and (3) of the statutes, as created by 2001  
24 Wisconsin Act .... (this act), are amended to read:

1           26.39 **(2)** FORESTRY EDUCATION CURRICULUM; SCHOOLS. Using the moneys  
2 appropriated under s. ~~20.370 (1) (cu)~~ 20.375 (2) (ru), the department, in cooperation  
3 with the Center for Environmental Education in the College of Natural Resources  
4 at the University of Wisconsin–Stevens Point, shall develop a forestry education  
5 curriculum for grades kindergarten to 12.

6           **(3)** FORESTRY EDUCATION FOR THE PUBLIC. Using the moneys appropriated under  
7 s. ~~20.370 (1) (cv)~~ 20.375 (2) (rv), the department shall develop a program to educate  
8 the public on the value of sustainable forestry. The program shall include support  
9 for educational efforts conducted by school districts at school forests or conducted by  
10 other entities that provide education on the topic of sustainable forestry.

11           **SECTION 1149rx.** 27.01 (7) (a) 3. of the statutes is amended to read:

12           27.01 **(7)** (a) 3. In this subsection, “vehicle admission area” means the Bong  
13 area lands acquired under s. 23.09 (13), the Wisconsin Dells natural area, the Point  
14 Beach state forest, recreational areas in other state forests designated as such by the  
15 department of natural resources or by the department of forestry, designated use  
16 zones within other recreation areas established under s. 23.091 (3), and any state  
17 park or roadside park except those areas specified in par. (c) 5.”.

18           **779.** Page 479, line 2: substitute “20.375 (2) (rv)” for “20.375 (1) (cv)”.

19           **780.** Page 480, line 7: substitute “50 cents” for “\$1.50”.

20           **781.** Page 480, line 12: after that line insert:

21           **SECTION 1153h.** 27.01 (7) (gu) of the statutes, as created by 2001 Wisconsin  
22 Act .... (this act), is amended to read:

23           27.01 **(7)** (gu) *Transaction payments.* The department shall establish a system  
24 under which ~~the department~~ pays each agent appointed under sub. (7m) (a) –a

1 payment of 1. is paid 50 cents for each time that the agent processes a transaction  
2 through the statewide automated system contracted for under sub. (7m) (d). This  
3 payment is in addition to any issuing fee retained by the agent. ~~The department shall~~  
4 ~~make these~~ These payments shall be made by allowing the agent to retain an amount  
5 equal to the payments from the amounts that are collected by the agent and that  
6 would otherwise be remitted to the department.”.

7 **782.** Page 480, line 15: substitute “~~(g)~~ (f)” for “(g)”.

8 **783.** Page 480, line 16: substitute “~~appointed~~” for “appointed”.

9 **784.** Page 480, line 16: substitute “~~(a)~~ (b)” for “(a)”.

10 **785.** Page 480, line 18: after that line insert:

11 “**SECTION 1153ic.** 27.01 (7) (h) of the statutes, as affected by 2001 Wisconsin  
12 Act .... (this act), is renumbered 27.01 (7) (h) 1.

13 **SECTION 1153iL.** 27.01 (7) (h) 2. of the statutes is created to read:

14 27.01 (7) (h) 2. The department of forestry and the department of natural  
15 resources shall enter into an agreement to determine how the moneys credited to the  
16 conservation fund under subd. 1. will be allocated for use between the departments,  
17 how the payments made under par. (gu) will be allocated for payment between the  
18 departments, and how the fees collected for conservation patron licenses will be  
19 allocated between the departments. The secretary of administration shall resolve  
20 any disputes between the departments concerning the agreement entered into under  
21 this subdivision.

22 **SECTION 1153iq.** 27.01 (7m) (a) of the statutes is renumbered 27.01 (7m) (a) 1.

23 **SECTION 1153ir.** 27.01 (7m) (a) 2. of the statutes is created to read:

1           27.01 (7m) (a) 2. The department of forestry, as an agent of the department,  
2 shall issue vehicle admission receipts and collect the vehicle admission fees under  
3 sub. (7). The vehicle admission fees collected by the department of forestry shall be  
4 deposited in the conservation fund.

5           **SECTION 1153is.** 27.01 (7m) (b) of the statutes is renumbered 27.01 (7m) (b) 1.  
6 and amended to read:

7           27.01 (7m) (b) 1. An agent appointed under par. (a) 1. shall collect the  
8 applicable issuing fee specified in sub. (7) (gr). The agent may retain the issuing fees  
9 to compensate the agent for the agent's services in issuing the receipts.

10          **SECTION 1153it.** 27.01 (7m) (b) 2. of the statutes is created to read:

11          27.01 (7m) (b) 2. The department of forestry shall collect the applicable issuing  
12 fee specified in sub. (7) (gr) for the vehicle admission receipts that it issues and shall  
13 deposit the issuing fees into the forestry fund.”.

14          **786.** Page 480, line 22: after that line insert:

15          “**SECTION 1153Lb.** 27.01 (10) (b) of the statutes is amended to read:

16          27.01 (10) (b) *Establishment, operation and categories of campgrounds.* The  
17 department of forestry and the department of natural resources may each establish  
18 and operate state campgrounds ~~in state parks, state forests and other~~ on lands under  
19 ~~its~~ their respective supervision and management. The Each department may  
20 classify, by rule, its state campgrounds into separate categories.

21          **SECTION 1153Lc.** 27.01 (10) (d) 1. of the statutes is amended to read:

22          27.01 (10) (d) 1. The camping fee for each night at a campsite in a campground  
23 which is classified as a Type “A” campground ~~by the department~~ under par. (b) is \$8  
24 for a resident camping party.



1           **SECTION 1153Ld.** 27.01 (10) (d) 2. of the statutes is amended to read:

2           27.01 **(10)** (d) 2. The camping fee for each night at a campsite in a campground  
3 which is classified as a Type “A” campground ~~by the department~~ under par. (b) is \$10  
4 for a nonresident camping party.

5           **SECTION 1153Le.** 27.01 (10) (d) 3. of the statutes is amended to read:

6           27.01 **(10)** (d) 3. The camping fee for each night at a campsite in a state  
7 campground which is classified as a Type “B” campground ~~by the department~~ under  
8 par. (b) is \$7 for a resident camping party.

9           **SECTION 1153Lf.** 27.01 (10) (d) 4. of the statutes is amended to read:

10          27.01 **(10)** (d) 4. The camping fee for each night at a campsite in a state  
11 campground which is classified as a Type “B” campground ~~by the department~~ under  
12 par. (b) is \$9 for a nonresident camping party.

13          **SECTION 1153Lg.** 27.01 (10) (d) 5. of the statutes is amended to read:

14          27.01 **(10)** (d) 5. The camping fee for each night at a campsite in a campground  
15 which is classified as a Type “C” campground ~~by the department~~ under par. (b) is \$6  
16 for a resident camping party.

17          **SECTION 1153Lh.** 27.01 (10) (d) 6. of the statutes is amended to read:

18          27.01 **(10)** (d) 6. The camping fee for each night at a campsite in a campground  
19 which is classified as a Type “C” campground ~~by the department~~ under par. (b) is \$8  
20 for a nonresident camping party.

21          **SECTION 1153Lj.** 27.01 (10) (e) of the statutes is amended to read:

22          27.01 **(10)** (e) *Determination of residency.* The ~~department~~ departments shall  
23 base ~~its~~ their determination of whether a camping party is a resident or nonresident  
24 camping party upon the residency of the person who applies for a reservation under  
25 sub. (11) at the time the application for reservation is made or, if no reservation is

1 made, the residency of the person who registers for the campsite at the time of  
2 registration.

3 **SECTION 1153Lm.** 27.01 (10) (f) of the statutes is amended to read:

4 27.01 (10) (f) *Waiver of fees; special fees.* The department departments may  
5 waive camping fees, charge additional camping fees or charge special fees instead of  
6 camping fees for certain classes of persons or groups, certain areas, certain types of  
7 camping or times of the year and for admission to special events.

8 **SECTION 1153Ln.** 27.01 (10) (g) (intro.) of the statutes is amended to read:

9 27.01 (10) (g) *Additional camping fees.* (intro.) Besides the additional camping  
10 fees authorized under par. (f), the department departments may charge:

11 **SECTION 1153Lp.** 27.01 (10) (h) of the statutes is amended to read:

12 27.01 (10) (h) *Increased camping fees.* In addition to ~~its~~ their authority under  
13 par. (f), the department departments shall determine which state campgrounds  
14 under their supervision and management are located in areas where local market  
15 conditions justify the establishment of higher camping fees to be charged by the  
16 department. ~~For these state campgrounds, the department departments. The~~  
17 departments shall promulgate rules for state campgrounds under their supervision  
18 and management to establish higher camping fees to be based on the applicable local  
19 market conditions.

20 **SECTION 1153Lq.** 27.01 (11) (a) of the statutes is amended to read:

21 27.01 (11) (a) *Authorization.* The department of natural resources and the  
22 department of forestry may ~~establish and jointly~~ operate a campground reservation  
23 system for state campgrounds in state parks, state forests and on other lands under  
24 the either department's supervision and control. ~~The department management and~~

1 may participate with owners of private campgrounds in a cooperative reservation  
2 system.

3 **SECTION 1153Ls.** 27.01 (11) (cm) 1. of the statutes is amended to read:

4 27.01 (11) (cm) 1. The department may enter into a contract with another party  
5 to operate the campground reservation system ~~that the department establishes~~  
6 under par. (a).

7 **SECTION 1153Lt.** 27.01 (11) (cm) 2. of the statutes is amended to read:

8 27.01 (11) (cm) 2. A contract entered into under this paragraph shall require  
9 that ~~the department retain~~ \$1 of each reservation fee collected shall be retained by  
10 the department of natural resources or the department of forestry. The departments  
11 shall enter an agreement to determine how these moneys will be allocated for use  
12 between the departments. The secretary of administration shall resolve any  
13 disputes between the departments concerning this agreement.

14 **SECTION 1153Lu.** 27.01 (11) (i) of the statutes is amended to read:

15 27.01 (11) (i) *Cooperation with tourism.* The department of natural resources,  
16 ~~the department of forestry,~~ and the department of tourism shall work jointly to  
17 ~~establish an~~ on any automated campground reservation system operated under par.  
18 (a)".

19 **787.** Page 481, line 5: after that line insert:

20 "SECTION 1153nc. 27.016 (1) (c) of the statutes is repealed.

21 **SECTION 1153np.** 27.019 (12) of the statutes is amended to read:

22 27.019 (12) COOPERATION OF STATE DEPARTMENTS. The department of  
23 agriculture, trade and consumer protection, the department of administration, the  
24 department of natural resources, the department of forestry, and the agricultural

1 extension division of the University of Wisconsin shall cooperate with the several  
2 county rural planning committees in carrying out this section.

3 **SECTION 1153nx.** 28.005 of the statutes is amended to read:

4 **28.005 Definition.** “Department” when used in this chapter without other  
5 words of description or qualification means the department of ~~natural resources~~  
6 forestry.

7 **SECTION 1153nxb.** 28.01 of the statutes is amended to read:

8 **28.01 Forestry supervision.** The department shall execute all matters  
9 pertaining to forestry within the jurisdiction of the state, direct the management of  
10 state forests, other than southern state forests, collect data relative to forest use and  
11 conditions and advance the cause of forestry within the state.

12 **SECTION 1153nxc.** 28.012 (title) of the statutes is created to read:

13 **28.012 (title) Powers of department.**

14 **SECTION 1153nxd.** 28.012 (1) of the statutes is created to read:

15 **28.012 (1)** For the state forests, other than southern state forests, the  
16 department may accept and administer, in the name of the state, any gifts, grants,  
17 bequests, and devises, including land, interests in land and funds made available to  
18 the department by the federal government under any act of congress relating to any  
19 of the functions of the department.

20 **SECTION 1153nxf.** 28.012 (2) of the statutes is created to read:

21 **28.012 (2)** The department may extend or consolidate lands or waters suitable  
22 for the state forests, other than the southern state forests, by the exchange of other  
23 lands or waters under its supervision.

24 **SECTION 1153nxg.** 28.012 (3) of the statutes is created to read:

1           28.012 (3) The department may accept donations of buildings, facilities, and  
2 structures to be constructed upon lands owned by this state in the state forests, other  
3 than the southern state forests.

4           **SECTION 1153nxh.** 28.012 (4) of the statutes is created to read:

5           28.012 (4) The department may grant easements to parts or parcels of areas  
6 in the state forests, other than the southern state forests.

7           **SECTION 1153nxj.** 28.012 (5) of the statutes is created to read:

8           28.012 (5) All funds included in the gifts, grants, bequests, and devises received  
9 or expected to be received by the department for the state forests under its  
10 jurisdiction in a biennium shall be included in the statement of its actual and  
11 estimated receipts and disbursements for such biennium required to be contained in  
12 the biennial state budget report under s. 16.46. Those funds shall be considered to  
13 be, and shall be treated the same as, other actual and estimated receipts and  
14 disbursements of the department. The department may acknowledge the receipt of  
15 any funding from a particular person or group in any department pamphlet, bulletin,  
16 or other publication.

17           **SECTION 1153nxk.** 28.012 (6) of the statutes is created to read:

18           28.012 (6) The donor of any building, facility, or structure under sub. (3) may  
19 contract for this construction according to plans and specifications provided by the  
20 department or may enter into a contract for professional architectural and  
21 engineering services to develop plans and specifications for the building, facility, or  
22 structure and contract for their construction. Upon the completion of construction  
23 satisfactory to the department, title to the building, facility, or structure shall vest  
24 in the state. No person may construct any building, facility, or structure under this  
25 subsection without the prior approval of the department regarding plans and

1 specifications, materials, suitability, design, capacity, or location. The plans and  
2 specifications for any building, structure, or facility donated under sub. (2) (eg) shall  
3 also be subject to the approval of the building commission.

4 **SECTION 1153nxp.** 28.012 (7) of the statutes is created to read:

5 28.012 (7) Any easements granted under sub. (4) or s. 28.02 (5) and any leases  
6 under s. 23.305 or 26.08 by the department shall have the restrictions necessary to  
7 preserve and protect the land subject to the lease or easement for the purposes for  
8 which it was acquired or made part of the state forests.

9 **SECTION 1153nxq.** 28.012 (8) of the statutes is created to read:

10 28.012 (8) (a) In this subsection, “easement” includes a negative easement, a  
11 restrictive covenant, a covenant running with the land, and any other right for a  
12 lawful use of the property together with the right to acquire all negative easements,  
13 restrictive covenants, covenants running with the land, and all rights for use of  
14 property.

15 (b) The department may acquire any easement for the benefit of any area in the  
16 state forests, other than southern state forests.

17 **SECTION 1153nxr.** 28.012 (9) of the statutes is created to read:

18 28.012 (9) If there are areas of the state forests under the jurisdiction of the  
19 department that are inaccessible because they are surrounded by lands not  
20 belonging to the state, and if the department determines that the usefulness or value  
21 of these areas for these state forests will be increased if there is access to them over  
22 lands not belonging to the state, the department may acquire the land necessary to  
23 construct highways that will furnish the needed access.”.

1           **788.** Page 481, line 8: delete the material beginning with “As” and ending  
2 with “health.” on line 16.

3           **789.** Page 481, line 16: after that line insert:

4           “**SECTION 1153pc.** 28.02 (title) of the statutes is amended to read:

5           **28.02** (title) **State forests forest lands.**

6           **SECTION 1153pd.** 28.02 (1) of the statutes is amended to read:

7           **28.02 (1) DEFINED.** “State forests forest lands” include all lands granted to the  
8 state by an act of congress entitled, “An act granting lands to the state of Wisconsin  
9 for forestry purposes,” approved June 27, 1906; all lands donated to the state by the  
10 Nebagamon Lumber Company for forestry purposes; all lands acquired pursuant to  
11 chapter 450, laws of 1903, chapter 264, laws of 1905, chapter 638, laws of 1911, and  
12 chapter 639, laws of 1911, or under ss. 1494–41 to 1494–62, 1915 stats., and all lands  
13 subsequently acquired for forestry purposes. Unless an island is designated as state  
14 forest land by the department, “state forest lands” do not include lands granted to  
15 the state by an act of congress entitled, “An act granting unsurveyed and unattached  
16 islands to the state of Wisconsin for forestry purposes,” approved August 22, 1912.  
17 The department may designate as state forest lands any lands within state forest  
18 boundaries which were purchased with other conservation funds and where forestry  
19 would not conflict with a more intensive use.

20           **SECTION 1153pdg.** 28.02 (2) of the statutes is amended to read:

21           **28.02 (2) ACQUISITION.** The department of forestry may acquire lands or  
22 interest in lands by grant, devise, gift, condemnation or purchase within the  
23 boundaries of established state forests or purchase areas; and outside of such  
24 boundaries for forest nurseries, tracts for forestry research or demonstration and for

1 forest protection structures, or for access to such properties. The department of  
2 natural resources may acquire lands or interest in lands by grant, devise, gift,  
3 condemnation, or purchase within the boundaries of southern state forests. In the  
4 case of condemnation the department shall first obtain approval from the  
5 appropriate standing committees of each house of the legislature as determined by  
6 the presiding officer thereof.

7 **SECTION 1153pdm.** 28.03 (1) of the statutes is amended to read:

8 28.03 (1) DEFINED. State forests shall consist of well blocked areas of state  
9 owned lands which have been established as state forests ~~by the department.~~

10 **SECTION 1153pdr.** 28.03 (3) of the statutes is amended to read:

11 28.03 (3) DEPARTMENT MAY NAME. The department of forestry or the department  
12 of natural resources may designate by appropriate name any state forest not  
13 expressly named by the legislature.

14 **SECTION 1153pdu.** 28.03 (4) of the statutes is created to read:

15 28.03 (4) SOUTHERN STATE FORESTS. The department of natural resources may  
16 develop and shall operate and maintain the southern state forests.

17 **SECTION 1153pe.** 28.035 (2) of the statutes is amended to read:

18 28.035 (2) The department shall ~~enter into an~~ comply with the agreement  
19 entered into with the Wisconsin department of the American Legion for hunting in  
20 the state forest lands described as lots 3, 4, 6 and 7 of section 8 and lots 2 and 3 of  
21 section 17, township 38 north, range 7 east, Oneida County, which are used in  
22 connection with Camp American Legion and which the Legion is now maintaining  
23 on this location as a restoration camp for sick and disabled veterans and their  
24 dependents.

25 **SECTION 1153ph.** 28.035 (3) (b) of the statutes is amended to read:



1           28.035 (3) (b) The ownership of all of the buildings and equipment of the camp  
2 shall revert to the state upon the discontinuance of the use thereof for such purposes.  
3 On or before January 15 of each year the department of the American Legion shall  
4 file with the governor, the department of veterans affairs ~~and the department of~~  
5 ~~natural resources, and the department of forestry~~ a written report of the operations  
6 and the financial status of the camp.

7           **SECTION 1153phf.** 28.04 (2) (a) of the statutes is amended to read:

8           28.04 (2) (a) The department of forestry shall manage the state forests, other  
9 than the southern state forests, and the department of natural resources shall  
10 manage the southern state forests, to benefit the present and future generations of  
11 residents of this state, recognizing that the state forests contribute to local and  
12 statewide economies and to a healthy natural environment. The ~~department~~  
13 departments shall assure the practice of sustainable forestry and use it to assure  
14 that state forests can provide a full range of benefits for present and future  
15 generations. The ~~department~~ departments shall also assure that the management  
16 of state forests is consistent with the ecological capability of the state forest land and  
17 with the long-term maintenance of sustainable forest communities and ecosystems.  
18 These benefits include soil protection, public hunting, protection of water quality,  
19 production of recurring forest products, outdoor recreation, native biological  
20 diversity, aquatic and terrestrial wildlife, and aesthetics. The range of benefits  
21 provided by the ~~department~~ departments in each state forest shall reflect its unique  
22 character and position in the regional landscape.

23           **SECTION 1153phf.** 28.04 (2) (b) of the statutes is amended to read:

1           28.04 (2) (b) In managing the state forests, the department of forestry and the  
2 department of natural resources shall recognize that not all benefits under par. (a)  
3 can or should be provided in every area of a state forest.

4           **SECTION 1153phk.** 28.04 (2) (c) of the statutes is amended to read:

5           28.04 (2) (c) In managing the state forests, the department of forestry and the  
6 department of natural resources shall recognize that management may consist of  
7 both active and passive techniques.

8           **SECTION 1153php.** 28.04 (3) (a) of the statutes is amended to read:

9           28.04 (3) (a) The department of forestry shall prepare a plan for each state  
10 forest, other than southern state forests, that describes how the state forest will be  
11 managed. The department of natural resources shall prepare a plan for each  
12 southern state forest that describes how the southern state forest will be managed.  
13 The department departments shall work with the public to identify property goals  
14 and objectives that are consistent with the purposes under sub. (2). The ~~department~~  
15 departments shall identify in each plan the objectives of management for distinct  
16 areas of the state forest.

17           **SECTION 1153phs.** 28.04 (3) (b) of the statutes is amended to read:

18           28.04 (3) (b) The department of forestry and the department of natural  
19 resources shall establish procedures for the preparation and modification of these  
20 plans, including procedures for public participation. In preparing and modifying  
21 plans under this subsection, the department departments shall use the best  
22 available information regarding the purposes and benefits of the state forests that  
23 ~~the~~ each department acquires through inventories, evaluations, monitoring and  
24 research. In evaluating such information, the department departments shall  
25 consider both regional and local scales, including the impact on local economies. As

1 new information becomes available, the department of forestry or the department of  
2 natural resources shall adapt its management of the state forest and, if necessary,  
3 the plan for the state forest.

4 **SECTION 1153pm.** 28.045 of the statutes is created to read:

5 **28.045 Designation of trails and areas. (1)** In this section, “special use  
6 area” includes a trail, campground, or picnic area.

7 **(2)** The department shall designate special use areas in state forests, other  
8 than southern state forests, and shall indicate the location of each special use area  
9 in one of the following manners:

10 (a) By showing it on a map available at the district office of the department that  
11 is nearest to the special use area.

12 (b) By indicating its location on a sign outside any office of the department that  
13 is located within the same state forest.

14 (c) By placing a sign at the special use area.

15 **(3)** The department shall inspect trail signs and designated features twice a  
16 year, once before July 1 and once after July 1.

17 **(4)** Subsection (3) does not apply to snowmobile trails on land under the control  
18 of the department that are maintained by snowmobile clubs or other nonprofit  
19 organizations.

20 **SECTION 1153pr.** 28.05 (1) of the statutes is amended to read:

21 28.05 **(1) LIMITATIONS.** Cutting shall be limited to trees marked or designated  
22 for cutting by a forester in the professional series of the state classified civil service  
23 or by ~~a department–designated~~ an employee of the department of forestry or the  
24 department of natural resources who is equally qualified by reason of long, practical  
25 experience. The department of forestry, with respect to state forests other than

1 southern state forests, and the department of natural resources with respect to  
2 southern state forests, may sell products removed in cultural or salvage cuttings and  
3 standing timber designated in timber sale contracts, but all sales shall be based on  
4 tree scale or on the scale, measure or count of the cut products. ~~The~~ That department  
5 may require that a person purchasing products or standing timber under a timber  
6 sale contract provide surety for the proper performance of the contract either directly  
7 or through a bond furnished by a surety company authorized to do business in this  
8 state.”.

9 **790.** Page 481, line 24: after that line insert:

10 “**SECTION 1153qc.** 28.06 (2m) of the statutes, as affected by 2001 Wisconsin Act  
11 .... (this act), is amended to read:

12 28.06 **(2m)** SURCHARGE. A person who purchases a seedling under sub. (2) shall  
13 pay, in addition to the price of the seedling charged under sub. (2), a surcharge for  
14 each seedling purchased. Beginning on the effective date of this subsection ....  
15 [revisor inserts date], and ending on June 30, 2002, the surcharge shall be 2 cents  
16 for each seedling. Beginning on July 1, 2002, the surcharge shall be 3 cents for each  
17 seedling. All surcharges collected under this subsection shall be deposited in the  
18 ~~conservation~~ forestry fund.

19 **SECTION 1153r.** 28.08 of the statutes is amended to read:

20 **28.08 Income.** All income from state forest lands shall be paid into the state  
21 treasury to the credit of the ~~conservation~~ forestry fund.

22 **SECTION 1153rm.** 28.11 (5m) (a) (intro.) of the statutes is amended to read:

23 28.11 **(5m)** (a) (intro.) The department may make grants, from the  
24 appropriation under s. ~~20.370 (5) (bw)~~ 20.375 (2) (w), to counties having lands

1 entered under sub. (4) to fund all of the following for one professional forester in the  
2 position of county forest administrator or assistant county forest administrator.”.

3 **791.** Page 482, line 17: after that line insert:

4 “**SECTION 1153sc.** 28.11 (5r) (b) of the statutes, as created by 2001 Wisconsin  
5 Act .... (this act), is amended to read:

6 28.11 (5r)(b) The department may make grants, from the appropriation under  
7 s. ~~20.370 (5) (bw)~~ 20.375 (2) (w), to counties having lands entered under sub. (4) to  
8 fund the cost of activities designed to improve sustainable forestry on the lands.

9 **SECTION 1153t.** 28.11 (8) (a) of the statutes is amended to read:

10 28.11 (8) (a) *Acreage payments.* As soon after April 20 of each year as feasible,  
11 the department shall pay to each town treasurer 30 cents per acre, based on the  
12 acreage of such lands as of the preceding June 30, as a grant out of the appropriation  
13 made by s. ~~20.370 (5) (bv)~~ 20.375 (2) (vm) on each acre of county lands entered under  
14 this section.

15 **SECTION 1153u.** 28.11 (8) (b) 1. of the statutes is amended to read:

16 28.11 (8) (b) 1. A county having established and maintaining a county forest  
17 under this section is eligible to receive from the state from the appropriations under  
18 s. ~~20.370 (5) (bq)~~ 20.375 (2) (t) and ~~(bs)~~ (u) an annual payment as a noninterest  
19 bearing loan to be used for the purchase, development, preservation and  
20 maintenance of the county forest lands and the payment shall be credited to a county  
21 account to be known as the county forestry aid fund. A county board may, by a  
22 resolution adopted during the year and transmitted to the department by December  
23 31, request to receive a payment of not more than 50 cents for each acre of land  
24 entered and designated as “county forest land”. The department shall review the

1 request and approve the request if the request is found to be consistent with the  
2 comprehensive county forest land use plan. If any lands purchased from the fund  
3 are sold, the county shall restore the purchase price to the county forestry aid fund.  
4 The department shall pay to the county the amount due to it on or before March 31  
5 of each year, based on the acreage of the lands as of the preceding June 30. If the  
6 amounts in the appropriations under s. ~~20.370 (5) (bq)~~ 20.375 (2) (t) and ~~(bs)~~ (u) are  
7 not sufficient to pay all of the amounts approved by the department under this  
8 subdivision, the department shall pay eligible counties on a prorated basis.

9 **SECTION 1153v.** 28.11 (8) (b) 2. of the statutes is amended to read:

10 28.11 **(8)** (b) 2. The department may allot additional interest free forestry aid  
11 loans on a project basis to individual counties to permit the counties to undertake  
12 meritorious and economically productive forestry operations, including land  
13 acquisitions. These additional aids may not be used for the construction of  
14 recreational facilities or for fish and game management projects. Application shall  
15 be made in the manner and on forms prescribed by the department and specify the  
16 purpose for which the additional aids will be used. The department shall make an  
17 investigation as it deems necessary to satisfy itself that the project is feasible,  
18 desirable and consistent with the comprehensive plan. If the department so finds,  
19 it may make allotments in such amounts as it determines to be reasonable and  
20 proper and charge the allotments to the forestry fund account of the county. These  
21 allotments shall be credited by the county to the county forestry aid fund. After  
22 determining the loans as required under subd. 1., the department shall make the  
23 remainder of the amounts appropriated under s. ~~20.370 (5) (bq)~~ 20.375 (2) (t) and ~~(bs)~~  
24 (u) for that fiscal year available for loans under this subdivision. The department

1 shall also make loans under this subdivision from the appropriations under s. ~~20.370~~  
2 ~~(5) (bt)~~ 20.375 (2) (um) and ~~(bu)~~ (v).

3 **SECTION 1153w.** 28.11 (9) (am) of the statutes is amended to read:

4 28.11 **(9)** (am) The acreage loan severance share payments shall be deposited  
5 in the ~~conservation forestry~~ fund and credited to the appropriation under s. ~~20.370~~  
6 ~~(5) (bq)~~ 20.375 (2) (t), and the project loan severance share payments shall be  
7 deposited in the ~~conservation forestry~~ fund and credited to the appropriation under  
8 s. ~~20.370 (5) (bu)~~ 20.375 (2) (v).

9 **SECTION 1153x.** 28.11 (9) (ar) 1. of the statutes is amended to read:

10 28.11 **(9)** (ar) 1. Notwithstanding s. 20.001 (3) (c), if the sum of the  
11 unencumbered balances in the appropriations under s. ~~20.370 (5) (bq), (bt)~~ 20.375 (2)  
12 (t), (um), and ~~(bu)~~ (v) exceeds \$400,000 on June 30 of any fiscal year, the amount in  
13 excess of \$400,000 shall lapse from the appropriation under s. ~~20.370 (5) (bq)~~ 20.375  
14 (2) (t) to the ~~conservation forestry~~ fund, except as provided in subd. 2.

15 **SECTION 1153y.** 28.11 (9) (ar) 2. of the statutes is amended to read:

16 28.11 **(9)** (ar) 2. Notwithstanding s. 20.001 (3) (c), if the amount in the  
17 appropriation under s. ~~20.370 (5) (bq)~~ 20.375 (2) (t) is insufficient for the amount that  
18 must lapse under subd. 1., the remainder that is necessary for the lapse shall lapse  
19 from the appropriation under s. ~~20.370 (5) (bu)~~ 20.375 (2) (v).

20 **SECTION 1153yc.** 28.90 (title) of the statutes is created to read:

21 **28.90 (title) Enforcement.**

22 **SECTION 1153yf.** 28.90 (1) of the statutes is created to read:

23 28.90 **(1) ENFORCEMENT DUTIES.** (a) The department shall enforce all of the laws  
24 that the department is required to administer for the state forests and shall bring,

1 or cause to be brought, actions and proceedings in the name of the state for that  
2 purpose.

3 (b) All sheriffs, deputy sheriffs, coroners, and other police officers are deputy  
4 state forest rangers, and shall assist the department and its rangers in the  
5 enforcement of this chapter whenever notice of a violation of this chapter is given to  
6 them by the department or its rangers.

7 **SECTION 1153yg.** 28.92 of the statutes is created to read:

8 **28.92 State forest rangers. (1)** The persons appointed by the department  
9 to enforce the laws relating to state forests shall be known as state forest rangers and  
10 shall be subject to ch. 230.

11 **(2)** The department shall provide to all state forest rangers, before exercising  
12 any of their powers, a commission issued by the department under its seal, to read  
13 substantially as follows:

14 STATE OF WISCONSIN

15 DEPARTMENT OF FORESTRY

16 To all to whom these presents shall come, greeting:

17 Know ye, that reposing special trust and confidence in the integrity and ability  
18 of ....., of the county of ....., we do hereby appoint and constitute .... a state forest ranger  
19 for the state of Wisconsin, and do authorize and empower .... to execute and fulfill the  
20 duties of that office according to law, during good behavior and the faithful  
21 performance of the duties of that office.

22 In testimony whereof, the secretary has hereunto affixed the secretary's  
23 signature and the official seal of the department, at its office in the city of Madison,  
24 Wisconsin, this .... day of ....., .....

25 (Seal)

STATE OF WISCONSIN



DEPARTMENT OF FORESTRY

By .... ..

1  
2  
3       **(3)** The department shall furnish to each state forest ranger at the time of the  
4 ranger's appointment, a pocket identification folder in the same form and substance  
5 as the folder described in s. 23.10 (5), except that the impression shall be the seal of  
6 the department.

7       **(4)** A state forest ranger shall carry the identification folder on his or her person  
8 at all times that he or she is on official duty, and a state forest ranger shall, on  
9 demand, exhibit the same to any person to whom he or she may represent himself  
10 or herself as a state forest ranger.

11       **SECTION 1153yj.** 28.94 of the statutes is created to read:

12       **28.94 Resisting or falsely impersonating a state forest ranger.** Any  
13 person who does any of the following may be fined not more than \$10,000 or  
14 imprisoned for not more than 9 months or both:

15       **(1)** Assaults or otherwise resists or obstructs any state forest ranger in the  
16 performance of his or her duties.

17       **(2)** Falsely represents himself or herself to be a state forest ranger or assumes  
18 to act as a state forest ranger without having been first appointed.

19       **SECTION 1153ym.** 28.98 of the statutes is created to read:

20       **28.98 General penalty provision.** Any person who violates any provision  
21 of this chapter or any rule promulgated or order issued under this chapter for which  
22 no other penalty is prescribed is subject to a forfeiture of not more than \$100.”.

23       **792.** Page 483, line 21: delete the material beginning with that line and  
24 ending with page 484, line 2.

1           **793.** Page 484, line 2: after that line insert:

2           “**SECTION 1162h.** 29.089 (1) of the statutes is amended to read:

3           29.089 (1) Except as provided in ~~sub.~~ subs. (3) and (4), no person may hunt or  
4 trap on land located in state parks or state fish hatcheries.

5           **SECTION 1162p.** 29.089 (2) of the statutes is amended to read:

6           29.089 (2) Except as provided in ~~sub.~~ subs. (3) and (4), no person may have in  
7 his or her possession or under his or her control a firearm on land located in state  
8 parks or state fish hatcheries unless the firearm is unloaded and enclosed within a  
9 carrying case.

10          **SECTION 1162t.** 29.089 (3) of the statutes is amended to read:

11          29.089 (3) A person may hunt deer, wild turkeys or small game in a state park,  
12 or in a portion of a state park, if the state park is open for the purpose of hunting  
13 under sub. (4) or if the department has authorized by rule the hunting of that type  
14 of game in the state park, or in the portion of the state park, and if the person holds  
15 the approvals required under this chapter for hunting that type of game.

16          **SECTION 1162w.** 29.089 (4) of the statutes is created to read:

17          29.089 (4) All land located in a state park shall be open for the purpose of  
18 hunting during the appropriate open season to the maximum extent possible if the  
19 state park in which the land is located has received any funding from the fish and  
20 wildlife account of the conservation fund at any time during the preceding 10 years.  
21 The natural resources board may exempt a state park from this requirement.

22          **SECTION 1162wm.** 29.09 of the statutes is created to read:

23          **29.09 Fishing on land in state parks.** The department may not prohibit  
24 fishing on land located in a state park during the appropriate open season and shall

1 allow fishing to the maximum extent possible if the state park in which the land is  
2 located has received any funding from the fish and wildlife account of the  
3 conservation fund at any time during the preceding 10 years. The natural resources  
4 board may exempt a state park from this requirement.”.

5 **794.** Page 484, line 3: delete the material beginning with that line and ending  
6 with page 486, line 17.

7 **795.** Page 487, line 19: delete the material beginning with that line and  
8 ending with page 488, line 7.

9 **796.** Page 488, line 17: after that line insert:

10 “**SECTION 1184m.** 29.519 (2) (e) of the statutes is created to read:

11 29.519 (2) (e) *Retention of licenses.* 1. A commercial fishing licensee who is  
12 authorized under the license to conduct commercial fishing operations in the waters  
13 of Green Bay may retain the license without conducting any commercial fishing  
14 operations as authorized under the license for one period of up to 7 consecutive years.  
15 During this period, the commercial fishing licensee may not be required to transfer  
16 the license, may not be required to invest in any fishing gear or equipment, and is  
17 exempt from paying the applicable fees for the license under s. 29.563.

18 2. A commercial fishing licensee who conducts commercial fishing operations  
19 as authorized under the license in the waters of Green Bay may choose for one period  
20 of up to 7 consecutive years to be exempt from any minimum requirement on the  
21 amount of fish harvested that is established by the department and that applies to  
22 the licensee.”.

23 **797.** Page 489, line 10: substitute “50 cents” for “\$1.50”.

24 **798.** Page 489, line 15: after that line insert:

1           **“SECTION 1196rk.** 29.566 (1r) of the statutes is created to read:

2           **29.566 (1r)** ISSUING PAYMENT FOR SPECIAL DEER HUNTING PERMITS. The  
3 department shall establish a system under which the department pays each agent  
4 appointed under s. 29.024 (6) (a) 2. or 3. a payment of 50 cents each time that the  
5 agent uses the statewide automated system contracted for under s. 29.024 (6) (a) 4.  
6 to issue to an individual one or more deer hunting permits as authorized under s.  
7 29.177. The department shall make these payments by allowing the agent to retain  
8 an amount equal to the payments from the amounts that are collected by the agent  
9 and that would otherwise be remitted to the department.”.

10           **799.** Page 490, line 5: after that line insert:

11           **“SECTION 1197hm.** 29.591 (3) of the statutes is amended to read:

12           **29.591 (3)** INSTRUCTION FEE. The department ~~shall establish by rule the may~~  
13 ~~not charge a fee~~ for the course of instruction under the hunter education program and  
14 the bow hunter education program. ~~The instructor shall collect this instruction fee~~  
15 ~~from each person who receives instruction under the hunter education program and~~  
16 ~~the bow hunter education program and remit the fee to the department.~~ The  
17 department ~~may determine the portion of this fee, which may not exceed 50%, that~~  
18 ~~the instructor may retain to defray expenses incurred by the instructor in conducting~~  
19 ~~the course.~~ ~~The instructor shall remit the remainder of the fee or, if nothing is~~  
20 ~~retained, the entire fee to the department may reimburse instructors for allowable~~  
21 ~~costs, as determined by the department, up to \$5 for each person who receives~~  
22 ~~instruction from that instructor.~~”.

23           **800.** Page 490, line 17: after that line insert:

1           “**SECTION 1225m.** 29.89 (1) (intro.) and (a) of the statutes are consolidated,  
2           renumbered 29.89 (1) and amended to read:

3           **29.89 (1) DEFINITIONS. DEFINITION.** In this section, ~~(a)~~ “Charitable “charitable  
4           organization” means a nonprofit corporation, charitable trust or other nonprofit  
5           association that is described in section 501 (c) (3) of the Internal Revenue Code and  
6           that is exempt from taxation under section 501 (a) of the Internal Revenue Code.

7           **SECTION 1225r.** 29.89 (1) (b) of the statutes is repealed.”.

8           **801.** Page 490, line 24: after that line insert:

9           “**SECTION 1228c.** 29.89 (3) (c) of the statutes is renumbered 29.89 (5) (b) 2. b.”.

10          **802.** Page 491, line 10: delete lines 10 to 14 and substitute:

11          “**SECTION 1232c.** 29.89 (5) (b) of the statutes is renumbered 29.89 (5) (b) 1. and  
12          amended to read:

13          **29.89 (5) (b) 1.** The department shall reimburse counties under this section  
14          from the appropriation under s. 20.370 (5) ~~(fq)~~ (ft).

15          2. c. Moneys are available under s. 20.370 (5) (fq) after first deducting from s.  
16          20.370 (5) (fq) payments made for county administrative costs, payments made for  
17          wildlife damage abatement assistance, and wildlife damage claim payments under  
18          s. 29.889.

19          **SECTION 1232e.** 29.89 (5) (b) 2. (intro.) and a. of the statutes are created to read:

20          **29.89 (5) (b) 2. (intro.)** The department shall reimburse counties under this  
21          section from the appropriation under s. 20.370 (5) (fq) if all of the following apply:

22          a. The total amount of reimbursable costs exceeds the amount available under  
23          s. 20.370 (5) (ft).

1           **SECTION 1232f.** 29.89 (5) (b) 2. b. of the statutes, as affected by 2001 Wisconsin  
2 Act .... (this act), is repealed.”.

3           **803.** Page 491, line 20: delete the material beginning with that line and  
4 ending with page 492, line 2.

5           **804.** Page 492, line 2: after that line insert:

6           “**SECTION 1245g.** 30.015 of the statutes is created to read:

7           **30.015 Time limits for issuing permit determinations.** In issuing permits  
8 under this chapter, the department shall initially determine whether a complete  
9 application for the permit has been submitted and, no later than 60 days after the  
10 application is submitted, notify the applicant in writing about the initial  
11 determination of completeness. If the department determines that the application  
12 is incomplete, the notice shall state the reason for the determination and the specific  
13 items of information necessary to make the application complete. An applicant may  
14 supplement and resubmit an application that the department has determined to be  
15 incomplete. There is no limit on the number of times that an applicant may resubmit  
16 an application that the department has determined to be incomplete under this  
17 section. The department may not demand items of information that are not specified  
18 in the notice as a condition for determining whether the application is complete  
19 unless both the department and the applicant agree or unless the applicant makes  
20 material additions or alterations to the project for which the application has been  
21 submitted.

22           **SECTION 1245p.** 30.02 (3) of the statutes is amended to read:

23           30.02 (3) Upon receipt of a complete permit application or a request for a  
24 determination under s. 236.16 (3) (d), the department shall either schedule a public

1 hearing to be held within 60 days after receipt of the application or request or provide  
2 notice stating that it will proceed on the application or request without a public  
3 hearing if, within 30 days after the publication of the notice, no substantive written  
4 objection to issuance of the permit is received or no request for a hearing concerning  
5 the determination under s. 236.16 (3) (d) is received. The notice shall be provided  
6 to the clerk of each municipality in which the project is located and to any other  
7 person required by law to receive notice. The department may provide notice to other  
8 persons as it deems appropriate. The department shall provide a copy of the notice  
9 to the applicant, who shall publish it as a class 1 notice under ch. 985 in a newspaper  
10 designated by the department that is likely to give notice in the area affected. The  
11 applicant shall file proof of publication with the department.

12 **SECTION 1245r.** 30.02 (4) (a) of the statutes is amended to read:

13 30.02 (4) (a) If a public hearing is ordered, the division of hearings and appeals  
14 shall mail a written notice at least 10 days before the hearing to each person given  
15 notice under sub. (3) and in the case of an application for a permit, to any person who  
16 submitted a substantive written objection to issuance of the permit. The public  
17 hearing shall be conducted within 60 days after the hearing is ordered.

18 **SECTION 1245s.** 30.02 (4) (b) of the statutes is amended to read:

19 30.02 (4) (b) The applicant shall publish a class 1 notice under ch. 985 of the  
20 public hearing in a newspaper designated by the department that is likely to give  
21 notice in the area affected. The applicant shall file proof of publication under this  
22 paragraph with the hearing examiner at or prior to the hearing.”.

23 **805.** Page 492, line 3: delete lines 3 to 24.

24 **806.** Page 494, line 8: after that line insert:

1           **SECTION 1252m.** 30.121 (3g) of the statutes is created to read:

2           30.121 **(3g)** EXCEPTION; HISTORICAL OR CULTURAL VALUE. Subsection (3) does not  
3 apply to the repair or maintenance of a boathouse or a fixed houseboat if the  
4 boathouse or fixed houseboat has a historic or cultural value, as determined by the  
5 state historical society or a local or county historical society established under s.  
6 44.03.”.

7           **807.** Page 494, line 19: after that line insert:

8           **SECTION 1255d.** 30.134 (1) (e) of the statutes is repealed.

9           **SECTION 1255h.** 30.134 (2) of the statutes is amended to read:

10           30.134 **(2)** AUTHORIZATION. Members of the public may use any exposed shore  
11 area of a stream without the permission of the riparian ~~to engage in a water-related~~  
12 ~~recreational activity~~ only if it is necessary to exit the body of water to bypass an  
13 obstruction.

14           **SECTION 1255j.** 30.134 (3) (a) (intro.) of the statutes is renumbered 30.134 (3)  
15 (a) and amended to read:

16           30.134 **(3)** (a) ~~In engaging in a water-related recreational activity in the~~ using  
17 an exposed shore area of a stream, as authorized under sub. (2), a member of the  
18 public may not ~~do any of the following:~~ enter the exposed shore area except from the  
19 water, from a point of public access on the stream, or with the permission of the  
20 riparian.

21           **SECTION 1255k.** 30.134 (3) (a) 1. of the statutes is repealed.

22           **SECTION 1255n.** 30.134 (3) (a) 2. of the statutes is repealed.

23           **SECTION 1255p.** 30.134 (3) (a) 3. of the statutes is repealed.

24           **SECTION 1255q.** 30.134 (3) (a) 4. of the statutes is repealed.



1           **SECTION 1255r.** 30.134 (3) (a) 5. of the statutes is repealed.

2           **SECTION 1255s.** 30.134 (3) (a) 6. of the statutes is repealed.

3           **SECTION 1255t.** 30.134 (3) (a) 7. of the statutes is repealed.

4           **SECTION 1255u.** 30.134 (3) (b) of the statutes is repealed.

5           **SECTION 1255v.** 30.134 (5) (intro.) of the statutes is amended to read:

6           30.134 (5) EXCEPTIONS. (intro.) The right granted to the public to engage in  
7 recreational activities on under this section to use an exposed shore area of a stream  
8 does not apply to any of the following:”.

9           **808.** Page 497, line 21: after that line insert:

10           “**SECTION 1261gk.** 30.204 (1) of the statutes is amended to read:

11           30.204 (1) AUTHORIZATION. Between May 15, 1984, and January 1, ~~2002~~ 2008,  
12 the department is authorized to conduct a lake acidification experiment on the lake  
13 specified under sub. (2).”.

14           **809.** Page 497, line 21: after that line insert:

15           “**SECTION 1261k.** 30.2026 of the statutes is created to read:

16           **30.2026 Lake Belle View and Sugar River project. (1) AUTHORIZATION.**  
17 (a) Subject to the restrictions under sub. (2), the village of Belleville may place fill  
18 on all or part of the portion of the bed of Lake Belle View located in Dane County for  
19 any of the following purposes:

20           1. Improving fish and wildlife habitat.

21           2. Creating and enhancing wetlands.

22           3. Improving the water quality of Lake Belle View and the Sugar River.

23           4. Enhancing the recreational use and aesthetic enjoyment of Lake Belle View  
24 and the Sugar River.

1           5. Separating Lake Belle View from the Sugar River by creating an artificial  
2 barrier from lake bottom sediments or by other means.

3           6. Creating suitable lake bottom depths or contours in Lake Belle View.

4           7. Promoting the growth of desirable wetland plants.

5           (b) Any lake bottom sediments that are unsuitable for the creation of an  
6 artificial barrier under par. (a) 5. may be placed in any agricultural field that is  
7 adjacent to Lake Belle View.

8           (c) If the village of Belleville creates an artificial barrier from lake bottom  
9 sediments under par. (a) 5., the village of Belleville shall also place lake bottom  
10 sediments in adjacent areas for the purpose of creating and enhancing wetlands.

11           **(2) REQUIREMENTS.** (a) The village of Belleville shall obtain approval from the  
12 department for any placement of fill material as authorized under sub. (1).

13           (b) The village of Belleville shall submit to the department any plans or other  
14 information that the department considers necessary for it to effectively determine  
15 whether to grant approval under par. (a).

16           (c) The village of Belleville shall ensure that all of the following apply to any  
17 artificial barrier created as authorized under sub. (1).

18           1. The barrier does not materially obstruct navigation or reduce the effective  
19 flood flow capacity of a stream.

20           2. The barrier is not detrimental to the public interest.

21           3. The barrier is owned by a public entity and the public is granted free access  
22 to the barrier.

23           4. Access by the public to the barrier is limited to use as open space for  
24 recreational purposes.

1           5. The barrier remains in as natural a condition as is practicable, as determined  
2 by the department.

3           6. No structure, except those necessary in order to effectuate a purpose  
4 specified in sub. (1) (a), are placed on the barrier.

5           (d) The village of Belleville shall create any artificial barrier under this section  
6 in compliance with all state laws that relate to navigable bodies of water, except s.  
7 30.12 (1) and (2).

8           **(3) CONDITIONS.** (a) The village of Belleville shall maintain any artificial  
9 barrier created as authorized under sub. (1). If a landowner of more than 500 feet  
10 of Lake Belle View shoreline, a portion of which is located within 1,000 feet of any  
11 such artificial barrier, is dissatisfied with the manner in which the village of  
12 Belleville is maintaining the barrier, the owner may maintain the barrier in lieu of  
13 the village, upon approval of the department. The village or a landowner who  
14 maintains the barrier shall comply with all state laws that relate to navigable bodies  
15 of water, except s. 30.12 (1) and (2). The department may require the village of  
16 Belleville or the landowner to maintain the barrier in a structurally and functionally  
17 adequate condition.

18           (b) The village of Belleville shall ensure that any construction draw down of  
19 Lake Belle View related to the creation of any artificial barrier authorized under sub.  
20 (1) occurs only once.

21           **(4) COSTS.** Any costs incurred by the state to construct, maintain, improve, or  
22 remove any artificial barrier created as authorized under sub. (1) shall be paid by the  
23 village of Belleville or its successors or assigns.

24           **(5) IMMUNITY.** The state and its officers, employees, and agents are immune  
25 from liability for acts or omissions that cause damage or injury and that relate to the

1 construction, maintenance, or use of any artificial barrier created as authorized  
2 under sub. (1).”.

3 **810.** Page 498, line 6: after that line insert:

4 “**SECTION 1261p.** 30.265 of the statutes is created to read:

5 **30.265 Adopt a river program.** The department shall establish an adopt a  
6 river program to encourage program volunteers to clean up a specified portion of a  
7 lake, river, wetland, or ravine. The department shall supply to the volunteers  
8 educational support and necessary supplies. The department shall keep records of  
9 information related to the program, including the pounds of rubbish collected, the  
10 number of volunteer hours provided, and descriptions of the debris found. The  
11 department shall publicly recognize volunteers who participate in the program.”.

12 **811.** Page 498, line 6: after that line insert:

13 “**SECTION 1261r.** 30.277 (1m) (a) of the statutes is amended to read:

14 30.277 (1m) (a) Beginning in fiscal year 1992–93, from the appropriation under  
15 s. 20.866 (2) (tz), the department shall award grants to governmental units to assist  
16 them in projects on or adjacent to rivers that flow through urban areas. The  
17 department may award these grants from the appropriation under s. 20.866 (2) (ta)  
18 beginning on July 1, 2000, subject to the agreement under s. 23.0917 (4r).”.

19 **812.** Page 499, line 4: after that line insert:

20 “**SECTION 1266m.** 30.50 (4s) of the statutes is amended to read:

21 30.50 (4s) “Law enforcement officer” has the meaning specified under s. 165.85  
22 (2) (c) and includes a person appointed as a conservation warden ~~by the department~~  
23 under s. 23.10 (1) or a state forest ranger appointed under s. 28.92.”.

24 **813.** Page 507, line 12: after that line insert:

1           “**SECTION 1304g.** 30.54 (2) of the statutes is amended to read:

2           30.54 (2) If a person applies for a replacement certificate under sub. (1),  
3           ~~conservation wardens or local law enforcement officials~~ law enforcement officers,  
4           after presenting appropriate credentials to the owner or legal representative of the  
5           owner named in the certificate of title, shall inspect the boat’s engine serial number  
6           or hull identification number, for purposes of verification or enforcement.

7           **SECTION 1304r.** 30.544 of the statutes is amended to read:

8           **30.544 Inspection of boats purchased out-of-state.** For purposes of  
9           enforcement, ~~conservation wardens or local law enforcement officials~~ law  
10          enforcement officers, after presenting appropriate credentials to the owner of a boat  
11          which was purchased outside of this state and which is subject to the certificate of  
12          title requirements of this chapter, shall inspect the boat’s engine serial number or  
13          hull identification number.”.

14          **814.** Page 507, line 23: after that line insert:

15          “**SECTION 1306m.** 30.67 (2) (a) of the statutes is amended to read:

16          30.67 (2) (a) If a boating accident results in death or injury to any person, the  
17          disappearance of any person from a boat under circumstances indicating death or  
18          injury, or property damage, every operator of a boat involved in an accident shall,  
19          without delay and by the quickest means available, give notice of the accident to a  
20          ~~conservation warden or local law enforcement officer~~ and shall file a written report  
21          with the department on the form prescribed by it. The department shall promulgate  
22          rules necessary to keep accident reporting requirements in conformity with rules  
23          adopted by the U.S. coast guard.”.

24          **815.** Page 509, line 25: after that line insert:

1           “**SECTION 1319m.** 30.92 (1) (b) of the statutes is amended to read:

2           30.92 (1) (b) “Governmental unit” means the department of natural resources,  
3 the department of forestry, a municipality, a lake sanitary district, a public inland  
4 lake protection and rehabilitation district organized under ch. 33, the Milwaukee  
5 River revitalization council, the Lower Wisconsin State Riverway board, the Fox  
6 River management commission, or any other local governmental unit, as defined in  
7 s. 66.0131 (1) (a), that is established for the purpose of lake management.”.

8           **816.** Page 510, line 13: after that line insert:

9           “**SECTION 1328m.** 30.92 (3) (b) 7. of the statutes is amended to read:

10          30.92 (3) (b) 7. Location of the proposed project within the region identified in  
11 s. ~~25.29 (7) (a)~~ 25.28 (3) (am).”.

12          **817.** Page 512, line 3: after that line insert:

13          “**SECTION 1345b.** 31.385 (5) of the statutes is created to read:

14          31.385 (5) Notwithstanding the limitations under sub. (2) (a) and the funding  
15 allocation requirements under sub. (2) (ag) and (ar), the department shall provide  
16 financial assistance to the village of Cazenovia in the amount necessary for a dam  
17 safety project to repair a dam that is located in the portion of the village that is in  
18 Richland County. The amount of the financial assistance may not exceed \$250,000.  
19 The village need not contribute to the repair costs, and sub. (2) (c) does not apply to  
20 this dam safety project. The repair of this dam need not be included as a dam safety  
21 project under the inventory maintained by the department under sub. (4) for the  
22 village to receive financial assistance under this section.”.

23          **818.** Page 512, line 3: after that line insert:

24          “**SECTION 1344g.** 31.309 (1) (ag) of the statutes is created to read:

1           31.309 (1) (ag) The department shall provide a grant of \$350,000 in fiscal year  
2           2001–2002 and a grant of \$350,000 in fiscal year 2002–2003 from the appropriation  
3           under s. 20.370 (5) (cq) to the city of Portage for the renovation and repair of the  
4           Portage canal.”.

5           **819.** Page 512, line 6: after that line insert:

6           “**SECTION 1346j.** 34.05 (4) of the statutes is amended to read:

7           34.05 (4) Money from the appropriation under s. 20.143 (1) (fm) shall be  
8           deposited in a public depository located in this state that is ~~at least 51% owned by~~  
9           ~~a minority group member or minority group members, as defined in s. 560.036 (1) (f)~~  
10          a minority business certified by the department of commerce under s. 560.036 (2).”.

11          **820.** Page 512, line 6: after that line insert:

12          “**SECTION 1345cm.** 31.387 of the statutes is created to read:

13          **31.387 Dam rehabilitation projects.** The department shall establish and  
14          administer a grant program under which the department shall provide grants to  
15          counties to rehabilitate dams located in those counties. The department may only  
16          provide a grant for a project under this section to match federal funds provided for  
17          the project under the federal Watershed Protection and Flood Prevention Act of 1953  
18          (Public Law 83–566). The department shall promulgate rules necessary to  
19          implement this section.”.

20          **821.** Page 512, line 6: after that line insert:

21          “**SECTION 1346g.** 32.02 (15m) of the statutes is created to read:

22          32.02 (15m) The department of forestry with the approval of the appropriate  
23          standing committees of each house of the legislature as determined by the presiding  
24          officer thereof and as authorized by law, for acquisition of lands.

1           **SECTION 1346r.** 32.035 (3) of the statutes is amended to read:

2           32.035 (3) PROCEDURE. The condemnor shall notify the department of any  
3 project involving the actual or potential exercise of the powers of eminent domain  
4 affecting a farm operation. If the condemnor is the department of natural resources  
5 or the department of forestry, the notice required by this subsection shall be given  
6 at the time that permission of the ~~senate and assembly~~ appropriate standing  
7 committees on natural resources is sought under s. 23.09 (2) (d) ~~or~~, 27.01 (2) (a), or  
8 28.02 (2). To prepare an agricultural impact statement under this section, the  
9 department may require the condemnor to compile and submit information about an  
10 affected farm operation. The department shall charge the condemnor a fee  
11 approximating the actual costs of preparing the statement. The department may not  
12 publish the statement if the fee is not paid.”.

13           **822.** Page 514, line 6: after that line insert:

14           “**SECTION 1349u.** 36.11 (27) of the statutes is created to read:

15           36.11 (27) CONDITION ON FINANCIAL ASSISTANCE. The board may not provide any  
16 state financial assistance under this chapter to any person during the period that the  
17 person is required to register with the selective service system under 50 USC,  
18 Appendix, sections 451 to 473 if the person has not so registered.”.

19           **823.** Page 515, line 23: after that line insert:

20           “**SECTION 1351x.** 36.11 (47m) of the statutes is created to read:

21           36.11 (47m) TRANSFER OF CREDIT. (a) The board shall ensure that all  
22 institutions and college campuses accept credits transferred from the technical  
23 college system and from within the system for general education courses and for  
24 courses included in the plan required by 1999 Wisconsin Act 9, section 9154 (4g).



1 (b) Notwithstanding par. (a), the board may, on a case-by-case basis, request  
2 that the standing committees on higher education in the senate and assembly block  
3 the transfer of credits. A majority vote of each committee is required to block the  
4 transfer.”.

5 **824.** Page 515, line 23: after that line insert:

6 “SECTION 1351u. 36.11 (54) of the statutes is created to read:

7 36.11 (54) WILDLIFE BIOLOGIST. The board shall ensure that the job description  
8 for the wildlife biologist at the University of Wisconsin–Stevens Point requires the  
9 person in that position to devote a significant portion of time to bear hunting research  
10 and data collection.”.

11 **825.** Page 515, line 23: after that line insert:

12 “SECTION 1351y. 36.11 (50) of the statutes is created to read:

13 36.11 (50) NOTICE REGARDING SEX OFFENDERS. If the board of regents receives  
14 information under s. 301.46 (2s) regarding a sex offender whom it employs or who  
15 attends an institution within the University of Wisconsin System, the board of  
16 regents shall provide the information that it receives, upon request, to any of the  
17 following:

18 (a) A student attending an institution at which the sex offender works, if the  
19 sex offender is an employee.

20 (b) A student attending the institution that the sex offender attends, if the sex  
21 offender is a student.

22 (c) A parent, guardian, or legal custodian of a person entitled to receive the  
23 information under par. (a) or (b).”.

24 **826.** Page 515, line 23: after that line insert:

1           “**SECTION 1351zb.** 36.11 (49) of the statutes is created to read:

2           36.11 **(49)** SPECIAL EDUCATION STUDY. The board shall direct the University of  
3           Wisconsin–Madison School of Education and the Department of Neurology of the  
4           University of Wisconsin–Madison Medical School to study methods of identifying  
5           special education pupils with dyslexia and irlen syndrome and methods of  
6           remediation.”.

7           **827.** Page 515, line 23: after that line insert:

8           “**SECTION 1351za.** 36.11 (48m) of the statutes is created to read:

9           36.11 **(48m)** DOMESTIC ABUSE TRAINING. The board shall ensure that training  
10          for medical students and nursing students in dealing with the emotional and  
11          psychological impact of domestic abuse on victims is increased.”.

12          **828.** Page 515, line 23: after that line insert:

13          “**SECTION 1351wc.** 36.11 (46) of the statutes is created to read:

14          36.11 **(46)** FOND DU LAC AVENUE CORRIDOR STUDY. The board shall ensure that  
15          the Center for Economic Development at the University of Wisconsin–Milwaukee  
16          completes an economic development study of the Fond du Lac Avenue corridor from  
17          North Avenue to Capitol Drive in Milwaukee.”.

18          **829.** Page 515, line 24: delete that line.

19          **830.** Page 516, line 1: delete lines 1 to 25.

20          **831.** Page 517, line 1: delete lines 1 to 8.

21          **832.** Page 517, line 10: delete the material beginning with that line and  
22          ending with page 518, line 12, and substitute:

1           “36.25 (17) GRAZING EDUCATION GRANT PROGRAM. The board shall administer a  
2 grazing education grant program through the extension to make grants for  
3 educational and technical assistance concerning management intensive grazing.

4           **SECTION 1358m.** 36.25 (46) of the statutes is created to read:

5           36.25 (46) WATERSHED MANAGEMENT CENTER. The board shall establish in the  
6 college of natural resources at the University of Wisconsin–Stevens Point a center  
7 to conduct studies and research relating to watershed management.”.

8           **833.** Page 518, line 12: after that line insert:

9           “**SECTION 1356L.** 36.25 (20) of the statutes is repealed.”.

10          **834.** Page 519, line 3: delete “3” and substitute “4”.

11          **835.** Page 519, line 5: after that line insert:

12          “**SECTION 1360m.** 36.27 (2) (cr) of the statutes is created to read:

13           36.27 (2) (cr) A person who is a citizen of a country other than the United States  
14 is entitled to the exemption under par. (a) if that person meets all of the following  
15 requirements:

16           1. The person graduated from a high school in this state or received a high  
17 school graduation equivalency from this state.

18           2. The person resided in this state for at least 3 years after graduation from  
19 high school or after having received a high school graduation equivalency from this  
20 state.

21           3. The person enrolls in an institution and provides that institution with an  
22 affidavit stating that the person will file an application for a permanent resident visa  
23 with the Immigration and Naturalization Service as soon as the person is eligible to  
24 do so.”.

1           **836.** Page 519, line 13: delete lines 13 to 20.

2           **837.** Page 520, line 9: after that line insert:

3           “**SECTION 1370m.** 38.12 (12) of the statutes is created to read:

4           38.12 **(12)** TRANSFER OF CREDIT. Each district board shall accept credits  
5 transferred from another district or from an institution or college campus within the  
6 University of Wisconsin System for general education courses and for courses  
7 included in the plan required by 1999 Wisconsin Act 9, section 9154 (4g).”.

8           **838.** Page 520, line 9: after that line insert:

9           “**SECTION 1370m.** 38.12 (14) of the statutes is created to read:

10           38.12 **(14)** DOMESTIC ABUSE. The district board shall ensure that training for  
11 nursing students in dealing with the emotional and psychological impact of domestic  
12 abuse on victims is increased.”.

13           **839.** Page 520, line 10: delete lines 10 to 17.

14           **840.** Page 521, line 11: after that line insert:

15           “**SECTION 1372g.** 38.15 (3) (c) 3. of the statutes is amended to read:

16           38.15 **(3)** (c) 3. The capital expenditure is made before ~~January 1, 2002~~ July 1,  
17 2003.”.

18           **841.** Page 521, line 11: after that line insert:

19           “**SECTION 1372e.** 38.18 of the statutes is amended to read:

20           **38.18 Contracts and bidding.** All contracts made by a district board for  
21 public construction in a district shall be let by the district board to the lowest  
22 responsible bidder, and may be awarded to a minority business that is certified by  
23 the department of commerce under s. 560.036 (2), in accordance with s. 62.15 (1) to  
24 (11) and (14). For purposes of this section, the district board shall possess the powers

1 conferred by s. 62.15 on the board of public works and the common council. All  
2 contracts made under this section shall be made in the name of the district and shall  
3 be executed by the district board chairperson and district board secretary.”.

4 **842.** Page 521, line 11: after that line insert:

5 “SECTION 1374m. 38.27 (2m) (f) of the statutes is created to read:

6 38.27 (2m) (f) Beginning in the 2001–02 school year, at least \$750,000 annually  
7 is awarded under this section to districts with limited fiscal capacity, as defined by  
8 the board by rule.”.

9 **843.** Page 521, line 21: after that line insert:

10 “SECTION 1375d. 38.28 (2) (b) 2. of the statutes is amended to read:

11 38.28 (2) (b) 2. The most current equalized values certified by the department  
12 of revenue shall be used in aid determinations. Equalized values shall include the  
13 full value of ~~computers~~ property that are is exempt under s. 70.11 (39) and (39m) as  
14 determined under s. 79.095 (3).”.

15 **844.** Page 522, line 2: after that line insert:

16 “SECTION 1375r. 38.37 of the statutes is created to read:

17 **38.37 Crime prevention resource center.** The Fox Valley Technical College  
18 shall permit the Wisconsin Crime Prevention Practitioners Association or a person  
19 designated by the association to establish at the college a crime prevention resource  
20 center and shall operate the center in cooperation with the association or the person  
21 designated by the association.”.

22 **845.** Page 522, line 2: after that line insert:

23 “SECTION 1375p. 38.305 (2) of the statutes is repealed.”.

24 **846.** Page 522, line 3: delete lines 3 to 19.

1           **847.** Page 522, line 20: delete lines 20 to 24.

2           **848.** Page 522, line 24: after that line insert:

3           “**SECTION 1380g.** 39.28 (6) of the statutes is created to read:

4           39.28 **(6)** The board may not provide any state financial assistance under this  
5 subchapter to any person during the period that the person is required to register  
6 with the selective service system under 50 USC, Appendix, sections 451 to 473 if the  
7 person has not so registered.”.

8           **849.** Page 522, line 24: after that line insert:

9           “**SECTION 1379t.** 39.17 of the statutes is created to read:

10           **39.17 Medical College of Wisconsin; domestic abuse training.** The  
11 Medical College of Wisconsin, Inc., shall increase training of medical students in  
12 dealing with the emotional and psychological impact of domestic abuse on victims.”.

13           **850.** Page 523, line 9: after that line insert:

14           “**SECTION 1380t.** 39.393 of the statutes is created to read:

15           **39.393 Nursing student loan program. (1)** The board shall establish a loan  
16 program to defray the cost of tuition, fees, and expenses for persons enrolled in any  
17 of the following:

18           (a) A program in this state that confers an associate degree in nursing.

19           (b) A program in this state that confers a bachelor’s degree in nursing.

20           (c) A program in this state that confers a 2nd degree that will make the person  
21 eligible to sit for examination under s. 441.04 or 441.10.

22           (d) A program in this state that confers a diploma in nursing.

23           **(2)** Beginning in the 2002–03 fiscal year, the board shall make loans under this  
24 section from the appropriation under s. 20.235 (1) (cm). The maximum amount of

1 loan for a person during any fiscal year is \$3,000. The maximum that a person may  
2 receive under this section is \$15,000. The board shall ensure that the terms of the  
3 loan do not require a loan recipient to repay the loan while the recipient is enrolled  
4 in a program under sub. (1).

5 (3) After the recipient of a loan under sub. (1) has completed the program  
6 described in sub. (1), the board shall forgive 25% of the loan's principal and interest  
7 after the first full year and 25% of the loan's principal and interest after the 2nd full  
8 year that the recipient has been employed full time in this state as a nurse. The board  
9 may forgive loans on a prorated basis for persons who are employed less than full  
10 time.

11 (4) The board shall promulgate rules to implement and administer this  
12 section.”.

13 **851.** Page 523, line 10: delete lines 10 and 11.

14 **852.** Page 523, line 11: after that line insert:

15 “SECTION 1381g. 39.41 (1) (bm) of the statutes is amended to read:

16 39.41 (1) (bm) “Senior” means a pupil enrolled in the 12th grade in a public or  
17 private high school, the school operated by the Wisconsin School Educational  
18 Services Program for the Deaf and Hard of Hearing or the school operated by the  
19 Wisconsin Center for the Blind and Visually Impaired.”.

20 **853.** Page 523, line 17: after that line insert:

21 “SECTION 1381p. 39.41 (1m) (c) 2. of the statutes is amended to read:

22 39.41 (1m) (c) 2. For the school operated by the Wisconsin School Educational  
23 Services Program for the Deaf and Hard of Hearing, designate the senior with the  
24 highest grade point average in all subjects as a scholar.

1           **SECTION 1381r.** 39.41 (1m) (fm) of the statutes is amended to read:

2           39.41 **(1m)** (fm) If 2 or more seniors from the school operated by the Wisconsin  
3 School Educational Services Program for the Deaf and Hard of Hearing have the  
4 same grade point average and, except for the limitation of one designated senior, are  
5 otherwise eligible for designation under par. (c) 2., the executive secretary shall  
6 make the designation under par. (c) 2. of the senior who may be eligible for a higher  
7 education scholarship as a scholar and, if that senior does not qualify for a higher  
8 education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the  
9 remaining seniors with the same grade point average as eligible for a higher  
10 education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship  
11 may be awarded by the board.”.

12           **854.** Page 523, line 18: delete lines 18 to 22.

13           **855.** Page 523, line 22: after that line insert:

14           “**SECTION 1382r.** 39.44 (1) (b) of the statutes is amended to read:

15           39.44 **(1)** (b) There is established, to be administered by the board, the minority  
16 undergraduate retention grant program for minority undergraduates students  
17 enrolled as freshmen, sophomores, juniors, or seniors in private, nonprofit higher  
18 educational institutions in this state or in technical colleges in this state.”.

19           **856.** Page 524, line 3: after that line insert:

20           “**SECTION 1384m.** 39.75 (7) (d) of the statutes is amended to read:

21           39.75 **(7)** (d) The commission shall keep accurate accounts of all receipts and  
22 disbursements. The receipts and disbursements of the commission shall be subject  
23 to the audit and accounting procedures established by its bylaws. However, all  
24 receipts and disbursements of funds handled by the commission shall be audited



1 yearly by a qualified certified public accountant licensed or certified under ch. 442,  
2 and the report of the audit shall be included in and become part of the annual reports  
3 of the commission.”.

4 **857.** Page 524, line 16: after that line insert:

5 “**SECTION 1385m.** 39.80 (5) (c) of the statutes is amended to read:

6 39.80 (5) (c) The commission shall keep accurate accounts of all receipts and  
7 disbursements. The receipts and disbursements of the commission shall be subject  
8 to the audit and accounting procedures established under its bylaws. However, all  
9 receipts and disbursements of funds handled by the commission shall be audited  
10 yearly by a certified ~~or licensed~~ public accountant licensed or certified under ch. 442  
11 and the report of the audit shall be included in and become part of the annual report  
12 of the commission.”.

13 **858.** Page 524, line 17: delete the material beginning with that line and  
14 ending with page 532, line 13.

15 **859.** Page 532, line 13: after that line insert:

16 “**SECTION 1387e.** 40.02 (17) (n) of the statutes is created to read:

17 40.02 (17) (n) Notwithstanding par. (d), each participant who is a state forest  
18 ranger on or after the effective date of this paragraph .... [revisor inserts date], shall  
19 be granted creditable service as a protective occupation participant for all covered  
20 service as a state forest ranger that was earned on or after the effective date of this  
21 paragraph .... [revisor inserts date], but may not be granted creditable service as a  
22 protective occupation participant for any covered service as a state forest ranger that  
23 was earned before the effective date of this paragraph .... [revisor inserts date],

1 unless that service was earned while the participant was classified under sub. (48)  
2 (a) and s. 40.06 (1) (d) as a protective occupation participant.”.

3 **860.** Page 533, line 2: after that line insert:

4 “**SECTION 1389t.** 40.02 (54) (a) of the statutes is repealed.”.

5 **861.** Page 533, line 2: after that line insert:

6 “**SECTION 1389r.** 40.02 (48) (c) of the statutes is amended to read:

7 40.02 **(48)** (c) In s. 40.65, “protective occupation participant” means a  
8 participating employee who is a police officer, fire fighter, an individual determined  
9 by a participating employer under par. (a) or (bm) to be a protective occupation  
10 participant, county undersheriff, deputy sheriff, state probation and parole officer,  
11 county traffic police officer, conservation warden, state forest ranger, field  
12 conservation employee of the department of natural resources or the department of  
13 forestry who is subject to call for forest fire control or warden duty, member of the  
14 state traffic patrol, state motor vehicle inspector, University of Wisconsin System  
15 full-time police officer, guard or any other employee whose principal duties are  
16 supervision and discipline of inmates at a state penal institution, excise tax  
17 investigator employed by the department of revenue, person employed under s. 61.66  
18 (1), or special criminal investigation agent employed by the department of justice.”.

19 **862.** Page 533, line 4: after that line insert:

20 “**SECTION 1391h.** 40.03 (2) (it) of the statutes is created to read:

21 40.03 **(2)** (it) Shall promulgate, with the approval of the private employer  
22 health care coverage board, all rules required for the administration of the private  
23 employer health care coverage program established under subch. X.”.

24 **863.** Page 534, line 23: after that line insert:

1           **“SECTION 1398mn.** 40.21 (3m) of the statutes is created to read:

2           40.21 **(3m)** A city–county health department that is established under s.  
3           251.02 (1m), that is subject to s. 251.02 (1r), and that is not otherwise a participating  
4           employer, is a participating employer with respect to its employees who are included  
5           in a collective bargaining unit for which a representative is recognized or certified  
6           under subch. IV of ch. 111 and is not required to adopt a resolution electing to  
7           participate in the Wisconsin retirement system or provide notice of such election to  
8           the department under sub. (1).”.

9           **864.** Page 534, line 23: after that line insert:

10          **“SECTION 1398r.** 40.51 (12) of the statutes is amended to read:

11          40.51 **(12)** Every ~~managed-care~~ defined network plan, as defined in s. 609.01  
12          ~~(3e)~~ (1b), and every limited service health organization, as defined in s. 609.01 (3),  
13          that is offered by the state under sub. (6) shall comply with ch. 609.

14          **SECTION 1398s.** 40.51 (13) of the statutes is amended to read:

15          40.51 **(13)** Every ~~managed-care~~ defined network plan, as defined in s. 609.01  
16          ~~(3e)~~ (1b), and every limited service health organization, as defined in s. 609.01 (3),  
17          that is offered by the group insurance board under sub. (7) shall comply with ch.  
18          609.”.

19          **865.** Page 534, line 23: after that line insert:

20          **“SECTION 1398s.** 40.05 (4) (b) of the statutes is amended to read:

21          40.05 **(4)** (b) Except as provided under pars. (bc) and (bp), accumulated unused  
22          sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10<sub>1</sub> and 757.02 (5) and subch.  
23          I or V of ch. 111 of any eligible employee shall, at the time of death, upon qualifying  
24          for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon

1 termination of creditable service and qualifying as an eligible employee under s.  
2 40.02 (25) (b) 6. or 10., be converted, at the employee's current basic pay rate, to  
3 credits for payment of health insurance premiums on behalf of the employee or the  
4 employee's surviving insured dependents. Any supplemental compensation that is  
5 paid to a state employee who is classified under the state classified civil service as  
6 a teacher, teacher supervisor, or education director for the employee's completion of  
7 educational courses that have been approved by the employee's employer is  
8 considered as part of the employee's basic pay for purposes of this paragraph. The  
9 full premium for any eligible employee who is insured at the time of retirement, or  
10 for the surviving insured dependents of an eligible employee who is deceased, shall  
11 be deducted from the credits until the credits are exhausted and paid from the  
12 account under s. 40.04 (10), and then deducted from annuity payments, if the  
13 annuity is sufficient. The department shall provide for the direct payment of  
14 premiums by the insured to the insurer if the premium to be withheld exceeds the  
15 annuity payment. ~~Except as provided in par. (bd),~~ upon Upon conversion of an  
16 employee's unused sick leave to credits under this paragraph or par. (bf), the  
17 employee or, if the employee is deceased, the employee's surviving insured  
18 dependents may initiate deductions from those credits or may elect to delay  
19 initiation of deductions from those credits ~~for any period of time, but only~~ if the  
20 employee or surviving insured dependents are covered by a comparable health  
21 insurance plan or policy during the period beginning on the date of the conversion  
22 and ending on the ~~last day of the 2nd month after the date on which the employee~~  
23 or surviving insured dependents later elect to initiate deductions from those credits.  
24 If an employee or an employee's surviving insured dependents elect to delay  
25 initiation of deductions from those credits, an employee or the employee's surviving

1 insured dependents may only later elect to initiate deductions from those credits  
2 during the annual enrollment period under par. (be). A health insurance plan or  
3 policy is considered comparable if it provides hospital and medical benefits that are  
4 substantially equivalent to the standard health insurance plan established under s.  
5 40.52 (1).

6 **SECTION 1398t.** 40.05 (4) (bd) of the statutes is repealed.

7 **SECTION 1398u.** 40.05 (4) (be) of the statutes is repealed and recreated to read:

8 40.05 (4) (be) The department shall establish an annual enrollment period  
9 during which an employee or, if the employee is deceased, an employee's surviving  
10 insured dependents may elect to initiate or delay continuation of deductions from the  
11 employee's sick leave credits under par. (b). An employee or surviving insured  
12 dependent may elect to continue or delay continuation of such deductions any  
13 number of times. If an employee or surviving insured dependent has initiated the  
14 deductions but later elects to delay continuation of the deductions, the employee or  
15 surviving insured dependent must be covered by a comparable health insurance plan  
16 or policy during the period beginning on the date on which the employee or surviving  
17 insured dependent delays continuation of the deductions and ending on the date on  
18 which the employee or surviving insured dependent later elects to continue the  
19 deductions. A health insurance plan or policy is considered comparable if it provides  
20 hospital and medical benefits that are substantially equivalent to the standard  
21 health insurance plan established under s. 40.52 (1).".

22 **866.** Page 534, line 23: after that line insert:

23 **"SECTION 1398r.** 40.65 (4w) of the statutes is created to read:

1           40.65 (4w) A state forest ranger who becomes a protective occupation  
2 participant on or after the effective date of this subsection .... [revisor inserts date],  
3 is not entitled to a duty disability benefit under this section for an injury or disease  
4 occurring before the effective date of this subsection .... [revisor inserts date].”.

5           **867.** Page 535, line 6: after that line insert:

6           “**SECTION 1400m.** 41.11 (7) of the statutes is created to read:

7           41.11 (7) WILD RIVERS INTERPRETIVE CENTER GRANTS. From the appropriation  
8 under s. 20.380 (1) (kg), the department shall make a grant of \$20,000 in each fiscal  
9 year to the Florence County forestry and park department for distribution of state  
10 tourism materials at the Wild Rivers Interpretive Center.”.

11           **868.** Page 535, line 6: after that line insert:

12           “**SECTION 1400m.** 41.11 (4) of the statutes is amended to read:

13           41.11 (4) ADVERTISING. The department shall plan and conduct a program of  
14 advertising and promotion designed to attract interested persons to this state and  
15 to stimulate the enjoyment of its recreational opportunities by residents and  
16 nonresidents alike. Any contracts engaging a private agency to conduct an  
17 advertising or promotion program under this subsection shall reserve to the  
18 department the right to terminate the contract if the service is unsatisfactory to the  
19 department. The department shall encourage and coordinate the efforts of public  
20 and private organizations to publicize the facilities and attractions of the state for  
21 the purpose of stimulating their enjoyment by residents and tourists. The  
22 department shall advertise historic sites and state parks with funding from the same  
23 appropriation account or accounts.”.

24           **869.** Page 535, line 6: after that line insert:

1           **SECTION 1400b.** 40.98 (1) (bm) of the statutes is created to read:  
2           40.98 (1) (bm) “Eligible employee” has the meaning given in s. 632.745 (5) (a).  
3           **SECTION 1400c.** 40.98 (1) (d) of the statutes is amended to read:  
4           40.98 (1) (d) “Employer” means any person doing business or operating an  
5 organization in this state and employing at least 2 eligible employees, except that for  
6 a person operating a farm business the person must employ at least one eligible  
7 employee. “Employer” does not include an employer as defined in s. 40.02 (28).  
8           **SECTION 1400d.** 40.98 (2) (a) 3. of the statutes is amended to read:  
9           40.98 (2) (a) 3. ~~The administrator selected under subd. 2., or the department~~  
10 ~~if no administrator has been selected under subd. 2.,~~ shall enter into contracts with  
11 insurers who are to provide health care coverage under the health care coverage  
12 program.  
13           **SECTION 1400e.** 40.98 (2) (a) 4. of the statutes is amended to read:  
14           40.98 (2) (a) 4. The department or the administrator selected under subd. 2.  
15 shall solicit and accept bids and shall enter into a contract for marketing the health  
16 care coverage program.  
17           **SECTION 1400em.** 40.98 (2) (a) 5. of the statutes is amended to read:  
18           40.98 (2) (a) 5. The department or the administrator selected under subd. 2.  
19 shall maintain a toll-free telephone number to provide information on the health  
20 care coverage program.  
21           **SECTION 1400f.** 40.98 (2) (d) of the statutes is amended to read:  
22           40.98 (2) (d) All insurance rates for health care coverage under the program  
23 shall be ~~published annually in a single publication that is~~ made available to  
24 employers and employees in a manner determined by the board. Rates that apply  
25 to coverage for small employers, as defined in s. 635.02 (7), shall be published at least

1 annually, as required in s. 635.12. The rates may be listed by county or by any other  
2 regional factor that the board considers appropriate. Annually, the board shall  
3 submit a report to the appropriate standing committees under s. 13.172 (3)  
4 specifying the average insurance rate for health care coverage under the program by  
5 county or by any other regional factor the board considers appropriate.

6 **SECTION 1400g.** 40.98 (3) (a) of the statutes is amended to read:

7 40.98 (3) (a) Offer health care coverage under one or more plans to all of its  
8 permanent eligible employees ~~who have a normal work week of 30 or more hours and,~~  
9 if permitted by any plan offered by an insurer under the health care coverage  
10 program, may offer health care coverage under ~~one or more plans~~ such a plan to any  
11 of its other employees.

12 **SECTION 1400h.** 40.98 (3) (b) of the statutes is amended to read:

13 40.98 (3) (b) Provide health care coverage under one or more plans to at least  
14 50% of its permanent eligible employees ~~who have a normal work week of 30 or more~~  
15 ~~hours and~~ who do not otherwise receive health care coverage as a dependent under  
16 any other plan that is not offered by the employer or a percentage of such employees  
17 specified by the board, whichever percentage is greater.

18 **SECTION 1400i.** 40.98 (3) (c) of the statutes is amended to read:

19 40.98 (3) (c) Pay for each eligible employee at least 50% ~~but not more than 100%~~  
20 ~~of the lowest premium rate that would be~~ of the lowest premium rate for single  
21 coverage that is available to the employer for that employee's coverage under the  
22 health care coverage program.

23 **SECTION 1400j.** 40.98 (5) of the statutes is renumbered 40.98 (5) (am).

24 **SECTION 1400k.** 40.98 (5) (bm) of the statutes is created to read:



1           40.98 (5) (bm) Notwithstanding par. (am), the department, in consultation  
2           with the board, may limit the requirement under par. (am) to compliance with s.  
3           635.19.

4           **SECTION 1400L.** 40.98 (6) (b) of the statutes is amended to read:

5           40.98 (6) (b) An insurance agent may not sell any health care coverage under  
6           the health care coverage program on behalf of an insurer unless he or she is employed  
7           by the insurer or has a contract with the insurer to sell the health care coverage on  
8           behalf of listed by the insurer under s. 628.11.

9           **SECTION 1400m.** 40.98 (6) (d) of the statutes is repealed and recreated to read:

10          40.98 (6) (d) The board may establish training requirements that an insurance  
11          agent must satisfy, in addition to any requirements under s. 628.04 (3), to sell health  
12          care coverage under the health care coverage program.

13          **SECTION 1400n.** 40.98 (6m) of the statutes is created to read:

14          40.98 (6m) The secretary of administration shall lapse from the appropriation  
15          under s. 20.515 (2) (g) to the general fund the amounts necessary to repay the loan  
16          from the state life insurance fund under s. 607.25 when the secretary of  
17          administration, after consulting with the board, determines that funds in the  
18          appropriation under s. 20.515 (2) (g) are sufficient to make the lapse. The amounts  
19          that are required to be lapsed under s. 20.515 (2) (g) shall equal the amount necessary  
20          to repay the loan, less any amount that is lapsed to the general fund under s. 20.515  
21          (2) (a) at the end of the 2001–03 fiscal biennium. The secretary of administration  
22          may lapse the amounts under s. 20.515 (2) (g) in installments.”.

23          **870.** Page 535, line 12: delete that line and substitute:

24          “**SECTION 1401.** 41.19 (1) (b) of the statutes is created to read:

1           41.19 (1) (b) “Nonprofit organization” has the meaning given in s. 108.02 (19).

2           **SECTION 1402.** 41.19 (2m) (c) (intro.) of the statutes is amended to read:

3           41.19 (2m) (c) (intro.) Subject to par. (d), from the ~~appropriation~~ appropriations  
4 under s. 20.380 (1) (bm) and (kg), the department shall, in the fiscal biennium in  
5 which an area is selected under par. (a), award a grant to the applicant on behalf of  
6 an the area of the state selected under par. (a) if all of the following apply:

7           **SECTION 1403.** 41.19 (2m) (d) of the statutes is amended to read:

8           41.19 (2m) (d) The department may not, under par. (c), award to an applicant  
9 on behalf of an area selected under par. (a) more than one grant per fiscal year ~~to an~~  
10 ~~applicant on behalf of an area under par. (c) and may not~~ or award grants to the  
11 applicant for more than 2 fiscal years. Grants awarded to an applicant under par.  
12 (c) may not exceed \$25,000 in the first fiscal year, or \$15,000 in the 2nd fiscal year,  
13 in which the applicant receives a grant under par. (c).

14           **SECTION 1404.** 41.19 (2r) of the statutes is created to read:

15           41.19 (2r) From the appropriations under s. 20.380 (1) (bm) and (kg), the  
16 department may award to a nonprofit organization that is located in an area of the  
17 state that was selected under sub. (2m) (a) grants of up to \$5,000 in any fiscal year  
18 after the fiscal biennium in which the area was selected under sub. (2m) (a). Grant  
19 proceeds must be used to promote historic and prehistoric attractions in the area,  
20 and may be used for such purposes as interpretive or directional signs, website  
21 development, advertising, and public relations. The department may award grants  
22 under this subsection to a nonprofit organization that received grants under sub.  
23 (2m) (c) as an applicant on behalf of an area of the state selected under sub. (2m) (a).”.

24           **871.** Page 536, line 14: after that line insert:

1           **“SECTION 1405g.** 42.09 (2) (b) of the statutes is amended to read:

2           42.09 **(2)** (b) The state fair park board shall allow the department of natural  
3 resources and the department of forestry access to and use of the buildings,  
4 appurtenances, fixtures, exhibits and other structures and facilities described in par.  
5 (a) so that the ~~department~~ departments may prepare, display and dismantle exhibits  
6 during events occurring at state fair park.”.

7           **872.** Page 536, line 19: after that line insert:

8           **“SECTION 1407m.** 43.17 (9) (b) of the statutes is amended to read:

9           43.17 **(9)** (b) A public library system board of a multicounty library system may  
10 borrow money to accomplish any of its purposes, but the outstanding amount of such  
11 loans at any time may not exceed an amount equal to the system board’s receipts for  
12 the prior fiscal year. A federated public library system whose territory lies within  
13 2 or more counties may obtain a state trust fund loan to accomplish any of its  
14 purposes, but the outstanding amount of a federated public library system’s state  
15 trust fund loans, together with all other indebtedness of the system, may not exceed  
16 an amount equal to the system’s receipts for the prior fiscal year.”.

17           **873.** Page 536, line 19: after that line insert:

18           **“SECTION 1406w.** 43.17 (9) (a) of the statutes is amended to read:

19           43.17 **(9)** (a) All contracts for public construction made by a federated public  
20 library system whose territory lies within 2 or more counties or by a federated public  
21 library system whose territory lies within a single county with a population of at least  
22 500,000 shall be let by the public library system board to the lowest responsible  
23 bidder, and may be awarded to a minority business that is certified by the  
24 department of commerce under s. 560.036 (2), in accordance with s. 62.15 (1) to (11)

1 and (14). For purposes of this section, the system board possesses the powers  
2 conferred by s. 62.15 on the board of public works and the common council. All  
3 contracts made under this section shall be made in the name of the federated public  
4 library system and shall be executed by the system board president and such other  
5 board officer as the system board designates.”.

6 **874.** Page 538, line 5: after that line insert:

7 “SECTION 1414g. 44.57 (1) (c) of the statutes is amended to read:

8 44.57 (1) (c) Game farms, fish hatcheries, nurseries, and other production  
9 facilities operated by the department of natural resources or the department of  
10 forestry.”.

11 **875.** Page 538, line 15: after “sponsor,” insert “museum.”.

12 **876.** Page 538, line 17: delete lines 17 to 18 and substitute “board, the  
13 Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin School  
14 Educational Services Program for the Deaf and Hard of Hearing.”.

15 **877.** Page 540, line 14: after “(f),” insert “(im), (jm), (js), and (mp).”.

16 **878.** Page 541, line 19: after that line insert:

17 “SECTION 1426m. 44.72 (3) of the statutes is created to read:

18 44.72 (3) COMPUTER TRAINING. Annually, the board shall pay to the Racine  
19 Unified School District the amount appropriated under s. 20.275 (1) (q) for training  
20 teachers and pupils in computers, including training in use of the Internet, Web  
21 design, computer animation, graphic design, and video skills.”.

22 **879.** Page 549, line 4: delete “5” and substitute “8”.

23 **880.** Page 549, line 5: after “providing” insert “direct”.

1           **881.** Page 551, line 20: after that line insert:

2           “**SECTION 1457m.** 45.353 (3) of the statutes is amended to read:

3           45.353 (3) Application by any such state veterans organization shall be filed  
4           annually with the department for the 12–month period commencing on April 1 and  
5           ending on March 31 of the year in which it is filed. An application shall contain a  
6           statement of salaries and travel expenses paid to employees engaged in veterans  
7           claims service maintained at the regional office by such state veterans organization  
8           covering the period for which application for a grant is made, which statement has  
9           been certified as correct by ~~an~~ a certified public accountant licensed or certified under  
10          ch. 442 and sworn to as correct by the adjutant or principal officer of the state  
11          veterans organization. The application shall also contain the state organization’s  
12          financial statement for its last completed fiscal year and such evidence of claims  
13          service activity as the department requires. Sufficient evidence shall be submitted  
14          with an initial application to establish that the state veterans organization, or its  
15          national organization, or both, has maintained a full–time service office at the  
16          regional office without interruption throughout 5 years out of the 10–year period  
17          immediately preceding such application. Subsequent applications must be  
18          accompanied by an affidavit by the adjutant or principal officer of such state veterans  
19          organization stating that a full–time service office was maintained at the regional  
20          office by such state veterans organization, or by such state organization and its  
21          national organization, for the entire 12–month period for which application for a  
22          grant is made.”.

23           **882.** Page 552, line 5: after that line insert:

24           “**SECTION 1461x.** 45.365 (1) (am) of the statutes is amended to read:

1           45.365 (1) (am) The department shall operate the home, and employ a  
2 commandant and the officers, nurses, attendants, and other personnel necessary for  
3 the proper conduct of the home. The department may employ a commandant for the  
4 southeastern facility. In compliance with the compensation plan established  
5 pursuant to s. 230.12 (3), ~~the~~ a commandant may recommend to the director of  
6 personnel charges for meals, living quarters, laundry, and other services furnished  
7 to employees and members of the employees' family maintained at the home and the  
8 southeastern facility. Complete personal maintenance and medical care to include  
9 programs and facilities that promote comfort, recreation, well-being, or  
10 rehabilitation shall be furnished to all members of the home under the policy of the  
11 department.

12           **SECTION 1461xf.** 45.365 (3) of the statutes is amended to read:

13           45.365 (3) The A commandant and employees designated by the commandant  
14 may summarily arrest all persons within or upon the grounds of the home or  
15 southeastern facility who are guilty of any offense against the laws of this state or  
16 the rules and regulations governing the home or southeastern facility. For this  
17 purpose ~~the,~~ a commandant and deputies have the power of constables.”.

18           **883.** Page 552, line 22: after that line insert:

19           **“SECTION 1464g.** 45.37 (10) (a) of the statutes is amended to read:

20           45.37 (10) (a) Except as otherwise provided in this subsection, the application  
21 and admission of any applicant admitted under this section shall constitute a valid  
22 and binding contract between such a member and the department. If a member dies  
23 leaving a relative that is entitled to an interest in the property of the member under  
24 the rules of intestate succession or a will the existence of which is made known to the

1 commandant of the home within 60 days of ~~such~~ the member's death, the member's  
2 property shall constitute a part of the member's estate, except that personal effects  
3 of nominal monetary value of ~~such~~ a deceased member who is not survived by a  
4 member spouse may be distributed by the commandant of the home or the  
5 southeastern facility to surviving relatives of ~~such~~ the member who request ~~such~~ the  
6 personal effects within a reasonable time after ~~such~~ the member's death.

7 **SECTION 1464i.** 45.37 (11) of the statutes is amended to read:

8 45.37 (11) DISPOSITION OF PROPERTY DESCENDING TO STATE. If a member dies  
9 without a relative that is entitled to an interest in the property of the member under  
10 the rules of intestate succession and without leaving a will the existence of which is  
11 made known to the commandant of the home or the southeastern facility, within 60  
12 days of the member's death, the member's property shall be converted to cash and  
13 turned over by the commandant of the home or the southeastern facility, to the state  
14 treasurer to be paid into the appropriation under s. 20.485 (1) (h), without  
15 administration. The amount is subject to refund within 6 years to the estate of a  
16 veteran if it is subsequently discovered that the veteran left a will or a relative that  
17 is entitled to an interest in the property of the member under the rules of intestate  
18 succession or to any creditor of the veteran who establishes right to the fund or  
19 property or any portion thereof. The department, upon being satisfied that a claim  
20 out of such funds or property is legal and valid, shall pay the same out of such funds  
21 or property, except that payment of claims for a member's funeral and burial  
22 expenses may not exceed a total of \$1,500 including any amount allowed by the  
23 United States for the member's funeral and burial and the right for burial and  
24 interment provided in sub. (15) (a).

25 **SECTION 1464L.** 45.37 (14) of the statutes is amended to read:

1           45.37 (14) POWERS OF COMMANDANT OVER PERSONAL FUNDS OF MEMBERS. ~~The A~~  
2           commandant of the home may receive, disburse, and account for funds of members  
3           of the home.”.

4           **884.** Page 554, line 21: after “are” insert “not”.

5           **885.** Page 554, line 23: delete the material beginning with “No” and ending  
6           with “\$1,000” on line 24 and substitute “The grants may be used to support  
7           multi-county cooperative transportation services”.

8           **886.** Page 555, line 1: delete lines 1 to 5.

9           **887.** Page 555, line 6: delete “(c)” and substitute “(b)”.

10          **888.** Page 555, line 8: delete “(d)” and substitute “(c)”.

11          **889.** Page 559, line 15: before that line insert:

12          “**SECTION 1483j.** 46.03 (44) of the statutes is created to read:

13          46.03 (44) PERFORMANCE EVALUATIONS FOR ALCOHOL AND OTHER DRUG ABUSE  
14          INTERVENTION AND TREATMENT SERVICES. Promote efficient use of resources for alcohol  
15          and other drug abuse intervention and treatment services by doing all of the  
16          following:

17               (a) Developing one or more methods to evaluate the effectiveness of, and  
18          developing performance standards for, alcohol and other drug abuse intervention  
19          and treatment services that are administered by the department.

20               (b) Adopting policies to ensure that, to the extent possible under state and  
21          federal law, funding for alcohol and other drug abuse intervention and treatment  
22          services that are administered by the department is distributed giving primary  
23          consideration to the effectiveness of the services in meeting department performance  
24          standards for alcohol and other drug abuse services.



1 (c) Requiring every application for funding from the department for alcohol and  
2 other drug abuse intervention or treatment services to include a plan for the  
3 evaluation of the effectiveness of the services in reducing alcohol and other drug  
4 abuse by recipients of services.

5 (d) Requiring every person receiving funding from the department for alcohol  
6 and other drug abuse intervention or treatment services to provide the department  
7 the results of the evaluation conducted under par. (c).”.

8 **890.** Page 559, line 14: delete that line and substitute:

9 “**SECTION 1483gb.** 46.03 (43) of the statutes is amended to read:

10 46.03 (43) COMPULSIVE GAMBLING AWARENESS CAMPAIGNS. Provide From the  
11 appropriation account under s. 20.435 (7) (kg), provide grants to one or more  
12 individuals or organizations in the private sector to conduct compulsive gambling  
13 awareness campaigns.”.

14 **891.** Page 562, line 15: after that line insert:

15 “**SECTION 1489m.** 46.041 (1) (a) of the statutes is amended to read:

16 46.041 (1) (a) Provide for the temporary residence and evaluation of children  
17 referred from courts assigned to exercise jurisdiction under chs. 48 and 938, the  
18 institutions and services under the jurisdiction of the department, University of  
19 Wisconsin Hospitals and Clinics Authority, county departments under s. 46.215,  
20 46.22 or 46.23, private child welfare agencies, the Wisconsin School Educational  
21 Services Program for the Deaf and Hard of Hearing, the Wisconsin Center for the  
22 Blind and Visually Impaired, and mental health facilities within the state at the  
23 discretion of the director of the institution providing services under this section.”.

24 **892.** Page 565, line 4: after that line insert:

1           “**SECTION 1502L.** 46.27 (3) (f) of the statutes is amended to read:

2           46.27 (3) (f) Beginning on January 1, 1996, from the annual allocation to the  
3 county for the provision of long-term community support services under subs. (7) (b)  
4 and (11), annually establish a maximum total amount that may be encumbered in  
5 a calendar year for services for eligible individuals in community-based residential  
6 facilities, unless the department waives the requirement under sub (2) (i) or  
7 approves a request for an exception under sub. (6r) (c).

8           **SECTION 1502n.** 46.27 (7) (cm) 1. (intro.) of the statutes is amended to read:

9           46.27 (7) (cm) 1. (intro.) ~~Except as provided sub. (7b), beginning~~ Beginning on  
10 January 1, 1996, no county, private nonprofit agency or aging unit may use funds  
11 received under par. (b) to provide services in any community-based residential  
12 facility that has more than 8 20 beds, unless one of the following applies:

13           **SECTION 1502p.** 46.27 (7) (cm) 1. c. of the statutes is amended to read:

14           46.27 (7) (cm) 1. c. The department approves the provision of services in a  
15 community-based residential facility that is initially licensed after July 29, 1995,  
16 that is licensed for more than 20 ~~or fewer~~ beds and that meets standards established  
17 under subd. 2.

18           **SECTION 1502r.** 46.27 (7b) of the statutes is repealed.”.

19           **893.** Page 565, line 20: after that line insert:

20           “**SECTION 1504r.** 46.27 (11) (c) 5p. of the statutes is repealed.”.

21           **894.** Page 565, line 21: delete lines 21 to 24 and substitute:

22           “**SECTION 1505b.** 46.27 (11) (c) 6. (intro.) and a. of the statutes are consolidated,  
23 renumbered 46.27 (11) (c) 6. a. and amended to read:

1           46.27 (11) (c) 6. a. No county, private nonprofit agency or aging unit may use  
2 funds received under this subsection to provide residential services in any  
3 ~~community-based residential facility, as defined in s. 50.01 (1g), or a~~ group home, as  
4 defined in s. 48.02 (7), that has more than ~~4~~ 5 beds, unless ~~one of the following~~  
5 ~~applies: a. The~~ the department approves the provision of services in a  
6 ~~community-based residential facility or~~ group home that has 5 6 to 8 beds.

7           **SECTION 1505d.** 46.27 (11) (c) 6. b. of the statutes is repealed and recreated to  
8 read:

9           46.27 (11) (c) 6. b. No county, private nonprofit agency, or aging unit may use  
10 funds received under this subsection to provide residential services in a  
11 community-based residential facility, as defined in s. 50.01 (1g), that has more than  
12 20 beds, unless the requirements of sub. (7) (cm) 1. a., b., or c. are met.”.

13           **895.** Page 566, line 14: after that line insert:

14           “**SECTION 1507s.** 46.277 (5) (d) 1m. (intro.) of the statutes is amended to read:

15           46.277 (5) (d) 1m. (intro.) No county may use funds received under this section  
16 to provide services to a person who does not live in his or her own home or apartment  
17 unless, subject to the limitations under subds. 2. ~~and~~ 3. ~~and~~ 4. and par. (e), one of  
18 the following applies:

19           **SECTION 1507t.** 46.277 (5) (d) 1n. (intro.) of the statutes is amended to read:

20           46.277 (5) (d) 1n. (intro.) A county may also use funds received under this  
21 section, subject to the limitations under subds. 2. ~~and~~ 3. ~~and~~ 4. and par. (e), to  
22 provide services to a person who does not live in his or her own home or apartment  
23 if the services are provided to the person in a community-based residential facility

1 and the county department or aging unit has determined that all of the following  
2 conditions have been met:

3 **SECTION 1507u.** 46.277 (5) (d) 2. (intro.) of the statutes is amended to read:

4 46.277 (5) (d) 2. (intro.) No county may use funds received under this section  
5 to provide residential services in any community-based residential facility, as  
6 defined in s. 50.01 (1g), ~~or group home, as defined in s. 48.02 (7), that has more than~~  
7 ~~4 beds,~~ unless one of the following applies.”.

8 **896.** Page 566, line 15: delete lines 15 to 18 and substitute:

9 “**SECTION 1508b.** 46.277 (5) (d) 2. a. of the statutes is repealed and recreated  
10 to read:

11 46.277 (5) (d) 2. a. The requirements of s. 46.27 (7) (cm) 1. a. or c. are met.

12 **SECTION 1508d.** 46.277 (5) (d) 4. of the statutes is created to read:

13 46.277 (5) (d) 4. No county may use funds received under this section to provide  
14 residential services in a group home, as defined in s. 48.02 (7), that has more than  
15 5 beds, unless the department approves the provision of services in a group home that  
16 has 6 to 8 beds.”.

17 **897.** Page 566, line 19: before that line insert:

18 “**SECTION 1508rg.** 46.278 (title) and (1) of the statutes are amended to read:

19 **46.278 (title) Community integration program and brain injury waiver**  
20 **program for persons with mental retardation developmental disabilities.**

21 **(1) LEGISLATIVE INTENT.** The intent of the ~~program~~ programs under this section  
22 is to provide home or community-based care to serve in a noninstitutional  
23 community setting a person who meets eligibility requirements under 42 USC 1396n  
24 (c) and who is diagnosed as developmentally disabled under the definition specified

1 in s. 51.01 (5) and relocated from an institution other than a state center for the  
2 developmentally disabled or who meets the intermediate care facility for the  
3 mentally retarded or a brain injury rehabilitation facility level of care requirements  
4 for medical assistance reimbursement in an intermediate care facility for the  
5 mentally retarded or brain injury rehabilitation facility and is ineligible for services  
6 under s. 46.275 or 46.277. The intent of the program is also that counties use all  
7 existing services for providing care under this section, including those services  
8 currently provided by counties.

9 **SECTION 1508rh.** 46.278 (1m) (a) of the statutes is created to read:

10 46.278 (1m) (a) “Brain injury rehabilitation facility” means a nursing facility  
11 or hospital designated as a facility for brain injury rehabilitation by the department  
12 under the approved state medicaid plan.

13 **SECTION 1508ri.** 46.278 (1m) (c) of the statutes is amended to read:

14 46.278 (1m) (c) “Program” means the community integration program or the  
15 brain injury waiver program, for facilities certified as medical assistance providers,  
16 for which a waiver has been received under sub. (3).

17 **SECTION 1508rj.** 46.278 (2) (a) of the statutes is amended to read:

18 46.278 (2) (a) The department may request a waiver one or more waivers from  
19 the secretary of the federal department of health and human services, under 42 USC  
20 1396n (c), authorizing the department to serve medical assistance recipients, who  
21 meet the level of care requirements for medical assistance reimbursement in an  
22 intermediate care facility for the mentally retarded or in a brain injury rehabilitation  
23 facility, in their communities by providing home or community-based services as  
24 part of medical assistance. If the department requests a waiver, it shall include all  
25 assurances required under 42 USC 1396n (c) (2) in its request.

1           **SECTION 1508rk.** 46.278 (3) (a) of the statutes is amended to read:

2           46.278 (3) (a) Evaluate the effect of the each program on medical assistance  
3 costs and on the program's ability to provide community care alternatives to  
4 institutional care in facilities certified as medical assistance providers.

5           **SECTION 1508rL.** 46.278 (4) (a) of the statutes is amended to read:

6           46.278 (4) (a) Sections 46.27 (3) (b) and 46.275 (3) (a) and (c) to (e) apply to  
7 county participation in ~~this~~ a program, except that services provided in the program  
8 shall substitute for care provided a person in an intermediate care facility for the  
9 mentally retarded or brain injury rehabilitation facility who meets the intermediate  
10 care facility for the mentally retarded or brain injury rehabilitation facility level of  
11 care requirements for medical assistance reimbursement to that facility rather than  
12 for care provided at a state center for the developmentally disabled.

13           **SECTION 1508rm.** 46.278 (4) (b) 2. of the statutes is amended to read:

14           46.278 (4) (b) 2. Each county department participating in ~~the~~ a program shall  
15 provide home or community-based care to persons eligible under this section, except  
16 that the number of persons who receive home or community-based care under this  
17 section may not exceed the number that are approved under ~~the~~ an applicable waiver  
18 received under sub. (3).

19           **SECTION 1508rn.** 46.278 (5) (a) and (b) of the statutes are amended to read:

20           46.278 (5) (a) Any medical assistance recipient who meets the level of care  
21 requirements for medical assistance reimbursement in an intermediate care facility  
22 for the mentally retarded or in a brain injury rehabilitation facility and is ineligible  
23 for service under s. 46.275 or 46.277 is eligible to participate in ~~the~~ a program, except  
24 that persons eligible for the brain injury waiver program must meet the definition  
25 of brain injury under s. 51.01 (2g), and except that the number of participants may

1 not exceed the number approved under the waiver received under sub. (3). Such a  
2 recipient may apply, or any person may apply on behalf of such a recipient, for  
3 participation in ~~the~~ a program. Section 46.275 (4) (b) applies to participation in ~~the~~  
4 a program.

5 (b) To the extent authorized under 42 USC 1396n, if a person discontinues  
6 participation in ~~the~~ a program, a medical assistance recipient may participate in ~~the~~  
7 a program in place of the participant who discontinues if that recipient meets the  
8 ~~intermediate care facility for the mentally retarded level of care requirements for~~  
9 ~~medical assistance reimbursement in an intermediate care facility for the mentally~~  
10 ~~retarded except that the number of participants concurrently served may not exceed~~  
11 ~~the number approved under the waiver received under sub. (3)~~ requirements under  
12 par. (a).

13 **SECTION 1508rp.** 46.278 (6) (a), (b) and (c) of the statutes are amended to read:

14 46.278 (6) (a) The provisions of s. 46.275 (5) (a), (b) and (d) apply to funding  
15 received by counties under the ~~program~~ programs.

16 (b) Total funding to counties for relocating each person under ~~the~~ a program  
17 may not exceed the amount approved in the waiver received under sub. (3).

18 (c) Funding may be provided under ~~the~~ a program for services of a family  
19 consortium.”.

20 **898.** Page 566, line 21: delete “the waiver” and substitute “~~the~~ a waiver”.

21 **899.** Page 566, line 25: after that line insert:

22 “**SECTION 1509g.** 46.278 (6) (e) 1. of the statutes is amended to read:

1           46.278 (6) (e) 1. The department may provide enhanced reimbursement for  
2 services under the community integration program for an individual who was  
3 relocated to the community by a county department from one of the following:

4           **SECTION 1509h.** 46.278 (6) (f) of the statutes is amended to read:

5           46.278 (6) (f) If a county owns the institution or intermediate care facility for  
6 the mentally retarded from which an individual is relocated to the community under  
7 this section, in order to receive funding under the community integration program,  
8 the county shall submit a plan for delicensing a bed of the institution or intermediate  
9 care facility for the mentally retarded that is approved by the department.”.

10          **900.** Page 571, line 2: after that line insert:

11          “**SECTION 1557b.** 46.45 (2) (a) of the statutes, as affected by 1999 Wisconsin Act  
12 9, is amended to read:

13          46.45 (2) (a) If on December 31 of any year there remains unspent or  
14 unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the  
15 amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) in that  
16 year, the department shall carry forward the excess moneys and distribute not less  
17 than 50% of the excess moneys to counties having a population of less than 500,000  
18 that are making a good faith effort, as determined by the department, to comply with  
19 s. 46.22 (1) (c) 8. f. for services and projects to assist children and families,  
20 notwithstanding the percentage limit specified in sub. (3) (a). A county shall use not  
21 less than 50% of the moneys distributed to the county under this subsection for  
22 services for children who are at risk of abuse or neglect to prevent the need for child  
23 abuse and neglect intervention services, except that in the calendar year in which  
24 a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2 calendar years after



1 that calendar year the county may use 100% of the moneys distributed under this  
2 paragraph to reimburse the department for the costs of achieving that compliance.  
3 If a county does not comply with s. 46.22 (1) (c) 8. f. before July 1, 2005, the  
4 department may recover any amounts distributed to that county under this  
5 paragraph after June 30, 2001, by billing the county or deducting from that county's  
6 allocation under s. 46.40 (2). All moneys received by the department under this  
7 paragraph shall be credited to the appropriation account under s. 20.435 (3) (j)."

8 **901.** Page 571, line 2: after that line insert:

9 "SECTION 1556d. 46.40 (9) (a) (intro.) of the statutes is amended to read:

10 46.40 (9) (a) *Transfer to family care program and adult protective services*  
11 *allocation.* (intro.) If a care management organization under s. ~~46.285~~ 46.284 is  
12 available in a county, the department may dispose of ~~the amount allocated under sub.~~  
13 ~~(8) to that county and~~ not more than 21.3% of the amount allocated under sub. (2)  
14 to that county as follows; and, of the amount allocated under sub. (8), may dispose  
15 of the lesser of up to 60% or the amount remaining after subtracting an amount  
16 necessary to maintain funding for recipients under sub. (8) who, on the effective date  
17 of this paragraph .... [revisor inserts date], are ineligible for the family care benefit  
18 under s. 46.286, to that county, as follows:"

19 **902.** Page 571, line 3: delete lines 3 to 10 and substitute:

20 "SECTION 1557jd. 46.46 (1) of the statutes is amended to read:

21 **46.46 (1)** From the appropriation account under s. 20.435 (8) (mb), the  
22 department shall ~~support costs that are exclusively related to the operational costs~~  
23 ~~of augmenting itself perform activities to augment~~ the amount of moneys received  
24 under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd and 42 USC 1396 to 1396v. In

1 addition, the department may expend moneys from the appropriation account under  
2 s. 20.435 (8) (mb) as provided in sub. (2). The department may not contract with any  
3 person to perform those augmentation activities.”.

4 **903.** Page 571, line 10: after that line insert:

5 “SECTION 1557jg. 46.46 (1m) of the statutes is created to read:

6 46.46 (1m) In addition to expending moneys from the appropriation account  
7 under s. 20.435 (8) (mb) for the augmentation activities specified in sub. (1), the  
8 department may expend moneys received under 42 USC 1396 to 1396v in  
9 reimbursement of the cost of providing targeted case management services to  
10 children whose care is not eligible for reimbursement under 42 USC 670 to 679a and  
11 credited to the appropriation account under s. 20.435 (8) (mb) to support the counties’  
12 share of implementing the statewide automated child welfare information system  
13 under s. 46.22 (1) (c) 8. f.”.

14 **904.** Page 571, line 11: after that line insert:

15 “SECTION 1557v. 46.48 (6) of the statutes is amended to read:

16 46.48 (6) CAREER YOUTH DEVELOPMENT CENTER. The department shall distribute  
17 \$80,000 \$110,000 in each fiscal year to the career youth development center in the  
18 city of Milwaukee. Of those amounts, \$80,000 shall be distributed in each fiscal year  
19 for the operation of a minority youth substance abuse treatment program and  
20 \$30,000 shall be distributed in each fiscal year for drug prevention and intervention  
21 programs for middle school and high school athletes in the Milwaukee public schools  
22 system.”.

23 **905.** Page 571, line 13: delete the material beginning with that line and  
24 ending with page 572, line 3.

1           **906.** Page 573, line 14: after “and.” insert “A grant recipient under this  
2 section may include only a nonprofit, tax-exempt corporation, as defined in s. 49.134  
3 (1) (c), or a county.”.

4           **907.** Page 574, line 4: after that line insert:  
5           “**SECTION 1563d.** 46.56 (3) (b) 6. of the statutes is amended to read:  
6           46.56 **(3)** (b) 6. Representatives of the county health department, ~~as defined in~~  
7 ~~s. 251.01 (2)~~ established under s. 251.02 (1) or city-county health department  
8 established under s. 251.02 (1m).”.

9           **908.** Page 574, line 4: after that line insert:  
10           “**SECTION 1568c.** 46.766 of the statutes is created to read:  
11           **46.766 Food pantry grants. (1)** In this section:  
12           (a) “Nonprofit organization” means an organization described in section 501 (c)  
13 of the Internal Revenue Code.

14           (b) “Rural” means outside a metropolitan statistical area specified under 42  
15 CFR 412.62 (ii) (A) or within a metropolitan statistical area but isolated from an  
16 urban center.

17           **(2)** (a) From the appropriation under s. 20.435 (3) (fp), the department shall  
18 provide annual grants to food pantries that meet the eligibility requirements under  
19 sub. (4). The amount of each grant awarded to a food pantry shall be in proportion  
20 to the number of persons served by the food pantry.

21           (b) The department shall allocate 25% of the amounts appropriated under s.  
22 20.435 (3) (fp) for grants to rural food pantries. The department shall allocate the  
23 remainder of the amounts available for grants under s. 20.435 (3) (fp) for grants to  
24 all food pantries. If, after awarding the grants to rural food pantries, any of the

1 moneys remain unallocated, the department shall distribute the unallocated  
2 amounts for grants to all food pantries in proportion to the number of persons served  
3 by those food pantries.

4 (c) The total amount of all grants awarded annually to each food pantry under  
5 this section may not exceed \$15,000.

6 **(3)** Grants awarded under this section may be used for any of the following  
7 purposes:

8 (a) The purchase, storage, transportation, coordination, or distribution of food  
9 to needy households.

10 (b) The administration of emergency food distribution.

11 (c) The purchase of capital equipment.

12 (d) Programs designed to increase food availability to needy households or  
13 enhance food security.

14 (e) Nutrition education and outreach.

15 (f) Technical assistance related to food pantry management.

16 **(4)** A food pantry is eligible for a grant under this section if the food pantry  
17 meets all of the following requirements:

18 (a) The food pantry applies for a grant on an application developed by the  
19 department. The application may not exceed one page.

20 (b) The food pantry is a nonprofit organization or is affiliated with a nonprofit  
21 organization.

22 (c) The food pantry distributes food packages directly, without charge, to needy  
23 households.

24 (d) The food pantry is open to the general public in its service area.

1 (e) The food pantry does not base food distribution on any criteria other than  
2 need of the recipient, except to the extent necessary for the orderly and fair  
3 distribution of food.

4 (f) The food pantry has a permanent address, regular hours of operation, and  
5 is open at least one day per month.

6 (g) The food pantry adheres to the U.S. department of agriculture food safety  
7 and food storage standards.

8 (5) The department may not use more than 5% of the total amount  
9 appropriated under s. 20.435 (3) (fp) for administration of the grant program under  
10 this section.

11 (6) A food pantry that receives a grant under this section shall, not later than  
12 60 days after the end of the grant period, submit a report, not longer than 3 pages,  
13 to the department in the manner prescribed by the department, that describes how  
14 the grant money was used by the food pantry. The department shall compile the  
15 reports and submit the compiled reports to the legislature under s. 13.172 (2).”.

16 **909.** Page 574, line 4: after that line insert:

17 “**SECTION 1568b.** 46.858 of the statutes is created to read:

18 **46.858 Publicity for Alzheimer’s disease registration program. (1)** In  
19 this section, “Alzheimer’s disease” has the meaning given in s. 46.87 (1) (a).

20 (2) From the appropriation under s. 20.435 (6) (a), the department shall engage  
21 in activities to publicize the existence of a program administered by a  
22 nongovernmental entity that registers persons with Alzheimer’s disease or other  
23 related dementias in a national database and provides the persons identification  
24 products in order to facilitate the safe return to caregivers of persons who have

1 Alzheimer’s disease or other related dementias and who have become lost or have  
2 wandered.”.

3 **910.** Page 574, line 18: after that line insert:

4 “**SECTION 1568mg.** 46.87 (5) (a) 3. of the statutes is amended to read:

5 46.87 (5) (a) 3. The household meets financial eligibility requirements specified  
6 by the department by rule, and persons in the household are ineligible for the family  
7 care benefit under s. 46.286 in a county in which a care management organization  
8 under s. 46.284 operates.

9 **SECTION 1568mh.** 46.87 (5) (b) of the statutes is amended to read:

10 46.87 (5) (b) Provide or contract for the provision of services and goods or make  
11 payments for services to ~~persons~~ a person with Alzheimer’s disease living in a  
12 residential ~~facilities~~ facility in the county who ~~meet~~ meets financial eligibility  
13 requirements specified by the department by rule and is ineligible for the family care  
14 benefit under s. 46.286 in a county in which a care management organization under  
15 s. 46.284 operates.”.

16 **911.** Page 576, line 21: after that line insert:

17 “**SECTION 1578.** 48.21 (5) (b) of the statutes is renumbered 48.21 (5) (b) (intro.)  
18 and amended to read:

19 48.21 (5) (b) (intro.) An order relating to a child held in custody outside of his  
20 or her home shall also ~~describe~~ include all of the following:

21 1. A description of any efforts that were made to permit the child to remain  
22 safely at home and the services that are needed to ensure the child’s well-being, to  
23 enable the child to return safely to his or her home, and to involve the parents in  
24 planning for the child.

1           **SECTION 1579.** 48.21 (5) (b) 2. of the statutes is created to read:

2           48.21 (5) (b) 2. If the child is held in custody outside the home in a placement  
3 recommended by the intake worker, a statement that the court approves the  
4 placement recommended by the intake worker or, if the child is placed outside the  
5 home in a placement other than a placement recommended by the intake worker, a  
6 statement that the court has given bona fide consideration to the recommendations  
7 made by the intake worker and all parties relating to the placement of the child.”.

8           **912.** Page 576, line 21: after that line insert:

9           **“SECTION 1577g.** 48.02 (15) of the statutes is amended to read:

10           48.02 (15) “Relative” means a parent, grandparent, greatgrandparent,  
11 stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt. This  
12 relationship shall be by blood, marriage, or adoption.”.

13           **913.** Page 576, line 24: after that line insert:

14           **“SECTION 1583.** 48.355 (2) (b) 6m. of the statutes is created to read:

15           48.355 (2) (b) 6m. If the child is placed outside the home in a placement  
16 recommended by the agency designated under s. 48.33 (1), a statement that the court  
17 approves the placement recommended by the agency or, if the child is placed outside  
18 the home in a placement other than a placement recommended by that agency, a  
19 statement that the court has given bona fide consideration to the recommendations  
20 made by the agency and all parties relating to the child’s placement.

21           **SECTION 1584.** 48.357 (2v) of the statutes is created to read:

22           48.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in  
23 placement would place the child outside the home in a placement recommended by  
24 the person or agency primarily responsible for implementing the dispositional order,

1 the change in placement order shall include a statement that the court approves the  
2 placement recommended by that person or agency or, if the child is placed outside the  
3 home in a placement other than a placement recommended by that person or agency,  
4 a statement that the court has given bona fide consideration to the recommendations  
5 made by that person or agency and all parties relating to the child's placement.”.

6 **914.** Page 576, line 25: delete that line.

7 **915.** Page 577, line 1: delete lines 1 to 12 and substitute:

8 “**SECTION 1585d.** 48.366 (8) of the statutes is amended to read:

9 48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections  
10 may transfer a person subject to an order between secured correctional facilities.  
11 After the person attains the age of 17 years, the department of corrections may place  
12 the person in a state prison named in s. 302.01, except that the department of  
13 corrections may not place any person under the age of 18 years in the correctional  
14 institution authorized in s. 301.16 (1n). If the person is 15 years of age or over, the  
15 department of corrections may transfer the person to the Racine youthful offender  
16 correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). If the  
17 department of corrections places a person subject to an order under this section in  
18 a state prison, that department shall provide services for that person from the  
19 appropriate appropriation under s. 20.410 (1). The department of corrections may  
20 transfer a person placed in a state prison under this subsection to or between state  
21 prisons named in s. 302.01 without petitioning for revision of the order under sub.  
22 (5) (a), except that the department of corrections may not transfer any person under  
23 the age of 18 years to the correctional institution authorized in s. 301.16 (1n).”.

24 **916.** Page 583, line 2: after that line insert:



1           “**SECTION 1636d.** 48.67 of the statutes is amended to read:

2           **48.67 Rules governing child welfare agencies, day care centers, foster**  
3 **homes, treatment foster homes, group homes, shelter care facilities and**  
4 **county departments.** The department shall promulgate rules establishing  
5 minimum requirements for the issuance of licenses to, and establishing standards  
6 for the operation of, child welfare agencies, day care centers, foster homes, treatment  
7 foster homes, group homes, shelter care facilities, and county departments. These  
8 rules shall be designed to protect and promote the health, safety, and welfare of the  
9 children in the care of all licensees. The department shall consult with the  
10 department of commerce and the department of public instruction before  
11 promulgating these rules. In establishing the minimum requirements for the  
12 issuance of licenses to day care centers that provide care and supervision for children  
13 under one year of age, the department shall include a requirement that all licensees  
14 who are individuals and all employees and volunteers of a licensee who provide care  
15 and supervision for children receive, before the date on which the license is issued  
16 or the employment or volunteer work commences, whichever is applicable, training  
17 in the most current medically accepted methods of preventing sudden infant death  
18 syndrome.”.

19           **917.** Page 583, line 2: after that line insert:

20           “**SECTION 1651g.** 48.981 (1) (am) 1. of the statutes is amended to read:

21           48.981 **(1)** (am) 1. The child’s parent, grandparent, greatgrandparent,  
22 stepparent, brother, sister, stepbrother, stepsister, half brother, or half sister.

23           **SECTION 1651h.** 48.981 (1) (fm) of the statutes is amended to read:

1           48.981 (1) (fm) “Relative” means a parent, grandparent, greatgrandparent,  
2           stepparent, brother, sister, first cousin, 2nd cousin, nephew, niece, uncle, aunt,  
3           stepgrandparent, stepbrother, stepsister, half brother, half sister, brother-in-law,  
4           sister-in-law, stepuncle, or stepaunt.”.

5           **918.** Page 586, line 13: after that line insert:

6           “**SECTION 1656h.** 48.985 (5) of the statutes is created to read:

7           48.985 (5) MILWAUKEE CHILD WELFARE AIDS. Of the amounts received under 42  
8           USC 620 to 626 and credited to the appropriation account under s. 20.435 (3) (nL),  
9           the department shall transfer \$58,600 in fiscal year 2001–02 and \$66,800 in fiscal  
10          year 2002–03 to the appropriation account under s. 20.435 (3) (kw) and shall expend  
11          those moneys to provide services to children and families under s. 48.48 (17).”.

12          **919.** Page 586, line 13: after that line insert:

13          “**SECTION 1656d.** 49.027 (2) (a) (intro.) of the statutes is amended to read:

14          49.027 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a  
15          year, the department shall pay to the county, in accordance with s. 49.031 and subject  
16          to par. (c), from the appropriation under s. 20.435 (4) (bt), an amount for that year  
17          determined as follows:

18          **SECTION 1656dd.** 49.027 (2) (a) 1. of the statutes is repealed.

19          **SECTION 1656dg.** 49.027 (2) (a) 3. of the statutes is repealed.

20          **SECTION 1656di.** 49.027 (2) (a) 4. of the statutes is amended to read:

21          49.027 (2) (a) 4. From the amount determined under subd. 3. 2., the department  
22          shall subtract amounts paid to hospitals in that county under s. 49.45 (6y) and (6z)  
23          for that calendar year.

24          **SECTION 1656dL.** 49.027 (2) (c) of the statutes is created to read:

1           49.027 (2) (c) If sufficient funds are not available to pay all of the relief block  
2 grants calculated under par. (a), the department shall prorate the available funds  
3 among the eligible counties in proportion to the amounts calculated under par. (a).”.

4           **920.** Page 586, line 14: delete “**SECTION 1656tym**” and substitute “**SECTION**  
5 **1656sy**”.

6           **921.** Page 596, line 2: delete “TRANSFER OF FUNDING ALLOCATIONS PROHIBITED.”  
7 and substitute “CONTRACT PROHIBITIONS. (a)”.

8           **922.** Page 596, line 6: delete “(a)” and substitute “1.”.

9           **923.** Page 596, line 7: after that line insert:

10           “(b) No Wisconsin works agency may expend moneys that are provided under  
11 a contract under sub. (1) to conduct public relations activities unless the public  
12 relations activities are directly related to providing community outreach and  
13 informing participants about the services available under Wisconsin works.”.

14           **924.** Page 596, line 7: delete “(b)” and substitute “2.”.

15           **925.** Page 597, line 3: after that line insert:

16           “**SECTION 1660hb.** 49.145 (3) (b) 1. of the statutes is amended to read:

17           49.145 (3) (b) 1. All earned and unearned income of the individual, except any  
18 amount received under section 32 of the ~~internal revenue code~~ Internal Revenue  
19 Code, as defined in s. 71.01 (6), any amount received under s. 71.07 (9e), any payment  
20 made by an employer under section 3507 of the ~~internal revenue code~~ Internal  
21 Revenue Code, as defined in s. 71.01 (6), any student financial aid received under any  
22 federal or state program, any scholarship used for tuition and books, and any  
23 assistance received under s. 49.148. In determining the earned and unearned

1 income of the individual, the Wisconsin works agency may not include income earned  
2 by a dependent child of the individual.

3 **SECTION 1660jk.** 49.147 (4) (am) of the statutes is amended to read:

4 49.147 **(4)** (am) *Education or training activities.* A participant under this  
5 subsection may be required to participate in education and training activities  
6 assigned as part of an employability plan developed by the Wisconsin works agency.  
7 The department shall establish by rule permissible education and training under  
8 this paragraph, which shall include a course of study meeting the standards  
9 established under s. 115.29 (4) for the granting of a declaration of equivalency of high  
10 school graduation, technical college courses, employer-sponsored training, and  
11 educational courses that provide an employment skill. Permissible education under  
12 this paragraph shall also include English as a 2nd language courses that the  
13 Wisconsin works agency determines would facilitate an individual's efforts to obtain  
14 employment and adult basic education courses that the Wisconsin works agency  
15 determines would facilitate an individual's efforts to obtain employment.

16 **SECTION 1660jv.** 49.147 (5) (bm) of the statutes is amended to read:

17 49.147 **(5)** (bm) *Education or training activities.* A participant under this  
18 subsection may be required to participate in education and training activities  
19 assigned as part of an employability plan developed by the Wisconsin works agency.  
20 The department shall establish by rule permissible education and training under  
21 this paragraph, which shall include a course of study meeting the standards  
22 established under s. 115.29 (4) for the granting of a declaration of equivalency of high  
23 school graduation, technical college courses, employer-sponsored training, and  
24 educational courses that provide an employment skill. Permissible education under  
25 this paragraph shall also include English as a 2nd language courses that the

1 Wisconsin works agency determines would facilitate an individual's efforts to obtain  
2 employment and adult basic education courses that the Wisconsin works agency  
3 determines would facilitate an individual's efforts to obtain employment.”.

4 **926.** Page 597, line 3: after that line insert:

5 “SECTION 1660p. 49.1473 of the statutes is created to read:

6 **49.1473 Wisconsin works; domestic abuse screening and training. (1)**

7 (a) The department shall promulgate rules for screening victims of domestic abuse  
8 and for the training of Wisconsin works agency employees in domestic abuse issues.  
9 The rules shall allow an individual to voluntarily and confidentially disclose that he  
10 or she is or has been a victim of domestic abuse or is at risk of further domestic abuse.  
11 The rules shall also specify the evidence that is sufficient to establish that an  
12 individual is or has been a victim of domestic abuse or is at risk of further domestic  
13 abuse.

14 (b) Each Wisconsin works agency shall establish procedures, in accordance  
15 with the rules promulgated by the department under par. (a), for screening victims  
16 of domestic abuse.

17 **(2)** If a Wisconsin works agency employee identifies an individual as a past or  
18 present victim of domestic abuse or determines that the individual is at risk of  
19 domestic abuse or if the individual identifies himself or herself as a past or present  
20 victim of domestic abuse or as an individual who is at risk of further abuse, the  
21 Wisconsin works agency shall provide the individual with information on  
22 community-based domestic abuse services, including information on shelters or  
23 programs for battered individuals, sexual assault provider services, medical  
24 services, sexual assault nurse examiners services, domestic violence and sexual

1 assault hotlines, legal and medical counseling and advocacy, mental health care,  
2 counseling, and support groups. The Wisconsin works agency shall provide the  
3 information to the individual orally and in writing in accordance with guidelines  
4 developed by the department. The Wisconsin works agency shall also provide  
5 referrals for community-based counseling and supportive service providers to the  
6 individual if the individual elects to receive the services.”.

7 **927.** Page 597, line 6: after that line insert:

8 “**SECTION 1660y.** 49.155 (1d) (a) of the statutes is amended to read:

9 49.155 (1d) (a) The department shall promulgate rules establishing standards  
10 for the certification of child care providers under s. 48.651. In establishing the  
11 requirements for certification under this paragraph of a child care provider who  
12 provides care and supervision for children under one year of age, the department  
13 shall include a requirement that all providers and all employees and volunteers of  
14 a provider who provide care and supervision for children receive, before the date on  
15 which the provider is certified or the employment or volunteer work commences,  
16 whichever is applicable, training in the most current medically accepted methods of  
17 preventing sudden infant death syndrome. In establishing the requirements for  
18 certification as a Level II certified family day care provider, the department may not  
19 include ~~a~~ any other requirement for training for providers.”.

20 **928.** Page 601, line 2: after that line insert:

21 “**SECTION 1676n.** 49.173 (title) of the statutes is amended to read:

22 **49.173** (title) **Workforce attachment and advancement program.**”.

23 **929.** Page 601, line 5: delete “(br),” and substitute “(br)”.

24 **930.** Page 602, line 6: delete lines 6 to 22 and substitute:

1           “**SECTION 1682bc.** 49.175 (1) (d) of the statutes is repealed and recreated to  
2 read:

3           49.175 (1) (d) *Community reinvestment.* 1. ‘Contracts for 1997 to 1999’. For  
4 the payment of community reinvestment funds that are earned as part of contracts  
5 entered into under s. 49.143 having a term that begins on September 1, 1997, and  
6 ends on December 31, 1999, \$20,849,000 in fiscal year 2001–02.

7           2. ‘Contracts for 2000 and 2001.’ For the payment of community reinvestment  
8 funds that are earned as part of contracts entered into under s. 49.143 having a term  
9 that begins on January 1, 2000, and ends on December 31, 2001, \$2,769,900 in fiscal  
10 year 2001–02 and \$5,539,700 in fiscal year 2002–03.

11           **SECTION 1682cd.** 49.175 (1) (d) 1. of the statutes, as affected by 2001 Wisconsin  
12 Act .... (this act), is repealed.

13           **SECTION 1682ce.** 49.175 (1) (d) 2. (title) of the statutes, as affected by 2001  
14 Wisconsin Act .... (this act), is repealed.

15           **SECTION 1682cf.** 49.175 (1) (d) 2. of the statutes, as affected by 2001 Wisconsin  
16 Act .... (this act), is renumbered 49.175 (1) (d).”.

17           **931.** Page 603, line 6: delete “\$24,767,500” and substitute “\$24,680,700”.

18           **932.** Page 603, line 7: delete “\$24,780,000” and substitute “\$24,693,200”.

19           **933.** Page 603, line 19: delete lines 19 to 21.

20           **934.** Page 604, line 14: delete “\$11,145,900” and substitute “\$11,395,900”.

21           **935.** Page 604, line 14: delete “\$2,500,000” and substitute “\$2,750,000”.

22           **936.** Page 604, line 19: after “*attachment*” insert “*and advancement*  
23 *program*”.

24           **937.** Page 604, line 21: delete “\$5,000,000” and substitute “\$7,842,200”.

1           **938.** Page 605, line 1: delete the material beginning with “under” and ending  
2 with “49.157,” on line 2 and substitute “~~under s. 49.157,~~”.

3           **939.** Page 605, line 2: delete “\$1,000,000” and substitute “for individuals who  
4 are eligible to receive temporary assistance for needy families under 42 USC 601 et.  
5 seq., \$900,000”.

6           **940.** Page 607, line 6: delete “\$83,200 in each” and substitute “\$93,400 in”.

7           **941.** Page 607, line 7: after “~~2000–01~~” insert “2002–03”.

8           **942.** Page 607, line 14: after that line insert:

9           “**SECTION 1714d.** 49.175 (1) (zo) of the statutes is created to read:

10           49.175 (1) (zo) *After-school care program.* For the transfer of moneys to the  
11 department of public instruction for the after-school care grant program under 2001  
12 Wisconsin Act .... (this act), section 9140 (6w), \$150,000 in fiscal year 2002–03.”.

13           **943.** Page 609, line 13: delete “(br),”.

14           **944.** Page 611, line 5: delete the material beginning with “, aid” and ending  
15 with “49.19” on line 6 and substitute “~~, aid to families with dependent children under~~  
16 ~~s. 49.19~~”.

17           **945.** Page 611, line 6: delete “2029” and substitute “~~2029~~ 2036”.

18           **946.** Page 611, line 10: delete “The” and substitute “The If the department of  
19 health and family services contracts with the department under sub. (5), the”.

20           **947.** Page 611, line 11: delete “appropriations” and substitute  
21 “~~appropriations~~ appropriation”.



1           **948.** Page 611, line 11: delete the material beginning with “(dz)” and ending  
2 with “(nL)” on line 12 and substitute “~~(dz) and (L) and federal matching funds from~~  
3 ~~the appropriations under s. 20.445 (3) (n) and (nL) (kx)~~”.

4           **949.** Page 611, line 14: delete the material beginning with “~~medical~~” and  
5 ending with “2036” on line 18 and substitute “medical assistance under subch. IV or  
6 the food stamp program under 7 USC 2011 to 2036”.

7           **950.** Page 615, line 19: after “46.23” insert “, and may contract with tribal  
8 governing bodies,”.

9           **951.** Page 615, line 20: after “departments” insert “and tribal governing  
10 bodies”.

11           **952.** Page 621, line 12: after that line insert:

12           “**SECTION 1750w.** 49.45 (2) (a) 24. of the statutes is created to read:

13           49.45 (2) (a) 24. Promulgate rules that require that the written plan of care for  
14 persons receiving personal care services under medical assistance be reviewed by a  
15 registered nurse at least every 60 days. The rules shall provide that the written plan  
16 of care shall designate intervals for visits to the recipient’s home by a registered  
17 nurse as part of the review of the plan of care. The designated intervals for visits  
18 shall be based on the individual recipient’s needs, and each recipient shall be visited  
19 in his or her home by a registered nurse at least once in every 12-month period. The  
20 rules shall also provide that a visit to the recipient is also required if, in the course  
21 of the nurse’s review of the plan of care, there is evidence that a change in the  
22 recipient’s condition has occurred that may warrant a change in the plan of care.”.

23           **953.** Page 621, line 12: after that line insert:

1           “**SECTION 1750d.** 49.45 (2) (a) 10. of the statutes is renumbered 49.45 (2) (a) 10.

2           a. and amended to read:

3           49.45 (2) (a) 10. a. After reasonable notice and opportunity for hearing, recover  
4           money improperly or erroneously paid, or overpayments to a provider either by  
5           offsetting or adjusting amounts owed the provider under the program, crediting  
6           against a provider’s future claims for reimbursement for other services or items  
7           furnished by the provider under the program, or by requiring the provider to make  
8           direct payment to the department or its fiscal intermediary.

9           **SECTION 1750f.** 49.45 (2) (a) 10. b. of the statutes is created to read:

10          49.45 (2) (a) 10. b. Establish a deadline for payment of a recovery imposed  
11          under this subdivision and, if a provider fails to pay all of the amount to be recovered  
12          by the deadline, require payment, by the provider, of interest on any delinquent  
13          amount at the rate of 1% per month or fraction of a month from the date of the  
14          overpayment.

15          **SECTION 1750g.** 49.45 (2) (a) 10. c. of the statutes is created to read:

16          49.45 (2) (a) 10. c. Promulgate rules to implement this subdivision.

17          **SECTION 1750h.** 49.45 (2) (a) 11. of the statutes is renumbered 49.45 (2) (a) 11.

18          a. and amended to read:

19          49.45 (2) (a) 11. a. Establish criteria for the certification of eligible providers  
20          of ~~services under Title XIX of the social security act~~ medical assistance and, except  
21          as provided in par. (b) 6m. and s. 49.48, and subject to par. (b) 7. and 8., certify such  
22          eligible providers who meet the criteria.

23          **SECTION 1750i.** 49.45 (2) (a) 11. b. of the statutes is created to read:

24          49.45 (2) (a) 11. b. Promulgate rules to implement this subdivision.

1           **SECTION 1750j.** 49.45 (2) (a) 12. of the statutes is renumbered 49.45 (2) (a) 12.

2           a. and amended to read:

3           49.45 **(2)** (a) 12. a. Decertify ~~or suspend under this subdivision~~ a provider from  
4           or restrict a provider's participation in the medical assistance program, if after  
5           giving reasonable notice and opportunity for hearing, the department finds that the  
6           provider has violated a federal statute or regulation or a state law statute or  
7           administrative rule and ~~such violations are by law~~ the violation is by statute,  
8           regulation, or rule grounds for decertification or ~~suspension~~ restriction. The  
9           department shall suspend the provider pending the hearing under this subdivision  
10          if the department includes in its decertification notice findings that the provider's  
11          continued participation in the medical assistance program pending hearing is likely  
12          to lead to the irretrievable loss of public funds and is unnecessary to provide  
13          adequate access to services to medical assistance recipients. As soon as practicable  
14          after the hearing, the department shall issue a written decision. No payment may  
15          be made under the medical assistance program with respect to any service or item  
16          furnished by the provider subsequent to decertification or during the period of  
17          suspension.

18          **SECTION 1750k.** 49.45 (2) (a) 12. b. of the statutes is created to read:

19          49.45 **(2)** (a) 12. b. Promulgate rules to implement this subdivision.

20          **SECTION 1750L.** 49.45 (2) (b) 6m. of the statutes is created to read:

21          49.45 **(2)** (b) 6m. Limit the number of providers of particular services that may  
22          be certified under par. (a) 11. or the amount of resources, including employees and  
23          equipment, that a certified provider may use to provide particular services to medical  
24          assistance recipients, if the department finds that existing certified providers and  
25          resources provide services that are adequate in quality and amount to meet the need

1 of medical assistance recipients for the particular services; and if the department  
2 finds that the potential for medical assistance fraud or abuse exists if additional  
3 providers are certified or additional resources are used by certified providers. The  
4 department shall promulgate rules to implement this subdivision.

5 **SECTION 1750n.** 49.45 (2) (b) 7. of the statutes is created to read:

6 49.45 (2) (b) 7. Require, as a condition of certification under par. (a) 11., all  
7 providers of a specific service that is among those enumerated under s. 49.46 (2) or  
8 49.47 (6) (a), as specified in this subdivision, to file with the department a surety bond  
9 issued by a surety company licensed to do business in this state. Providers subject  
10 to this subdivision provide those services specified under s. 49.46 (2) or 49.47 (6) (a)  
11 for which providers have demonstrated significant potential to violate s. 49.49 (1) (a),  
12 (2) (a) or (b), (3), (3m) (a), (3p), (4) (a), or (4m) (a), to require recovery under par. (a)  
13 10., or to need additional sanctions under par. (a) 13. The surety bond shall be  
14 payable to the department in an amount that the department determines is  
15 reasonable in view of amounts of former recoveries against providers of the specific  
16 service and the department's costs to pursue those recoveries. The department shall  
17 promulgate rules to implement this subdivision that specify all of the following:

18 a. Services under medical assistance for which providers have demonstrated  
19 significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),  
20 or (4m) (a), to require recovery under par. (a) 10., or to need additional sanctions  
21 under par. (a) 13.

22 b. The amount or amounts of the surety bonds.

23 c. Terms of the surety bond, including amounts, if any, without interest to be  
24 refunded to the provider upon withdrawal or decertification from the medical  
25 assistance program.

1           **SECTION 1750p.** 49.45 (2) (b) 8. of the statutes is created to read:

2           49.45 (2) (b) 8. Require a person who takes over the operation, as defined in sub.  
3 (21) (ag), of a provider, to first obtain certification under par. (a) 11. for the operation  
4 of the provider, regardless of whether the person is currently certified. The  
5 department may withhold the certification required under this subdivision until any  
6 outstanding repayment under sub. (21) is made. The department shall promulgate  
7 rules to implement this subdivision.

8           **SECTION 1750r.** 49.45 (2) (b) 9. of the statutes is created to read:

9           49.45 (2) (b) 9. After providing reasonable notice and opportunity for a hearing,  
10 charge an assessment to a provider that repeatedly has been subject to recoveries  
11 under par. (a) 10. a. because of the provider's failure to follow identical or similar  
12 billing procedures or to follow other identical or similar program requirements. The  
13 assessment shall be used to defray in part the costs of audits and investigations by  
14 the department under sub. (3) (g) and may not exceed \$1,000 or 200% of the amount  
15 of any such repeated recovery made, whichever is greater. The provider shall pay the  
16 assessment to the department within 10 days after receipt of notice of the assessment  
17 or the final decision after administrative hearing, whichever is later. The  
18 department may recover any part of an assessment not timely paid by offsetting the  
19 assessment against any medical assistance payment owed to the provider and may  
20 refer any such unpaid assessments not collected in this manner to the attorney  
21 general, who may proceed with collection under this subdivision. Failure to timely  
22 pay in any manner an assessment charged under this subdivision, other than an  
23 assessment that is offset against any medical assistance payment owed to the  
24 provider, is grounds for decertification under subd. 12. A provider's payment of an  
25 assessment does not relieve the provider of any other legal liability incurred in

1 connection with the recovery for which the assessment is charged, but is not evidence  
2 of violation of a statute or rule. The department shall credit all assessments received  
3 under this subdivision to the appropriation account under s. 20.435 (4) (iL). The  
4 department shall promulgate rules to implement this subdivision.

5 **SECTION 1750t.** 49.45 (3) (g) of the statutes is renumbered 49.45 (3) (g) 1. and  
6 amended to read:

7 49.45 (3) (g) 1. The secretary may ~~appoint~~ authorize personnel to audit or  
8 investigate and report to the department on any matter involving violations or  
9 complaints alleging violations of ~~laws~~ statutes, regulations, or rules applicable to  
10 ~~Title XIX of the federal social security act or the medical assistance program and to~~  
11 perform such investigations or audits as are required to verify the actual provision  
12 of services or items available under the medical assistance program and the  
13 appropriateness and accuracy of claims for reimbursement submitted by providers  
14 participating in the program. Department employees ~~appointed~~ authorized by the  
15 secretary under this paragraph shall be issued, and shall possess at all times during  
16 ~~which~~ while they are performing their investigatory or audit functions under this  
17 section, identification, signed by the secretary ~~which,~~ that specifically designates the  
18 bearer as possessing the authorization to conduct medical assistance investigations  
19 or audits. ~~Pursuant to~~ Under the request of a designated person and upon  
20 presentation of ~~that~~ the person's authorization, providers and medical assistance  
21 recipients shall accord ~~such~~ the person access to any provider personnel, records,  
22 books, ~~recipient medical records,~~ or documents or other information needed. Under  
23 the written request of a designated person and upon presentation of the person's  
24 authorization, providers and recipients shall accord the person access to any needed  
25 patient health care records of a recipient. Authorized employees ~~shall have authority~~

1 to may hold hearings, administer oaths, take testimony, and perform all other duties  
2 necessary to bring such the matter before the department for final adjudication and  
3 determination.

4 **SECTION 1750td.** 49.45 (3) (g) 2. of the statutes is created to read:

5 49.45 (3) (g) 2. The department shall promulgate rules to implement this  
6 paragraph.

7 **SECTION 1750v.** 49.45 (3) (h) 1. of the statutes is repealed.

8 **SECTION 1750vm.** 49.45 (3) (h) 1n. of the statutes is created to read:

9 49.45 (3) (h) 1n. The department shall promulgate rules to implement this  
10 paragraph.

11 **SECTION 1750x.** 49.45 (3) (h) 2. of the statutes is repealed.

12 **SECTION 1750z.** 49.45 (3) (h) 3. of the statutes is renumbered 49.45 (3) (h) 1m.  
13 and amended to read:

14 49.45 (3) (h) 1m. The failure or refusal of a person to purge himself or herself  
15 of contempt found under s. 885.12 and perform the act as required by law shall  
16 constitute provider to accord department auditors or investigators access as required  
17 under par. (g) to any provider personnel, records, books, patient health care records  
18 of medical assistance recipients, or documents or other information requested  
19 constitutes grounds for decertification or suspension of that person the provider from  
20 participation in the medical assistance program and no. No payment may be made  
21 for services rendered by that person subsequent to the provider following  
22 decertification or, during the period of suspension, or during any period of provider  
23 failure or refusal to accord access as required under par. (g).”.

24 **954.** Page 622, line 8: delete “, or (w)” and substitute “, (w), or (wm)”.

1           **955.** Page 622, line 14: delete lines 14 to 21.

2           **956.** Page 624, line 21: delete “and (w)” and substitute “. (w), and (wm)”.

3           **957.** Page 627, line 2: after that line insert:

4           “**SECTION 1778d.** 49.45 (6v) (b) of the statutes is amended to read:

5           49.45 (6v) (b) The Beginning on October 1, 2003, and annually thereafter, the  
6           department shall, ~~each year,~~ submit to the joint committee on finance a report for the  
7           previous fiscal year, ~~except for the 1997–98 fiscal year,~~ that provides information on  
8           the utilization of beds by recipients of medical assistance in facilities ~~and a~~  
9           discussion ~~and detailed projection of the likely balances, expenditures,~~  
10          encumbrances ~~and carry over of currently appropriated amounts in the~~  
11          appropriation accounts under s. 20.435 (4) (b) and (e) for the immediately prior 2  
12          consecutive fiscal years.

13          **SECTION 1778h.** 49.45 (6v) (c) of the statutes is amended to read:

14          49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds  
15          by recipients of medical assistance in facilities ~~is less than estimates for that~~  
16          utilization reflected in the intentions of the joint committee on finance, legislature  
17          and governor, as expressed by them in the budget determinations, the department  
18          shall ~~include a proposal to transfer moneys from the appropriation under s. 20.435~~  
19          ~~(4) (b) to the appropriation under s. 20.435 (7) (bd) for the purpose of increasing~~  
20          funding for the community options program under s. 46.27. The amount proposed  
21          for transfer may not reduce the balance in the appropriation account under s. 20.435  
22          ~~(4) (b) below an amount necessary to ensure that that appropriation account will end~~  
23          the current fiscal year or the current fiscal biennium with a positive balance. The  
24          secretary shall transfer the amount identified under the proposal decreased during



1 the most recently completed fiscal year from the utilization of beds by recipients of  
2 medical assistance in facilities in the next most recently completed fiscal year, the  
3 department shall multiply the difference between the number of days of care  
4 provided to the recipients in the facilities in each of those prior 2 consecutive fiscal  
5 years by the average daily costs of care in the facilities for the most recently  
6 completed fiscal year. The average daily costs of care shall be calculated by dividing  
7 the total of medical assistance expenditures for care in facilities for the most recently  
8 completed fiscal year by the total number of days of care provided in facilities in that  
9 fiscal year.

10 **SECTION 1778p.** 49.45 (6v) (d) of the statutes is created to read:

11 49.45 (6v) (d) If par. (c) applies and if the amount calculated under par. (c) is  
12 positive, the department's report under par. (b) shall include a proposal to transfer  
13 an amount equal to the portion of the amount calculated under par. (c) that is the  
14 state share of medical assistance expenditures from the appropriation account under  
15 s. 20.435 (4) (b) to the appropriation account under s. 20.435 (7) (bd) for the purpose  
16 of increasing funding for the long-term support community options program under  
17 s. 46.27. If the cochairpersons of the joint committee on finance do not notify the  
18 secretary within 14 working days after the date on which the department submits  
19 the proposal that the committee has scheduled a meeting for the purpose of  
20 reviewing the proposal, the secretary shall transfer the amount identified under the  
21 proposal. If, within 14 working days after the date on which the department submits  
22 the proposal, the cochairpersons of the joint committee on finance notify the  
23 secretary that the committee has scheduled a meeting for the purpose of reviewing  
24 the proposal, the secretary may transfer moneys from the appropriation account

1 under s. 20.435 (4) (b) to the appropriation account under s. 20.435 (7) (bd) only as  
2 approved by the committee.

3 **SECTION 1778r.** 49.45 (6v) (e) of the statutes is created to read:

4 49.45 (6v) (e) Of the amount required to be transferred by the secretary under  
5 par. (d), 40% shall be expended for services as specified under s. 46.27 (7) and 60%  
6 shall be expended for services as specified under s. 46.27 (11).”.

7 **958.** Page 628, line 21: after that line insert:

8 “**SECTION 1786g.** 49.45 (21) (title) of the statutes is amended to read:

9 49.45 (21) (title) ~~TRANSFER OF BUSINESS, LIABILITY FOR~~ TAKING OVER PROVIDER'S  
10 OPERATION; REPAYMENTS REQUIRED.

11 **SECTION 1786h.** 49.45 (21) (a) of the statutes is renumbered 49.45 (21) (ar) and  
12 amended to read:

13 49.45 (21) (ar) ~~If any provider~~ Before a person may take over the operation of  
14 a provider that is liable for repayment of improper or erroneous payments or  
15 overpayments under ss. 49.43 to 49.497 sells or otherwise transfers ownership of his  
16 or her business or all or substantially all of the assets of the business, the transferor  
17 and transferee are each liable for the repayment. Prior to final transfer, the  
18 transferee is responsible for contacting the department and ascertaining if the  
19 transferor, full repayment shall be made. Upon request, the department shall notify  
20 the provider or the person that intends to take over the operation of the provider as  
21 to whether the provider is liable under this paragraph.

22 **SECTION 1786i.** 49.45 (21) (ag) of the statutes is created to read:

1           49.45 (21) (ag) In this subsection, “take over the operation” means obtain, with  
2           respect to an aspect of a provider’s business for which the provider has filed claims  
3           for medical assistance reimbursement, any of the following:

4           1. Ownership of the provider’s business or all or substantially all of the assets  
5           of the business.

6           2. Majority control over decisions.

7           3. The right to any profits or income.

8           4. The right to contact and offer services to patients, clients, or residents served  
9           by the provider.

10          5. An agreement that the provider will not compete with the person at all or  
11          with respect to a patient, client, resident, service, geographical area, or other part  
12          of the provider’s business.

13          6. The right to perform services that are substantially similar to services  
14          performed by the provider at the same location as those performed by the provider.

15          7. The right to use any distinctive name or symbol by which the provider is  
16          known in connection with services to be provided by the person.

17          **SECTION 1786j.** 49.45 (21) (b) of the statutes is amended to read:

18          49.45 (21) (b) ~~If a transfer occurs~~ If, notwithstanding the prohibition under par.  
19          (ar), a person takes over the operation of a provider and the applicable amount under  
20          par. (a) ~~(ar)~~ (ar) has not been repaid, the department may, in addition to withholding  
21          certification as authorized under sub. (2) (b) 8., proceed against ~~either the transferor~~  
22          ~~or the transferee~~ the provider or the person. Within 30 days after receiving the  
23          certified provider receives notice from the department, the ~~transferor or the~~  
24          ~~transferee shall pay the amount~~ shall be repaid in full. ~~Upon failure to comply~~ If the  
25          amount is not repaid in full, the department may bring an action to compel payment.

1 ~~If a transferor fails to pay within 90 days after receiving notice from the department,~~  
2 ~~the department, may proceed under sub. (2) (a) 12., or may do both.~~

3 **SECTION 1786k.** 49.45 (21) (e) of the statutes is created to read:

4 49.45 **(21)** (e) The department shall promulgate rules to implement this  
5 subsection.”.

6 **959.** Page 630, line 7: after that line insert:

7 **“SECTION 1789b.** 49.45 (39) (a) 1. of the statutes is amended to read:

8 49.45 **(39)** (a) 1. “School” means a public school described under s. 115.01 (1),  
9 a charter school, as defined in s. 115.001 (1), the Wisconsin Center for the Blind and  
10 Visually Impaired, or the Wisconsin School Educational Services Program for the  
11 Deaf and Hard of Hearing. It includes school-operated early childhood programs for  
12 developmentally delayed and disabled 4-year-old and 5-year-old children.

13 **SECTION 1789c.** 49.45 (39) (am) of the statutes is amended to read:

14 49.45 **(39)** (am) *Plan amendment.* No later than September 30, 1995, the  
15 department shall submit to the federal department of health and human services an  
16 amendment to the state medical assistance plan to permit the application of pars. (b)  
17 and (c). If the amendment to the state plan is approved, school districts, cooperative  
18 educational service agencies, and the department of public instruction on behalf of  
19 the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin School  
20 Educational Services Program for the Deaf and Hard of Hearing claim  
21 reimbursement under pars. (b) and (c). Paragraphs (b) and (c) do not apply unless  
22 the amendment to the state plan is approved and in effect. The department shall  
23 submit to the federal department of health and human services an amendment to the  
24 state plan if necessary to permit the application of pars. (b) and (c) to the Wisconsin

1 Center for the Blind and Visually Impaired and the Wisconsin School Educational  
2 Services Program for the Deaf and Hard of Hearing.

3 **SECTION 1789d.** 49.45 (39) (b) of the statutes is amended to read:

4 49.45 (39) (b) *School medical services.* 1. 'Payment for school medical services.'

5 If a school district or a cooperative educational service agency elects to provide school  
6 medical services and meets all requirements under par. (c), the department shall  
7 reimburse the school district or the cooperative educational service agency for 60%  
8 of the federal share of allowable charges for the school medical services that it  
9 provides and, as specified in subd. 2., for allowable administrative costs. If the  
10 Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School  
11 Educational Services Program for the Deaf and Hard of Hearing elects to provide  
12 school medical services and meets all requirements under par. (c), the department  
13 shall reimburse the department of public instruction for 60% of the federal share of  
14 allowable charges for the school medical services that the Wisconsin Center for the  
15 Blind and Visually Impaired or the Wisconsin School Educational Services Program  
16 for the Deaf and Hard of Hearing provides and, as specified in subd. 2., for allowable  
17 administrative costs. A school district, cooperative educational service agency, the  
18 Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School  
19 Educational Services Program for the Deaf and Hard of Hearing may submit, and  
20 the department shall allow, claims for common carrier transportation costs as a  
21 school medical service unless the department receives notice from the federal health  
22 care financing administration that, under a change in federal policy, the claims are  
23 not allowed. If the department receives the notice, a school district, cooperative  
24 educational service agency, the Wisconsin Center for the Blind and Visually  
25 Impaired, or the Wisconsin School Educational Services Program for the Deaf and

1 Hard of Hearing may submit, and the department shall allow, unreimbursed claims  
2 for common carrier transportation costs incurred before the date of the change in  
3 federal policy. The department shall promulgate rules establishing a methodology  
4 for making reimbursements under this paragraph. All other expenses for the school  
5 medical services provided by a school district or a cooperative educational service  
6 agency shall be paid for by the school district or the cooperative educational service  
7 agency with funds received from state or local taxes. The school district, the  
8 Wisconsin Center for the Blind and Visually Impaired, the Wisconsin School  
9 Educational Services Program for the Deaf and Hard of Hearing, or the cooperative  
10 educational service agency shall comply with all requirements of the federal  
11 department of health and human services for receiving federal financial  
12 participation.

13 2. 'Payment for school medical services administrative costs.' The department  
14 shall reimburse a school district or a cooperative educational service agency specified  
15 under subd. 1. and shall reimburse the department of public instruction on behalf  
16 of the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School  
17 Educational Services Program for the Deaf and Hard of Hearing for 90% of the  
18 federal share of allowable administrative costs, using time studies, beginning in  
19 fiscal year 1999–2000. A school district or a cooperative ~~education~~ educational  
20 service agency may submit, and the department of health and family services shall  
21 allow, claims for administrative costs incurred during the period that is up to 24  
22 months before the date of the claim, if allowable under federal law.”.

23 **960.** Page 630, line 14: after that line insert:

24 “**SECTION 1791h.** 49.45 (47) (c) of the statutes is amended to read:

1           49.45 (47) (c) The biennial fee for the certification required under par. (b) of an  
2 adult day care center is \$89, plus a biennial fee of \$17.80 per client, based on the  
3 number of clients that the adult day care center is certified to serve \$100. Fees  
4 collected under this paragraph shall be credited to the appropriation account under  
5 s. 20.435 (6) (jm).

6           **SECTION 1791i.** 49.45 (47) (d) of the statutes is repealed.”.

7           **961.** Page 632, line 4: after that line insert:

8           “**SECTION 1799f.** 49.46 (1) (a) 5m. of the statutes is created to read:

9           49.46 (1) (a) 5m. Any individual who is at least 19 years of age but under 20  
10 years of age and who, on his or her 18th birthday, was in foster care, or treatment  
11 foster care placement under ch. 48 or 938, as determined by the department.”.

12           **962.** Page 646, line 22: after that line insert:

13           “**SECTION 1838gb.** 49.688 of the statutes is created to read:

14           **49.688 Prescription drug assistance for elderly persons. (1)** In this  
15 section:

16           (a) “Generic name” has the meaning given in s. 450.12 (1) (b).

17           (b) “Poverty line” means the nonfarm federal poverty line for the continental  
18 United States, as defined by the federal department of labor under 42 USC 9902 (2).

19           (c) “Prescription drug” means a prescription drug, as defined in s. 450.01 (20),  
20 that is included in the drugs specified under s. 49.46 (2) (b) 6. h. and that is  
21 manufactured by a drug manufacturer that enters into a rebate agreement in force  
22 under sub. (6).

23           (d) “Prescription order” has the meaning given in s. 450.01 (21).

1 (e) “Program payment rate” means the rate of payment made for the identical  
2 drug specified under s. 49.46 (2) (b) 6. h., plus 5%, plus a dispensing fee that is equal  
3 to the dispensing fee permitted to be charged for prescription drugs for which  
4 coverage is provided under s. 49.46 (2) (b) 6. h.

5 (2) (a) A person to whom all of the following applies is eligible to purchase a  
6 prescription drug for the amounts specified in sub. (5) (a) 1. and 2.:

7 1. The person is a resident, as defined in s. 27.01 (10) (a), of this state.

8 2. The person is at least 65 years of age.

9 3. The person is not a recipient of medical assistance.

10 4. The person’s annual household income, as determined by the department,  
11 does not exceed 240% of the federal poverty line for a family the size of the person’s  
12 eligible family.

13 5. The person pays the program enrollment fee specified in sub. (3) (a).

14 (b) A person to whom par. (a) 1. to 3. and 5. applies, but whose annual household  
15 income, as determined by the department, exceeds 240% of the federal poverty line  
16 for a family the size of the persons’ eligible family, is eligible to purchase a  
17 prescription drug at the amounts specified in sub. (5) (a) 4. only during the remaining  
18 amount of any 12–month period in which the person has first paid the annual  
19 deductible specified in sub. (3) (b) 2. a. in purchasing prescription drugs at the retail  
20 price and has then paid the annual deductible specified in sub. (3) (b) 2. b.

21 (3) Program participants shall pay all of the following:

22 (a) For each 12–month benefit period, a program enrollment fee of \$20.

23 (b) 1. For each 12–month benefit period, for a person specified in sub. (2) (a),  
24 a deductible for prescription drugs of \$500, except that a person whose annual



1 household income, as determined by the department, is 160% or less of the federal  
2 poverty line for a family the size of the person's eligible family pays no deductible.

3 2. For each 12-month benefit period, for a person specified in sub. (2) (b), a  
4 deductible for prescription drugs that equals all of the following:

5 a. The difference between the person's annual household income and 240% of  
6 the federal poverty line for a family the size of the person's eligible family.

7 b. Five hundred dollars.

8 (c) After payment of any applicable deductible under par. (b), all of the  
9 following:

10 1. A copayment of \$5 for each prescription drug that bears only a generic name.

11 2. A copayment of \$15 for each prescription drug that does not bear only a  
12 generic name.

13 (d) Notwithstanding s. 49.002, if a person who is eligible under this section has  
14 other available coverage for payment of a prescription drug, this section applies only  
15 to costs for prescription drugs for the persons that are not covered under the person's  
16 other available coverage.

17 (4) The department shall devise and distribute a form for application for the  
18 program under sub. (2), shall determine eligibility for each 12-month benefit period  
19 of applicants and shall issue to eligible persons a prescription drug card for use in  
20 purchasing prescription drugs, as specified in sub. (5). The department shall  
21 promulgate rules that specify the criteria to be used to determine household income  
22 under sub. (2) (a) 4. and (b) and (3) (b) 1.

23 (5) (a) Beginning on September 1, 2002, except as provided in sub. (7) (b), as  
24 a condition of participation by a pharmacy or pharmacist in the program under s.  
25 49.45, 49.46, or 49.47, the pharmacy or pharmacist may not charge a person who

1 presents a valid prescription order and a card indicating that he or she meets  
2 eligibility requirements under sub. (2) an amount for a prescription drug under the  
3 order that exceeds the following:

4 1. For a deductible, as specified in sub. (3) (b) 1. and 2. b., the program payment  
5 rate.

6 2. After any applicable deductible under subd. 1. is charged, the copayment, as  
7 applicable, that is specified in sub. (3) (c) 1. or 2. No dispensing fee may be charged  
8 to a person under this subdivision.

9 3. For a deductible, as specified in sub. (3) (b) 2. a., the retail price.

10 4. After the deductible under subd. 3. is charged, the copayment, as applicable,  
11 that is specified in sub. (3) (c) 1. or 2. No dispensing fee may be charged to a person  
12 under this subdivision.

13 (b) The department shall calculate and transmit to pharmacies and  
14 pharmacists that are certified providers of medical assistance amounts that may be  
15 used in calculating charges under par. (a). The department shall periodically update  
16 this information and transmit the updated amounts to pharmacies and pharmacists.

17 **(6)** The department, or an entity with which the department contracts, shall  
18 provide to a drug manufacturer that sells drugs for prescribed use in this state  
19 documents designed for use by the manufacturer in entering into a rebate agreement  
20 with the department or entity that is modeled on the rebate agreement specified  
21 under 42 USC 1396r-8. A rebate agreement under this subsection shall include all  
22 of the following as requirements:

23 (a) That, except as provided in sub. (7) (b), the manufacturer shall make rebate  
24 payments for each prescription drug of the manufacturer that is prescribed for and  
25 purchased by persons who meet criteria under sub. (2) (a) and persons who meet

1 criteria under sub. (2) (b) and have paid the deductible under sub. (3) (b) 2. a., to the  
2 state treasurer to be credited to the appropriation account under s. 20.435 (4) (j), each  
3 calendar quarter or according to a schedule established by the department.

4 (b) That, except as provided in sub. (7) (b), the amount of the rebate payment  
5 shall be determined by a method specified in 42 USC 1396r–8 (c).

6 (7) (a) Except as provided in par. (b), from the appropriation accounts under  
7 s. 20.435 (4) (bv) and (j), beginning on September 1, 2002, the department shall,  
8 under a schedule that is identical to that used by the department for payment of  
9 pharmacy provider claims under medical assistance, provide to pharmacies and  
10 pharmacists payments for prescription drugs sold by the pharmacies or pharmacists  
11 to persons eligible under sub. (2) who have paid the deductible specified under sub.  
12 (3) (b) 1. or 2. or who, under sub. (3) (b) 1., are not required to pay a deductible. The  
13 payment for each prescription drug under this paragraph shall be at the program  
14 payment rate, minus any copayment paid by the person under sub. (5) (a) 2. or 4., and  
15 plus, if applicable, incentive payments that are similar to those provided under s.  
16 49.45 (8v). The department shall devise and distribute a claim form for use by  
17 pharmacies and pharmacists under this paragraph and may limit payment under  
18 this paragraph to those prescription drugs for which payment claims are submitted  
19 by pharmacists or pharmacies directly to the department. The department may  
20 apply to the program under this section the same utilization and cost control  
21 procedures that apply under rules promulgated by the department to medical  
22 assistance under subch. IV of ch. 49.

23 (b) During any period in which funding under s. 20.435 (4) (bv) is completely  
24 expended for the payments specified in par. (a), the requirements of par. (a) and subs.  
25 (3) (c), (5), and (6) (a) and (b) do not apply to drugs purchased during that period, but

1 the department shall continue to accept applications and determine eligibility under  
2 sub. (4) and shall indicate to applicants that the eligibility of program participants  
3 to purchase prescription drugs as specified in sub. (3), under the requirements of sub.  
4 (5), is conditioned on the availability of funding under s. 20.435 (4) (bv).

5 **(8)** The department shall, under methods promulgated by the department by  
6 rule, monitor compliance by pharmacies and pharmacists that are certified providers  
7 of medical assistance with the requirements of sub. (5) and shall annually report to  
8 the legislature under s. 13.172 (2) concerning the compliance. The report shall  
9 include information on any pharmacies or pharmacists that discontinue  
10 participation as certified providers of medical assistance and the reasons given for  
11 the discontinuance.

12 **(9)** (a) The department shall promulgate rules relating to prohibitions on fraud  
13 that are substantially similar to applicable provisions under s. 49.49 (1) (a).

14 (b) A person who is convicted of violating a rule promulgated by the department  
15 under par. (a) in connection with that person's furnishing of prescription drugs under  
16 this section may be fined not more than \$25,000, or imprisoned for not more than 7  
17 years and 6 months, or both.

18 (c) A person other than a person specified in par. (b) who is convicted of violating  
19 a rule promulgated by the department under par. (a) may be fined not more than  
20 \$10,000, or imprisoned for not more than one year, or both.

21 **(10)** If federal law is amended to provide coverage for prescription drugs for  
22 outpatient care as a benefit under medicare or to provide similar coverage under  
23 another program, the department shall submit to appropriate standing committees  
24 of the legislature under s. 13.172 (3) a report that contains an analysis of the

1 differences between such a federal program and the program under this section and  
2 that provides recommendations concerning alignment, if any, of the differences.

3 **(11)** The department shall request from the federal secretary of health and  
4 human services a waiver, under 42 USC 1315 (a), of federal medicaid laws necessary  
5 to permit the department of health and family services to conduct a project, under  
6 all of the requirements of this section, to expand eligibility for medical assistance,  
7 for purposes of receipt of prescription drugs as a benefit, to include individuals who  
8 are eligible under sub. (2). The department may implement a waiver requested  
9 under this subsection only if the conditions of the waiver are consistent with the  
10 requirements of this section. The department shall implement the program under  
11 this section regardless of whether a waiver, as specified in this subsection, is  
12 received.

13 **(12)** Except as provided in subs. (8) to (11) and except for the department's  
14 rule-making requirements and authority, the department may enter into a contract  
15 with an entity to perform the duties and exercise the powers of the department under  
16 this section.”.

17 **963.** Page 648, line 12: after that line insert:

18 “**SECTION 1838w.** 49.85 (2) (a) of the statutes is amended to read:

19 49.85 **(2)** (a) At least annually, the department of health and family services  
20 shall certify to the department of revenue the amounts that, based on the  
21 notifications received under sub. (1) and on other information received by the  
22 department of health and family services, the department of health and family  
23 services has determined that it may recover under s. 49.45 (2) (a) 10. or 49.497, except  
24 that the department of health and family services may not certify an amount under

1 this subsection unless it has met the notice requirements under sub. (3) and unless  
2 its determination has either not been appealed or is no longer under appeal.”.

3 **964.** Page 648, line 21: after that line insert:

4 “**SECTION 1840e.** 49.85 (3) (a) 1. of the statutes is amended to read:

5 49.85 (3) (a) 1. Inform the person that the department of health and family  
6 services intends to certify to the department of revenue an amount that the  
7 department of health and family services has determined to be due under s. 49.45  
8 (2) (a) 10. or 49.497, for setoff from any state tax refund that may be due the person.”.

9 **965.** Page 653, line 10: after that line insert:

10 “**SECTION 1877g.** 50.01 (1) (b) of the statutes is amended to read:

11 50.01 (1) (b) A place where 3 or 4 adults who are not related to the operator  
12 reside and receive care, treatment or services that are above the level of room and  
13 board and that may include up to 7 hours per week of nursing care per resident.  
14 “Adult family home” does not include a place that is specified in sub. (1g) (a) to (d),  
15 (f) or (g) or a respite facility, as defined in s. 50.85 (1) (d).

16 **SECTION 1877h.** 50.01 (1g) (h) of the statutes is created to read:

17 50.01 (1g) (h) A respite facility, as defined in s. 50.85 (1) (d).

18 **SECTION 1877i.** 50.01 (3) (f) of the statutes is created to read:

19 50.01 (3) (f) A respite facility, as defined in s. 50.85 (1) (d).”.

20 **966.** Page 653, line 10: after that line insert:

21 “**SECTION 1877p.** 50.03 (13) (a) of the statutes is amended to read:

22 50.03 (13) (a) *New license.* Whenever ownership of a facility is transferred from  
23 the person or persons named in the license to any other person or persons, the  
24 transferee must obtain a new license. The license may be a probationary license.

1 Penalties under sub. (1) shall apply to violations of this subsection. The transferee  
2 shall notify the department of the transfer, file an application under sub. (3) (b), and  
3 apply for a new license at least 30 days prior to final transfer. Retention of any  
4 interest required to be disclosed under sub. (3) (b) after transfer by any person who  
5 held such an interest prior to transfer may constitute grounds for denial of a license  
6 where violations of this subchapter for which notice had been given to the transferor  
7 are outstanding and uncorrected, if the department determines that effective control  
8 over operation of the facility has not been transferred. If the transferor was a  
9 provider under s. 49.43 (10), the transferee and transferor shall comply with s. 49.45  
10 (21).”.

11 **967.** Page 654, line 6: after that line insert:

12 “**SECTION 1894r.** 50.065 (1) (c) (intro.) of the statutes is amended to read:

13 50.065 (1) (c) (intro.) “Entity” means a facility, organization or service that is  
14 licensed or certified by or registered with the department to provide direct care or  
15 treatment services to clients. “Entity” includes a hospital, a personal care worker  
16 agency, a supportive home care service agency, a temporary employment agency that  
17 provides caregivers to another entity, a respite facility, and the board on aging and  
18 long-term care. “Entity” does not include any of the following:

19 **SECTION 1897g.** 50.50 (3) (a) 7. of the statutes is created to read:

20 50.50 (3) (a) 7. A respite facility.

21 **SECTION 1900b.** Subchapter IV (title) of chapter 50 [precedes 50.85] of the  
22 statutes is amended to read:

23 **CHAPTER 50**

24 **SUBCHAPTER IV**

1                                    RESPITE FACILITIES AND HOSPICES

2            **SECTION 1900c.** 50.85 of the statutes is created to read:

3            **50.85 Respite facilities for persons with like or similar disabilities. (1)**

4            DEFINITIONS. In this section:

5            (a) “Disability” has the meaning given in rules promulgated under sub. (8) (e).

6            (b) “Like or similar disabilities” has the meaning given in rules promulgated  
7            under sub. (8) (f).

8            (c) “Respite care” means care provided to a person with a disability in order to  
9            provide temporary relief to the primary caregiver.

10           (d) “Respite facility” means a facility in which overnight respite care is provided  
11           to up to 10 persons with like or similar disabilities who are at least 2 years of age and  
12           in which day respite care may be provided to up to 10 additional persons with like  
13           or similar disabilities who are at least 2 years of age.

14           **(2) DEPARTMENTAL POWERS AND DUTIES.** The department shall provide uniform,  
15           statewide licensure, inspection, and regulation of respite facilities as specified in this  
16           section.

17           **(3) LICENSURE REQUIREMENTS.** (a) No person may conduct, maintain, operate,  
18           or otherwise participate in conducting, maintaining, or operating a respite facility  
19           unless the respite facility is licensed by the department.

20           (b) The department shall issue a license if the department finds that the  
21           applicant is fit and qualified and that the respite facility meets the requirements of  
22           this section and the rules promulgated under this section.

23           (c) The department or the department’s designated representative shall  
24           inspect or investigate a respite facility prior to issuance of a license for the respite  
25           facility and may inspect or investigate a respite facility as the department deems



1 necessary, including a review of patient health care records of any individuals served  
2 by the respite facility, to determine if any person is in violation of this section.

3 (d) The past record of violations of applicable federal laws or regulations or of  
4 state statutes or rules of this or any other state, in the operation of any  
5 health-related organization, by an operator, managing employee, or direct or  
6 indirect owner of a respite facility or of an interest of a respite facility is relevant to  
7 the issue of the fitness of an applicant for a license. The department or the  
8 department's designated representative shall inspect and investigate as necessary  
9 to determine the conditions existing in each case under this paragraph and shall  
10 prepare and maintain a written report concerning the investigation and inspection.

11 **(4) USE OF NAME OR ADVERTISING PROHIBITED.** No entity that is not a respite  
12 facility licensed under this section or an applicant for a license under this section may  
13 designate itself as a “respite facility” or use the word “respite facility” to represent  
14 or tend to represent the entity as a respite facility or services provided by the entity  
15 as services provided by a respite facility.

16 **(5) LICENSING PROCEDURE.** (a) The application for a license shall:

- 17 1. Be in writing on a form provided by the department.
- 18 2. Contain such information as the department requires.
- 19 3. Include licensing fee payment, as specified in sub. (6).

20 (b) 1. A respite facility license is valid until suspended or revoked.

21 2. Each license shall be issued only for the applicant named in the application  
22 and may not be transferred or assigned.

23 3. Any license granted under special limitations prescribed by the department  
24 shall state the limitations.

1           **(6) LICENSURE FEE.** The annual fee for a licensed respite facility is \$18 per bed,  
2 based on the number of licensed beds of the respite facility.

3           **(7) SUSPENSION AND REVOCATION.** (a) The department, after notice to the  
4 applicant or licensee, may suspend or revoke a license in any case in which the  
5 department finds that there has been a substantial failure to comply with the  
6 requirements of this section or the rules promulgated under this section. No state  
7 or federal funds passing through the state treasury may be paid to a respite facility  
8 that does not have a valid license issued under this section.

9           (b) Notice under this subsection shall include a clear and concise statement of  
10 the violations on which the revocation is based, the statute or rule violated and notice  
11 of the opportunity for an evidentiary hearing under par. (c).

12           (c) If a respite facility desires to contest the revocation of a license, the respite  
13 facility shall, within 10 days after receipt of notice under par. (b), notify the  
14 department in writing of its request for a hearing under s. 227.44.

15           (d) 1. Subject to s. 227.51 (3), revocation shall become effective on the date set  
16 by the department in the notice of revocation, or upon final action after a hearing  
17 under ch. 227, or after court action if a stay is granted under ch. 227, whichever is  
18 later.

19           3. The department may extend the effective date of license revocation in any  
20 case in order to permit orderly removal and relocation of individuals served by the  
21 respite facility.

22           **(8) RULE-MAKING AUTHORITY.** The department shall promulgate all of the  
23 following rules:

24           (a) Standards for the care, treatment, health, safety, rights, and welfare of  
25 persons with like or similar disabilities who receive respite care care from a respite

1 facility and the maintenance, general hygiene and operation of a respite facility,  
2 which will permit the use of advancing knowledge to promote safe and adequate care  
3 and treatment for these individuals. These standards shall permit persons with like  
4 or similar disabilities who receive day care from a respite facility to share dining  
5 facilities and day trips with persons with with like or similar disabilities who receive  
6 overnight care from a respite facility. The standards shall also allow provision of fire  
7 safety training by a local fire inspector or a fire department.

8 (b) Inspection or investigation procedures that the department or the  
9 department's designated representative may use to assure the provision of care and  
10 treatment that is commensurate with the standards established under par. (a).

11 (c) Criteria for determining that the applicant for licensure is fit and qualified.

12 (d) A procedure for waiver of and variance from standards under par. (a) or  
13 criteria under par. (c). The department may limit the duration of the waiver or  
14 variance.

15 (e) A definition of "disability" for the purposes of this section.

16 (f) A definition of "like or similar disabilities" for the purposes of this section.

17 **(9) RIGHT OF INJUNCTION.** The department may, upon the advice of the attorney  
18 general, who shall represent the department in all proceedings under this section,  
19 institute an action in the name of the state in the circuit court for Dane County for  
20 injunctive relief or other process against any licensee, owner, operator,  
21 administrator or representative of any owner of a respite facility for the violation of  
22 any of the provisions of this section or rules promulgated under this section if the  
23 violation affects the health, safety, or welfare of persons with like or similar  
24 disabilities.

1           **(10) FORFEITURES.** (a) Any person who violates this subchapter or rules  
2 promulgated under this subchapter may be required to forfeit not more than \$100  
3 for the first violation and may be required to forfeit not more than \$200 for the 2nd  
4 or any subsequent violation within a year. The period shall be measured using the  
5 dates of issuance of citations of the violations. Each day of violation constitutes a  
6 separate violation.

7           (b) In determining whether a forfeiture is to be imposed and in fixing the  
8 amount of the forfeiture to be imposed, if any, for a violation, the following factors  
9 shall be considered:

10           1. The gravity of the violation, including the probability that death or serious  
11 physical or psychological harm to a person receiving respite care from a respite  
12 facility will result or has resulted; the severity of the actual or potential harm; and  
13 the extent to which the provisions of the applicable statutes or rules were violated.

14           2. Good faith exercised by the licensee. Indications of good faith include, but  
15 are not limited to, awareness of the applicable statutes and regulation and  
16 reasonable diligence in complying with such requirements, prior accomplishments  
17 manifesting the licensee's desire to comply with the requirements, efforts to correct  
18 and any other mitigating factors in favor of the licensee.

19           3. Any previous violations committed by the licensee.

20           4. The financial benefit to the respite facility of committing or continuing the  
21 violation.

22           (c) The department may directly assess forfeitures provided for under par. (a).  
23 If the department determines that a forfeiture should be assessed for a particular  
24 violation or for failure to correct the violation, the department shall send a notice of  
25 assessment to the respite facility. The notice shall specify the amount of the

1 forfeiture assessed, the violation, and the statute or rule alleged to have been  
2 violated, and shall inform the licensee of the right to a hearing under par. (d).

3 (d) A respite facility may contest an assessment of forfeiture, by sending, within  
4 10 days after receipt of notice under par. (c), a written request for hearing under s.  
5 227.44 to the division of hearings and appeals created under s. 15.103 (1). The  
6 administrator of the division may designate a hearing examiner to preside over the  
7 case and recommend a decision to the administrator under s. 227.46. The decision  
8 of the administrator of the division shall be the final administrative decision. The  
9 division shall commence the hearing within 30 days after receipt of the request for  
10 hearing and shall issue a final decision within 15 days after the close of the hearing.  
11 Proceedings before the division are governed by ch. 227. In any petition for judicial  
12 review of a decision by the division, the party, other than the petitioner, who was in  
13 the proceeding before the division shall be the named respondent.

14 (e) All forfeitures shall be paid to the department within 10 days after receipt  
15 of notice of assessment or, if the forfeiture is contested under par. (d), within 10 days  
16 after receipt of the final decision after exhaustion of administrative review, unless  
17 the final decision is appealed and the order is stayed by court order under the same  
18 terms and conditions as found in s. 50.03 (11). The department shall remit all  
19 forfeitures paid to the state treasurer for deposit in the school fund.

20 (f) The attorney general may bring an action in the name of the state to collect  
21 any forfeiture imposed under this section if the forfeiture has not been paid following  
22 the exhaustion of all administrative and judicial reviews. The only issue to be  
23 contested in any such action shall be whether the forfeiture has been paid.

24 **SECTION 1900d.** 50.90 (intro.) of the statutes is amended to read:

25 **50.90 Definitions.** (intro.) In this subchapter section to s. 50.981:

1           **SECTION 1900e.** 50.91 of the statutes is amended to read:

2           **50.91 Departmental powers and duties.** The department shall provide  
3 uniform, statewide licensing, inspection and regulation of hospices as specified in  
4 ~~this subchapter ss. 50.90 to 50.981.~~

5           **SECTION 1900f.** 50.92 (2) of the statutes is amended to read:

6           **50.92 (2)** The department shall issue a license if the department finds that the  
7 applicant is fit and qualified and that the hospice meets the requirements of ~~this~~  
8 ~~subchapter ss. 50.90 to 50.981~~ and the rules promulgated under ~~this subchapter ss.~~  
9 50.90 to 50.981.

10          **SECTION 1900g.** 50.92 (3) of the statutes is amended to read:

11          **50.92 (3)** The department or the department's designated representative shall  
12 inspect or investigate a hospice prior to issuance of a license for the hospice except  
13 as provided in sub. (4) and may inspect or investigate a hospice as the department  
14 deems necessary, including conducting home visits or a review of health care records  
15 of any individuals with terminal illness served by the hospice, to determine if any  
16 person is in violation of ~~this subchapter ss. 50.90 to 50.981.~~

17          **SECTION 1900h.** 50.925 of the statutes is amended to read:

18          **50.925 Use of name or advertising prohibited.** No entity that is not a  
19 hospice licensed under ~~this subchapter ss. 50.90 to 50.981~~ or an applicant for a  
20 license or a provisional license under ~~this subchapter ss. 50.90 to 50.981~~ may  
21 designate itself as a "hospice" or use the word "hospice" to represent or tend to  
22 represent the entity as a hospice or services provided by the entity as services  
23 provided by a hospice.

24          **SECTION 1900i.** 50.93 (3) of the statutes is amended to read:

1           **50.93 (3) PROVISIONAL LICENSE.** If the applicant has not been previously licensed  
2 under ~~this subchapter s. 50.92~~ or if the hospice is not in operation at the time that  
3 application is made, the department may issue a provisional license. Unless sooner  
4 suspended or revoked under sub. (4), a provisional license shall be valid for 24  
5 months from the date of issuance. Within 30 days prior to the termination of a  
6 provisional license, the department shall fully and completely inspect the hospice  
7 and, if the hospice meets the applicable requirements for licensure, shall issue a  
8 regular license under sub. (2). If the department finds that the hospice does not meet  
9 the requirements for licensure, the department may not issue a regular license under  
10 sub. (2).

11           **SECTION 1900j.** 50.93 (4) (a) of the statutes is amended to read:

12           **50.93 (4) (a)** The department, after notice to the applicant or licensee, may  
13 suspend or revoke a license in any case in which the department finds that there has  
14 been a substantial failure to comply with the requirements of ~~this subchapter ss.~~  
15 50.90 to 50.981 or the rules promulgated under ~~this subchapter ss. 50.90 to 50.981.~~  
16 No state or federal funds passing through the state treasury may be paid to a hospice  
17 not having a valid license issued under this section.

18           **SECTION 1900k.** 50.97 of the statutes is amended to read:

19           **50.97 Right of injunction.** The department may, upon the advice of the  
20 attorney general, who shall represent the department in all proceedings under this  
21 section, institute an action in the name of the state in the circuit court for Dane  
22 County for injunctive relief or other process against any licensee, owner, operator,  
23 administrator or representative of any owner of a hospice for the violation of any of  
24 the provisions of ~~this subchapter ss. 50.90 to 50.981~~ or rules promulgated under ~~this~~

1 ~~subchapter ss. 50.90 to 50.981~~ if the violation affects the health, safety or welfare of  
2 individuals with terminal illness.

3 **SECTION 1900L.** 50.98 (1) of the statutes is amended to read:

4 50.98 (1) Any person who violates ~~this subchapter ss. 50.90 to 50.981~~ or rules  
5 promulgated under ~~this subchapter ss. 50.90 to 50.981~~ may be required to forfeit not  
6 more than \$100 for the first violation and may be required to forfeit not more than  
7 \$200 for the 2nd or any later violation within a year. The period shall be measured  
8 using the dates of issuance of citations of the violations. Each day of violation  
9 constitutes a separate violation.

10 **SECTION 1900m.** 50.981 of the statutes is amended to read:

11 **50.981 Fees permitted for a workshop or seminar.** If the department  
12 develops and provides a workshop or seminar relating to the provision of services by  
13 hospices under ~~this subchapter ss. 50.90 to 50.981~~, the department may establish a  
14 fee for each workshop or seminar and impose the fee on registrants for the workshop  
15 or seminar. A fee so established and imposed shall be in an amount sufficient to  
16 reimburse the department for the costs directly associated with developing and  
17 providing the workshop or seminar.”.

18 **968.** Page 656, line 10: after that line insert:

19 **“SECTION 1965b.** 51.15 (1) (a) (intro.) of the statutes is amended to read:

20 51.15 (1) (a) (intro.) A law enforcement officer or other person authorized to  
21 take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938  
22 may take an individual into custody if the officer or person has cause to believe that  
23 such the individual is mentally ill ~~or, except as provided in subd. 5., is drug~~



1 dependent, or is developmentally disabled, and that the individual evidences any of  
2 the following:

3 **SECTION 1965c.** 51.15 (1) (a) 5. of the statutes is repealed.

4 **SECTION 1965d.** 51.15 (1) (c) of the statutes is repealed.

5 **SECTION 1965e.** 51.15 (4) (a) of the statutes is amended to read:

6 51.15 **(4)** (a) In counties having a population of 500,000 or more, the law  
7 enforcement officer or other person authorized to take a child into custody under ch.  
8 48 or to take a juvenile into custody under ch. 938 shall sign a statement of  
9 emergency detention which shall provide detailed specific information concerning  
10 the recent overt act, attempt, or threat to act or omission on which the belief under  
11 sub. (1) is based and the names of the persons observing or reporting the recent overt  
12 act, attempt, or threat to act or omission. The law enforcement officer or other person  
13 is not required to designate in the statement whether the subject individual is  
14 mentally ill, developmentally disabled, or drug dependent, but shall allege that he  
15 or she has cause to believe that the individual evidences one or more of these  
16 conditions if sub. (1) (a) 1., 2., 3. or 4. is believed or mental illness, if sub. (1) (a) 5.  
17 is believed. The law enforcement officer or other person shall deliver, or cause to be  
18 delivered, the statement to the detention facility upon the delivery of the individual  
19 to it.

20 **SECTION 1965f.** 51.15 (5) of the statutes is amended to read:

21 51.15 **(5)** DETENTION PROCEDURE; OTHER COUNTIES. In counties having a  
22 population of less than 500,000, the law enforcement officer or other person  
23 authorized to take a child into custody under ch. 48 or to take a juvenile into custody  
24 under ch. 938 shall sign a statement of emergency detention ~~which~~ that shall provide  
25 detailed specific information concerning the recent overt act, attempt, or threat to

1 act or omission on which the belief under sub. (1) is based and the names of persons  
2 observing or reporting the recent overt act, attempt, or threat to act or omission. The  
3 law enforcement officer or other person is not required to designate in the statement  
4 whether the subject individual is mentally ill, developmentally disabled, or drug  
5 dependent, but shall allege that he or she has cause to believe that the individual  
6 evidences one or more of these conditions if sub. (1) (a) 1., 2., 3. or 4. is believed or  
7 mental illness, if sub. (1) (a) 5. is believed. The statement of emergency detention  
8 shall be filed by the officer or other person with the detention facility at the time of  
9 admission, and with the court immediately thereafter. The filing of the statement  
10 has the same effect as a petition for commitment under s. 51.20. When, upon the  
11 advice of the treatment staff, the director of a facility specified in sub. (2) determines  
12 that the grounds for detention no longer exist, he or she shall discharge the  
13 individual detained under this section. Unless a hearing is held under s. 51.20 (7)  
14 or 55.06 (11) (b), the subject individual may not be detained by the law enforcement  
15 officer or other person and the facility for more than a total of 72 hours, exclusive of  
16 Saturdays, Sundays, and legal holidays.

17 **SECTION 1965g.** 51.20 (1) (a) 2. e. of the statutes is amended to read:

18 51.20 (1) (a) 2. e. For an individual, other than an individual who is alleged to  
19 be drug dependent or developmentally disabled, after the advantages and  
20 disadvantages of and alternatives to accepting a particular medication or treatment  
21 have been explained to him or her and because of mental illness, evidences either  
22 incapability of expressing an understanding of the advantages and disadvantages of  
23 accepting medication or treatment and the alternatives, or substantial incapability  
24 of applying an understanding of the advantages, disadvantages, and alternatives to  
25 his or her mental illness in order to make an informed choice as to whether to accept

1 or refuse medication or treatment; and evidences a substantial probability, as  
2 demonstrated by both the individual's treatment history and his or her recent acts  
3 or omissions, that the individual needs care or treatment to prevent further  
4 disability or deterioration and a substantial probability that he or she will, if left  
5 untreated, lack services necessary for his or her health or safety and suffer severe  
6 mental, emotional, or physical harm that will result in the loss of the individual's  
7 ability to function independently in the community or the loss of cognitive or  
8 volitional control over his or her thoughts or actions. The probability of suffering  
9 severe mental, emotional, or physical harm is not substantial under this subd. 2. e.  
10 if reasonable provision for the individual's care or treatment is available in the  
11 community and there is a reasonable probability that the individual will avail  
12 himself or herself of these services or if the individual is appropriate for protective  
13 placement under s. 55.06. Food, shelter, or other care that is provided to an  
14 individual who is substantially incapable of obtaining food, shelter, or other care for  
15 himself or herself by any person other than a treatment facility does not constitute  
16 reasonable provision for the individual's care or treatment in the community under  
17 this subd. 2. e. The individual's status as a minor does not automatically establish  
18 a substantial probability of suffering severe mental, emotional, or physical harm  
19 under this subd. 2. e. ~~This subd. 2. e. does not apply after November 30, 2001.~~

20 **SECTION 1965h.** 51.20 (1) (ad) 1. of the statutes is amended to read:

21 51.20 (1) (ad) 1. If a petition under par. (a) is based on par. (a) 2. e., the petition  
22 shall be reviewed and approved by the attorney general or by his or her designee prior  
23 to ~~or within 12 hours after~~ the time that it is filed. If the attorney general or his or  
24 her designee disapproves or fails to act with respect to the petition, the petition may  
25 not be filed. ~~If the attorney general or his or her designee disapproves or fails to act~~

1 with respect to a petition under this subdivision within 12 hours after the time that  
2 it is filed, the individual, if detained under the petition, shall be released and the  
3 petition is void.

4 **SECTION 1965i.** 51.20 (1) (ad) 3. of the statutes is repealed.

5 **SECTION 1965j.** 51.20 (10) (cm) 1. of the statutes is renumbered 51.20 (10) (cm)  
6 and amended to read:

7 51.20 (10) (cm) Prior to or at the final hearing, for individuals for whom a  
8 petition is filed under sub. (1) (a) 2. e., the county department under s. 51.42 or 51.437  
9 shall furnish to the court and the subject individual an initial recommended written  
10 treatment plan that contains the goals of treatment, the type of treatment to be  
11 provided, and the expected providers. The treatment plan shall address the  
12 individual's needs for inpatient care, residential services, community support  
13 services, medication and its monitoring, case management, and other services to  
14 enable the person to live in the community upon release from an inpatient facility.  
15 The treatment plan shall contain information concerning the availability of the  
16 needed services and community treatment providers' acceptance of the individual  
17 into their programs. The treatment plan is only a recommendation and is not subject  
18 to approval or disapproval by the court. Failure to furnish a treatment plan under  
19 this subdivision paragraph does not constitute grounds for dismissal of the petition  
20 unless the failure is made in bad faith.

21 **SECTION 1965k.** 51.20 (10) (cm) 2. of the statutes is repealed.

22 **SECTION 1965L.** 51.20 (13) (g) 2d. c. of the statutes is repealed.

23 **SECTION 1965m.** 51.30 (3) (b) of the statutes is amended to read:

24 51.30 (3) (b) An individual's attorney or guardian ad litem and the corporation  
25 counsel shall have access to the files and records of the court proceedings under this

1 chapter without the individual's consent and without modification of the records in  
2 order to prepare for involuntary commitment or recommitment proceedings,  
3 reexaminations, appeals, or other actions relating to detention, admission, or  
4 commitment under this chapter or ch. 971 or 975.

5 **SECTION 1965n.** 51.30 (4) (b) 11. of the statutes is amended to read:

6 51.30 (4) (b) 11. To the subject individual's counsel or guardian ad litem and  
7 the corporation counsel, without modification, at any time in order to prepare for  
8 involuntary commitment or recommitment proceedings, reexaminations, appeals, or  
9 other actions relating to detention, admission, commitment, or patients' rights under  
10 this chapter or ch. 48, 971, or 975.

11 **SECTION 1965p.** 51.30 (4) (b) 14. of the statutes is repealed.”.

12 **969.** Page 656, line 10: after that line insert:

13 “**SECTION 1966cb.** 51.13 (1) (a) of the statutes is amended to read:

14 51.13 (1) (a) Except as provided in par. (c) and s. 51.45 (2m), the application for  
15 voluntary admission of a minor who is ~~under~~ 14 years of age or older to an approved  
16 inpatient treatment facility for the primary purpose of treatment for alcoholism or  
17 drug abuse and the application for voluntary admission of a minor who is under 14  
18 years of age to an approved inpatient treatment facility for the primary purpose of  
19 treatment for mental illness, developmental disability, alcoholism, or drug abuse  
20 shall be executed by a parent who has legal custody of the minor or the minor's  
21 guardian. Any statement or conduct by a minor ~~under the age of 14 who is the subject~~  
22 of an application for voluntary admission under this paragraph indicating that the  
23 minor does not agree to admission to the facility shall be noted on the face of the  
24 application and shall be noted in the petition required by sub. (4).

1           **SECTION 1966cc.** 51.13 (1) (b) of the statutes is amended to read:

2           51.13 (1) (b) The application for voluntary admission of a minor who is 14 years  
3 of age or ~~over~~ older to an approved inpatient treatment facility for the primary  
4 purpose of treatment for mental illness or developmental disability shall be executed  
5 by the minor and a parent who has legal custody of the minor or the minor's guardian,  
6 except as provided in par. (c) 1.

7           **SECTION 1966cd.** 51.13 (1) (c) of the statutes is renumbered 51.13 (1) (c) 1. and  
8 amended to read:

9           51.13 (1) (c) 1. If a minor 14 years of age or older wishes to be admitted to an  
10 approved inpatient treatment facility but a parent with legal custody or the guardian  
11 refuses to execute the application for admission or cannot be found, or if there is no  
12 parent with legal custody, the minor or a person acting on the minor's behalf may  
13 petition the court assigned to exercise jurisdiction under chs. 48 and 938 in the  
14 county of residence of the parent or guardian for approval of the admission. A copy  
15 of the petition and a notice of hearing shall be served upon the parent or guardian  
16 at his or her last-known address. If, after a hearing, the court determines that the  
17 ~~parent or guardian's consent is~~ of the parent or guardian is being unreasonably  
18 withheld ~~or~~, that the parent or guardian cannot be found, or that there is no parent  
19 with legal custody, and that the admission is proper under the standards prescribed  
20 in sub. (4) (d), ~~it~~ the court shall approve the minor's admission without the parent  
21 ~~or guardian's consent~~ of the parent or guardian.

22           3. The court may, at the minor's request, temporarily approve the admission  
23 pending hearing on the petition. If a hearing is held under ~~this subsection~~ subd. 1.  
24 or 2., no review or hearing under sub. (4) is required.

25           **SECTION 1966ce.** 51.13 (1) (c) 2. of the statutes is created to read:

1           51.13 (1) (c) 2. If a minor under 14 years of age wishes to be admitted to an  
2 approved inpatient treatment facility but a parent with legal custody or the guardian  
3 cannot be found, or if there is no parent with legal custody, the minor or a person  
4 acting on the minor's behalf may petition the court assigned to exercise jurisdiction  
5 under chs. 48 and 938 in the county of residence of the parent or guardian for  
6 approval of the admission. A copy of the petition and a notice of hearing shall be  
7 served upon the parent or guardian at his or her last-known address. If, after a  
8 hearing, the court determines that the parent or guardian cannot be found or that  
9 there is no parent with legal custody, and that the admission is proper under the  
10 standards prescribed in sub. (4) (d), the court shall approve the minor's admission  
11 without the consent of the parent or guardian.

12           **SECTION 1966cf.** 51.13 (1) (d) of the statutes is amended to read:

13           51.13 (1) (d) A minor against whom a petition or statement has been filed under  
14 s. 51.15, 51.20, or 51.45 (12) or (13) may be admitted under this section. The court  
15 may permit the minor to become a voluntary patient pursuant to under this section  
16 upon approval by the court of an application executed pursuant to under par. (a), (b),  
17 or (c), ~~and the judge.~~ The court shall then dismiss the proceedings under s. 51.15,  
18 51.20, or 51.45 (12) or (13). If a hearing is held under this subsection, no hearing  
19 under sub. (4) is required.

20           **SECTION 1966cg.** 51.13 (1) (e) of the statutes is amended to read:

21           51.13 (1) (e) A minor may be admitted immediately upon the approval of the  
22 application executed under par. (a) or (b) by the treatment director of the facility or  
23 his or her designee or, in the case of a center for the developmentally disabled, the  
24 director of the center or his or her designee, and the director of the appropriate county  
25 department under s. 51.42 or 51.437 if such the county department is to be

1 responsible for the cost of the minor's therapy and treatment. Approval shall be  
2 based upon an informed professional opinion that the minor is in need of psychiatric  
3 services or services for developmental disability, alcoholism, or drug abuse, that the  
4 treatment facility offers inpatient therapy or treatment ~~which~~ that is appropriate for  
5 the minor's needs, and that inpatient care in the facility is the least restrictive  
6 therapy or treatment consistent with the minor's needs. In the case of a minor who  
7 is being admitted for the primary purpose of treatment for alcoholism or drug abuse,  
8 approval shall also be based on the results of an alcohol or other drug abuse  
9 assessment that conforms to the criteria specified in s. 938.547 (4).

10 **SECTION 1966ch.** 51.13 (2) (a) of the statutes is amended to read:

11 51.13 (2) (a) A minor may be admitted to an inpatient treatment facility  
12 without complying with the requirements of this section if the admission does not  
13 involve the department or a county department under s. 51.42 or 51.437, or a contract  
14 between a treatment facility and the department or ~~between a treatment facility and~~  
15 a county department. The application for voluntary admission of a minor who is 14  
16 years of age or older to an inpatient treatment facility for the primary purpose of  
17 treatment for alcoholism or drug abuse and the application for voluntary admission  
18 of a minor who is under 14 years of age to an inpatient treatment facility for the  
19 primary purpose of treatment for mental illness, developmental disability,  
20 alcoholism, or drug abuse shall be executed by a parent who has legal custody of the  
21 minor or by the minor's guardian. The application for voluntary admission of a minor  
22 who is 14 years of age or ~~over~~ older to an inpatient treatment facility for the primary  
23 purpose of treatment for mental illness or developmental disability shall be executed  
24 by the minor and a parent who has legal custody of the minor or the minor's guardian.

25 **SECTION 1966ci.** 51.13 (2) (b) of the statutes is amended to read:



1           51.13 (2) (b) Notwithstanding par. (a), any minor who is 14 years of age or older  
2 and who is admitted to an inpatient treatment facility for the primary purpose of  
3 treatment of mental illness, or developmental disability, ~~alcoholism or drug abuse~~  
4 has the right to be discharged within 48 hours of after his or her request, as provided  
5 in sub. (7) (b). At the time of admission, any minor who is 14 years of age or older and  
6 who is admitted to an inpatient treatment facility for the primary purpose of  
7 treatment for mental illness or developmental disability, and the minor's parent or  
8 guardian, shall be informed of this right orally and in writing by the director of the  
9 hospital or such person's designee. This paragraph does not apply to individuals who  
10 receive services in hospital emergency rooms.

11           **SECTION 1966ck.** 51.13 (2) (d) of the statutes is amended to read:

12           51.13 (2) (d) Writing materials for use in requesting a discharge shall be made  
13 available at all times to all minors who are 14 years of age or older and who are  
14 admitted under this subsection for the primary purpose of treatment for mental  
15 illness or developmental disability. The staff of the facility shall assist such minors  
16 in preparing or submitting requests for discharge.

17           **SECTION 1966cm.** 51.13 (3) (b) of the statutes is amended to read:

18           51.13 (3) (b) A minor 14 years of age or older who has been admitted to an  
19 inpatient treatment facility for the primary purpose of treatment for mental illness  
20 or developmental disability, a minor who is voluntarily admitted under sub. (1) (c)  
21 1. or 2., and his or her the minor's parent or guardian shall also be informed by the  
22 director or his or her designee, both orally and in writing, in easily understandable  
23 language, of the minor's right to request discharge and to be discharged within 48  
24 hours of the request if no petition or statement is filed for emergency detention,

1 emergency commitment, involuntary commitment, or protective placement, and the  
2 minor's right to consent to or refuse treatment as provided in s. 51.61 (6).

3 **SECTION 1966cn.** 51.13 (3) (c) of the statutes is amended to read:

4 51.13 (3) (c) A minor 14 years of age or older who has been admitted to an  
5 inpatient facility for the primary purpose of treatment for alcoholism or drug abuse,  
6 a minor under 14 years of age who has been admitted to an inpatient treatment  
7 facility for the primary purpose of treatment for mental illness, developmental  
8 disability, alcoholism, or drug abuse, and his or her the minor's parent or guardian  
9 shall also be informed by the director or his or her designee, both orally and in  
10 writing, in easily understandable language, of the right of the parent or guardian to  
11 request the minor's discharge as provided in sub. (7) (b) and of the minor's right to  
12 a hearing to determine continued appropriateness of the admission as provided in  
13 sub. (7) (c).

14 **SECTION 1966cp.** 51.13 (4) (a) (intro.) of the statutes is amended to read:

15 51.13 (4) (a) (intro.) Within 3 days ~~of~~ after the admission of a minor under sub.  
16 (1), or within 3 days ~~of~~ after application for admission of the minor, whichever occurs  
17 first, the treatment director of the facility to which the minor is admitted or, in the  
18 case of a center for the developmentally disabled, the director of the center, shall file  
19 a verified petition for review of the admission in the court assigned to exercise  
20 jurisdiction under chs. 48 and 938 in the county in which the facility is located. A  
21 copy of the application for admission and of any relevant professional evaluations  
22 shall be attached to the petition. The petition shall contain all of the following:

23 **SECTION 1966cr.** 51.13 (4) (c) of the statutes is amended to read:

24 51.13 (4) (c) A copy of the petition shall be provided by the petitioner to the  
25 minor and his or her parents or guardian within 5 days ~~of~~ after admission.

1           **SECTION 1966ct.** 51.13 (4) (d) of the statutes is amended to read:

2           51.13 **(4)** (d) Within 5 days of after the filing of the petition, the court assigned  
3 to exercise jurisdiction under chs. 48 and 938 shall determine, based on the  
4 allegations of the petition and accompanying documents, ~~whether the admission is~~  
5 ~~voluntary on the part of the minor if the minor is 14 years of age or older and whether~~  
6 there is a prima facie showing that the minor is in need of psychiatric services, or  
7 services for developmental disability, alcoholism, or drug abuse, that the treatment  
8 facility offers inpatient therapy or treatment ~~which~~ that is appropriate to the minor's  
9 needs, and that inpatient care in the treatment facility is the least restrictive therapy  
10 or treatment consistent with the needs of the minor, and, if the minor is 14 years of  
11 age or older and has been admitted to the treatment facility for the primary purpose  
12 of treatment for mental illness or developmental disability, whether the admission  
13 is voluntary on the part of the minor. If such a showing is made, the court shall  
14 permit voluntary admission. If the court is unable to make such those  
15 determinations based on the petition and accompanying documents, ~~it shall the~~  
16 court may dismiss the petition as provided in par. (h); ~~or~~ order additional information  
17 to be produced as ~~it deems necessary~~ for the court to make such review, and make  
18 such those determinations within 14 days of after admission or application for  
19 admission, whichever is sooner; or ~~it may~~ hold a hearing within 14 days of after  
20 admission or application for admission, whichever is sooner. If a notation of the  
21 minor's unwillingness appears on the face of the petition, or if a hearing has been  
22 requested by the minor, or by the minor's counsel, parent, or guardian, the court shall  
23 hold a hearing to review the admission within 14 days of after admission or  
24 application for admission, whichever is sooner, and shall appoint counsel to

1 represent the minor if the minor is unrepresented. If the court ~~deems~~ considers it  
2 necessary, ~~it~~ the court shall also appoint a guardian ad litem to represent the minor.

3 **SECTION 1966cv.** 51.13 (4) (g) (intro.) of the statutes is amended to read:

4 51.13 **(4)** (g) (intro.) If the court finds that the minor is in need of psychiatric  
5 services or services for developmental disability, alcoholism, or drug abuse in an  
6 inpatient facility, ~~and~~ that the inpatient facility to which the minor is admitted offers  
7 therapy or treatment that is appropriate for the minor's needs and that is the least  
8 restrictive therapy or treatment consistent with the minor's needs, and, in the case  
9 of a minor aged 14 or older who is being admitted for the primary purpose of  
10 treatment for mental illness or developmental disability, that the application is  
11 voluntary on the part of the minor, the court shall permit voluntary admission. If the  
12 court finds that the therapy or treatment in the inpatient facility to which the minor  
13 is admitted is not appropriate or is not the least restrictive therapy or treatment  
14 consistent with the minor's needs, the court may order placement in or transfer to  
15 another more appropriate or less restrictive inpatient facility, except that the court  
16 may not permit or order placement in or transfer to the northern or southern centers  
17 for the developmentally disabled of a minor unless the department gives approval  
18 for the placement or transfer, and if the order of the court is approved by all of the  
19 following if applicable:

20 **SECTION 1966cvv.** 51.13 (4) (g) 1. of the statutes is amended to read:

21 51.13 **(4)** (g) 1. The minor if he or she is aged 14 or older and is being admitted  
22 for the primary purpose of treatment for mental illness or developmental disability.

23 **SECTION 1966cw.** 51.13 (6) (a) of the statutes is amended to read:

24 51.13 **(6)** (a) A minor may be admitted to an inpatient treatment facility  
25 without review of the application under sub. (4) for diagnosis and evaluation or for

1 dental, medical, or psychiatric services for a period not to exceed 12 days. The  
2 application for short-term admission of a minor shall be executed by the minor's  
3 parent or guardian, and ~~by the minor if he or she, if the minor is 14 years of age or~~  
4 ~~older and is being admitted for the primary purpose of diagnosis, evaluation, or~~  
5 ~~services for mental illness or developmental disability, by the minor.~~ A minor may  
6 not be readmitted to an inpatient treatment facility for psychiatric services under  
7 this paragraph within 120 days of a previous admission under this paragraph.

8 **SECTION 1966cx.** 51.13 (7) (a) of the statutes is amended to read:

9 51.13 (7) (a) If a minor is admitted to an inpatient treatment facility while  
10 under 14 years of age, and if upon reaching age 14 is in need of further inpatient care  
11 and treatment primarily for mental illness or developmental disability, the director  
12 of the facility shall request the minor and the minor's parent or guardian to execute  
13 an application for voluntary admission. Such an application may be executed within  
14 30 days prior to a minor's 14th birthday. If the application is executed, a petition for  
15 review shall be filed in the manner prescribed in sub. (4), unless such a review has  
16 been held within the last 120 days. If the application is not executed by the time of  
17 the minor's 14th birthday, the minor shall be discharged unless a petition or  
18 statement is filed for emergency detention, emergency commitment, involuntary  
19 commitment, or protective placement by the end of the next day in which the court  
20 transacts business.

21 **SECTION 1966cy.** 51.13 (7) (b) of the statutes is amended to read:

22 51.13 (7) (b) Any minor 14 years of age or ~~over~~ older who is voluntarily admitted  
23 under this section for the primary purpose of treatment for mental illness or  
24 developmental disability, and any minor who is voluntarily admitted under sub. (1)  
25 (c) 1. or 2., may request discharge in writing. In the case of a minor 14 years of age

1 or older who is voluntarily admitted under this section for the primary purpose of  
2 treatment for alcoholism or drug abuse or a minor under 14 years of age who is  
3 voluntarily admitted under this section for the primary purpose of treatment for  
4 mental illness, developmental disability, alcoholism, or drug abuse, the parent or  
5 guardian of the minor may make the request. Upon receipt of any form of written  
6 request for discharge from a minor, the director of the facility in which the minor is  
7 admitted shall immediately notify the minor's parent or guardian. The minor shall  
8 be discharged within 48 hours after submission of the request, exclusive of  
9 Saturdays, Sundays, and legal holidays, unless a petition or statement is filed for  
10 emergency detention, emergency commitment, involuntary commitment, or  
11 protective placement.

12 **SECTION 1966cz.** 51.13 (7) (c) of the statutes is amended to read:

13 51.13 (7) (c) Any minor 14 years of age or older who is voluntarily admitted  
14 under this section for the primary purpose of treatment for alcoholism or drug abuse,  
15 and who is not discharged under par. (b), and any minor under 14 years of age who  
16 is voluntarily admitted under this section for the primary purpose of treatment for  
17 mental illness, developmental disability, alcoholism, or drug abuse, and who is not  
18 discharged under par. (b), may submit a written request to the court for a hearing  
19 to determine the continued appropriateness of the admission. If the director or staff  
20 of the inpatient treatment facility to which a minor under the age of 14 described in  
21 this paragraph is admitted observes conduct by the minor which that demonstrates  
22 an unwillingness to remain at the facility, including but not limited to a written  
23 expression of opinion or unauthorized absence, the director shall file a written  
24 request with the court to determine the continued appropriateness of the admission.  
25 A request which that is made personally by a minor under this paragraph shall be

1 signed by the minor but need not be written or composed by ~~him or her~~ the minor.  
2 A request for a hearing under this paragraph which that is received by staff or the  
3 director of the facility in which the child is admitted shall be filed with the court by  
4 the director. The court shall order a hearing upon request if no hearing concerning  
5 the minor's admission has been held within 120 days of after receipt of the request.  
6 The court shall appoint counsel and, if the court ~~deems~~ considers it necessary, a  
7 guardian ad litem to represent the minor and if a hearing is held shall hold the  
8 hearing within 14 days of after the request, unless the parties agree to a longer  
9 period. After the hearing, the court shall make disposition of the matter in the  
10 manner provided in sub. (4).

11 **SECTION 1966r.** 51.22 (2) of the statutes is amended to read:

12 51.22 (2) ~~Voluntary~~ Except as provided in s. 51.13 (2), voluntary admissions  
13 under ss. 51.10, 51.13, and 51.45 (10) shall be through the county department under  
14 s. 51.42 or 51.437 serving the person's county of residence, or through the  
15 department if the person to be admitted is a nonresident of this state. Admissions  
16 through a county department under s. 51.42 or 51.437 shall be made in accordance  
17 with s. 51.42 (3) (as) 1. or 51.437 (4rm) (a). Admissions through the department shall  
18 be made in accordance with sub. (3).

19 **SECTION 1967f.** 51.35 (3) (a) of the statutes is amended to read:

20 51.35 (3) (a) A licensed psychologist of a secured correctional facility ~~or,~~ a  
21 secured child caring institution, or a secured group home, or a licensed physician of  
22 the department of corrections, who has reason to believe that any individual confined  
23 in the secured correctional facility, secured child caring institution, or secured group  
24 home is, in his or her opinion, in need of services for developmental disability,  
25 alcoholism, or drug dependency or in need of psychiatric services, and who has

1 obtained voluntary consent to make a transfer for treatment, shall make a report,  
2 in writing, to the superintendent of the secured correctional facility, secured child  
3 caring institution, or secured group home, stating the nature and basis of the belief  
4 and verifying the consent. In the case of a minor age 14 ~~and over~~ or older who is in  
5 need of services for developmental disability or who is in need of psychiatric services,  
6 the minor and the minor's parent or guardian shall consent unless the minor is  
7 admitted under s. 51.13 (1) (c); ~~and in 1.~~ In the case of a minor age 14 or older who  
8 is in need of services for alcoholism or drug dependency or a minor under the age of  
9 14 who is in need of services for developmental disability, alcoholism, or drug  
10 dependency or in need of psychiatric services, only the minor's parent or guardian  
11 need consent unless the minor is admitted under s. 51.13 (1) (c). The superintendent  
12 shall inform, orally and in writing, the minor and the minor's parent or guardian,  
13 that transfer is being considered and shall inform them of the basis for the request  
14 and their rights as provided in s. 51.13 (3). If the department of corrections, upon  
15 review of a request for transfer, determines that transfer is appropriate, that  
16 department shall immediately notify the department of health and family services  
17 and, if the department of health and family services consents, the department of  
18 corrections may immediately transfer the individual. The department of health and  
19 family services shall file a petition under s. 51.13 (4) (a) in the court assigned to  
20 exercise jurisdiction under chs. 48 and 938 of the county where the treatment facility  
21 is located.

22 **SECTION 1967g.** 51.35 (3) (b) of the statutes is amended to read:

23 51.35 (3) (b) The court assigned to exercise jurisdiction under chs. 48 and 938  
24 shall determine, based on the allegations of the petition and accompanying  
25 documents, ~~whether the transfer is voluntary on the part of the minor if he or she is~~



1     ~~aged 14 or over, and whether the transfer of the minor to an inpatient facility is~~  
2     ~~appropriate and consistent with the needs of the minor. In the event that and, if the~~  
3     ~~minor is 14 years of age or older and is being transferred for the purpose of receiving~~  
4     ~~services for developmental disability or psychiatric services, whether the transfer is~~  
5     ~~voluntary on the part of the minor. If the court is unable to make such those~~  
6     ~~determinations based on the petition and accompanying documents, it shall the~~  
7     ~~court may order additional information to be produced as it deems necessary to make~~  
8     ~~such review, and make such those determinations within 14 days of after admission,~~  
9     ~~or it the court may hold a hearing within 14 days of after admission. If a notation~~  
10    ~~of the minor's unwillingness appears on the face of the petition, or that if a hearing~~  
11    ~~has been requested by the minor, or by the minor's counsel, guardian ad litem,~~  
12    ~~parent, or guardian, the court shall hold a hearing and appoint counsel or a guardian~~  
13    ~~ad litem for the minor as provided in s. 51.13 (4) (d). At the conclusion of the hearing,~~  
14    ~~the court shall approve or disapprove the request for transfer. If the minor is under~~  
15    ~~the continuing jurisdiction of the court of another county, the court may order the~~  
16    ~~case transferred together with all appropriate records to that court.~~

17           **SECTION 1967h.** 51.35 (3) (c) of the statutes is amended to read:

18           51.35 (3) (c) A licensed psychologist of a secured correctional facility ~~or~~, a  
19    ~~secured child caring institution, or a secured group home, or a licensed physician of~~  
20    ~~the department of corrections, who has reason to believe that any individual confined~~  
21    ~~in the secured correctional facility, secured child caring institution, or secured group~~  
22    ~~home, in his or her opinion, is mentally ill, drug dependent, or developmentally~~  
23    ~~disabled and is dangerous as described in s. 51.20 (1) (a) 2. a., b., c., or d., is mentally~~  
24    ~~ill, is dangerous, and satisfies the standard under s. 51.20 (1) (a) 2. e., or is an~~  
25    ~~alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written~~

1 report with the superintendent of the secured correctional facility, secured child  
2 caring institution, or secured group home, stating the nature and basis of the belief.  
3 If the superintendent, upon review of the allegations in the report, determines that  
4 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45  
5 in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county  
6 where the secured correctional facility, secured child caring institution, or secured  
7 group home is located. The court shall hold a hearing according to procedures  
8 provided in s. 51.20 or 51.45 (13).

9 **SECTION 1967i.** 51.35 (3) (c) of the statutes, as affected by 1999 Wisconsin Act  
10 9, section 1558d, and 2001 Wisconsin Act .... (this act), is repealed and recreated to  
11 read:

12 51.35 (3) (c) A licensed psychologist of a secured correctional facility, a secured  
13 child caring institution, or a secured group home, or a licensed physician of the  
14 department of corrections, who has reason to believe that any individual confined in  
15 the secured correctional facility, secured child caring institution, or secured group  
16 home, in his or her opinion, is mentally ill, drug dependent, or developmentally  
17 disabled and is dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is  
18 dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written report with  
19 the superintendent of the secured correctional facility, secured child caring  
20 institution, or secured group home, stating the nature and basis of the belief. If the  
21 superintendent, upon review of the allegations in the report, determines that  
22 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45  
23 in the court assigned to exercise jurisdiction under ch. 48 of the county where the  
24 secured correctional facility, secured child caring institution, or secured group home

1 is located. The court shall hold a hearing according to procedures provided in s. 51.20  
2 or 51.45 (13).

3 **SECTION 1967j.** 51.35 (3) (g) of the statutes is amended to read:

4 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment  
5 facility under par. (a) for the purpose of receiving services for developmental  
6 disability or psychiatric services may request in writing a return to the secured  
7 correctional facility, secured child caring institution, or secured group home. In the  
8 case of a minor 14 years of age or older who is transferred to a treatment facility  
9 under par. (a) for the purpose of receiving services for alcoholism or drug dependency  
10 or a minor under 14 years of age, who is transferred to a treatment facility under par.  
11 (a) for the purpose of receiving services for developmental disability, alcoholism, or  
12 drug dependency, or psychiatric services, the parent or guardian may make the  
13 request. Upon receipt of a request for return from a minor 14 years of age or ~~over~~  
14 older, the director shall immediately notify the minor's parent or guardian. The  
15 minor shall be returned to the secured correctional facility, secured child caring  
16 institution, or secured group home within 48 hours after submission of the request  
17 unless a petition or statement is filed for emergency detention, emergency  
18 commitment, involuntary commitment, or protective placement.”.

19 **970.** Page 656, line 10: after that line insert:

20 “**SECTION 1967n.** 51.375 (2) of the statutes is renumbered 51.375 (2) (a).

21 **SECTION 1967p.** 51.375 (2) (b) of the statutes is created to read:

22 51.375 (2) (b) The department may administer a lie detector test to a sex  
23 offender as part of the sex offender's programming, care, or treatment. A patient may  
24 refuse to submit to a lie detector test under this paragraph. This refusal does not

1 constitute a general refusal to participate in treatment. A person administering a  
2 lie detector test under this paragraph may not ask the subject of the test any question  
3 that can reasonably be anticipated to elicit information as to whether the subject  
4 committed an offense for which the subject has not been convicted, found not guilty  
5 by reason of mental disease or defect, or adjudicated delinquent. The results of a lie  
6 detector test under this paragraph may be used only in the care, treatment, or  
7 assessment of the subject or in programming for the subject. The results of a test may  
8 be disclosed only to persons employed at the facility at which the subject is placed  
9 who need to know the results for purposes related to care, treatment, or assessment  
10 of the patient, the committing court, the patient's attorney, or the attorney  
11 representing the state in a proceeding under ch. 980.”

12 **971.** Page 656, line 11: delete lines 11 to 22 and substitute:

13 “**SECTION 1968d.** 51.42 (3) (ar) 4m. of the statutes is amended to read:

14 51.42 (3) (ar) 4m. If state, federal, and county funding for alcohol and other  
15 drug abuse treatment services provided under subd. 4. are insufficient to meet the  
16 needs of all eligible individuals, ensure that first priority for services is given to  
17 pregnant women who suffer from alcoholism or alcohol abuse or are drug dependent  
18 and that second priority be given to individuals who are 20 years of age and were  
19 eligible for the medical assistance program under s. 49.46 (1) (a) 5m. but became  
20 ineligible for the program solely because they attained the age of 20.

21 **SECTION 1968dh.** 51.42 (3) (ar) 4p. of the statutes is created to read:

22 51.42 (3) (ar) 4p. If state, federal, and county funding for mental health services  
23 provided under subd. 4. are insufficient to meet the needs of all eligible individuals,  
24 ensure that first priority for services is given to individuals who are 20 years of age

1 and were eligible for the medical assistance program under s. 49.46 (1) (a) 5m. but  
2 became ineligible for the program solely because they attained the age of 20.”.

3 **972.** Page 658, line 7: after that line insert:

4 “**SECTION 1971L.** 51.421 (3) (e) of the statutes is created to read:

5 51.421 (3) (e) Distribute, from the appropriation under s. 20.435 (7) (bL),  
6 \$1,000,000 in each fiscal year for community support program services.”.

7 **973.** Page 660, line 5: after that line insert:

8 “**SECTION 1982v.** 51.61 (1) (g) 3m. of the statutes is amended to read:

9 51.61 (1) (g) 3m. Following a final commitment order for a subject individual  
10 who is determined to meet the commitment standard under s. 51.20 (1) (a) 2. e., the  
11 court shall issue an order permitting medication or treatment to be administered to  
12 the individual regardless of his or her consent. ~~This subdivision does not apply after~~  
13 ~~November 30, 2001.~~”.

14 **974.** Page 660, line 5: after that line insert:

15 “**SECTION 1993f.** 51.47 (title) of the statutes is amended to read:

16 **51.47 (title) Alcohol and other drug abuse treatment for minors**  
17 **without parental consent.**

18 **SECTION 1993g.** 51.47 (1) of the statutes is amended to read:

19 51.47 (1) Except as provided in subs. (2) and (3), any physician or health care  
20 facility licensed, approved, or certified by the state for the provision of health services  
21 may render preventive, diagnostic, assessment, evaluation, or treatment services for  
22 the abuse of alcohol or other drugs to a minor 12 years of age or over without  
23 obtaining the consent of or notifying the minor’s parent or guardian and may render  
24 those services to a minor under 12 years of age without obtaining the consent of or

1 notifying the minor's parent or guardian, but only if a parent with legal custody or  
2 guardian of the minor under 12 years of age cannot be found or there is no parent with  
3 legal custody of the minor under 12 years of age. An assessment under this  
4 subsection shall conform to the criteria specified in s. 938.547 (4). Unless consent of  
5 the minor's parent or guardian is required under sub. (2), the physician or health  
6 care facility shall obtain the minor's consent prior to billing a 3rd party for services  
7 under this section. If the minor does not consent, the minor shall be solely  
8 responsible for paying for the services, which the department shall bill to the minor  
9 under s. 46.03 (18) (b).

10 **SECTION 1993h.** 51.48 of the statutes is amended to read:

11 **51.48 Alcohol and other drug testing of minors, assessment, and**  
12 **treatment of minor without minor's consent.** A minor's parent or guardian may  
13 consent to have the minor tested for the presence of alcohol or other drugs in the  
14 minor's body or to have the minor assessed by an approved treatment facility for the  
15 minor's abuse of alcohol or other drugs according to the criteria specified in s. 938.547  
16 (4). If, based on the assessment, the approved treatment facility determines that the  
17 minor is in need of treatment for the abuse of alcohol or other drugs, the approved  
18 treatment facility shall recommend a plan of treatment that is appropriate for the  
19 minor's needs and that provides for the least restrictive form of treatment consistent  
20 with the minor's needs. That treatment may consist of outpatient treatment, day  
21 treatment, or, if the minor is admitted in accordance with s. 51.13, inpatient  
22 treatment. The parent or guardian of the minor may consent to the treatment  
23 recommended under this section. Consent of the minor is not required for testing,  
24 assessment, or treatment under this section is not required.

25 **SECTION 1993j.** 51.61 (6) of the statutes is amended to read:

1           51.61 (6) Subject to the rights of patients provided under this chapter, the  
2 department, county departments under s. 51.42 or 51.437, and any agency providing  
3 services under an agreement with the department or those county departments have  
4 the right to use customary and usual treatment techniques and procedures in a  
5 reasonable and appropriate manner in the treatment of patients who are receiving  
6 services under the mental health system, for the purpose of ameliorating the  
7 conditions for which the patients were admitted to the system. The written,  
8 informed consent of any patient shall first be obtained, unless the person has been  
9 found not competent to refuse medication and treatment under s. 51.61 (1) (g) or the  
10 person is a minor 14 years or older who is receiving services for alcoholism or drug  
11 abuse or a minor under 14 years of age who is receiving services for mental illness,  
12 developmental disability, alcoholism, or drug abuse. In the case of a minor, the  
13 written, informed consent of the parent or guardian is required. ~~Except, except~~ as  
14 provided under an order issued under s. 51.13 (1) (c) or 51.14 (3) (h) or (4) (g), if. If  
15 the minor is 14 years of age or older and is receiving services for mental illness or  
16 developmental disability, the written, informed consent of the minor and the minor's  
17 parent or guardian is required. A refusal of either a minor 14 years of age or older  
18 or the minor's parent or guardian to provide written, informed consent for admission  
19 to an approved inpatient treatment facility is reviewable under s. 51.13 (1) (c) 1. and  
20 a refusal of either a minor 14 years of age or older or the minor's parent or guardian  
21 to provide written, informed consent for outpatient mental health treatment is  
22 reviewable under s. 51.14.”.

23           **975.** Page 660, line 5: after that line insert:

24           “**SECTION 1994m.** 59.08 (9) of the statutes is amended to read:

1           59.08 (9) The ballot shall have on the back or reverse side the endorsements  
2 provided by law for ballots for general elections and shall be marked, ~~punched or~~  
3 ~~labeled~~ by the elector and counted and canvassed as other ballots cast on questions  
4 in the county are counted and canvassed. The election shall be conducted by the  
5 same officers and in the same manner as are other elections in the county. The  
6 results of the election shall be certified to the judges of the circuit courts for the  
7 counties.”.

8           **976.** Page 660, line 5: after that line insert:

9           “**SECTION 1993d.** 51.61 (1) (c) of the statutes is renumbered 51.61 (1) (cm) 1.  
10 and amended to read:

11           51.61 (1) (cm) 1. Have Patients have an unrestricted right to send sealed mail  
12 and receive sealed mail to or from legal counsel, the courts, ~~governmental~~  
13 ~~government~~ officials, private physicians, and licensed psychologists, and have  
14 reasonable access to letter writing materials including postage stamps. A patient  
15 shall also have a right to send sealed mail and receive sealed mail to or from other  
16 persons, subject to physical examination in the patient’s presence if there is reason  
17 to believe that such communication contains contraband materials or objects ~~which~~  
18 that threaten the security of patients, prisoners, or staff. Such reasons shall be  
19 written in the individual’s treatment record. The officers and staff of a facility may  
20 not read any mail covered by this ~~paragraph~~ subdivision.

21           **SECTION 1993e.** 51.61 (1) (cm) (intro.) of the statutes is created to read:

22           51.61 (1) (cm) Have the rights specified under subd. 1. to send and receive  
23 sealed mail, subject to the limitations specified under subd. 2.

24           **SECTION 1993f.** 51.61 (1) (cm) 2. of the statutes is created to read:



1           51.61 (1) (cm) 2. The rights of a patient detained or committed under ch. 980  
2 to send and receive sealed mail are subject to the following limitations:

3           a. If the mail appears to be from legal counsel, a court, a government official,  
4 or a private physician or licensed psychologist, an officer or staff member of the  
5 facility at which the patient is placed may delay delivery of the mail to the patient  
6 for a reasonable period of time to verify whether the person named as the sender  
7 actually sent the mail; may open the mail in the presence of the patient and inspect  
8 it for contraband; or may, if the officer or staff member cannot determine whether the  
9 mail contains contraband, return the mail to the sender along with notice of the  
10 facility mail policy.

11           b. If the mail appears to be from a person other than a person specified in subd.  
12 2. a., the director of the facility or his or her designee may, in accordance with the  
13 standards and the procedure under sub. (2) for denying a right for cause, authorize  
14 a member of the facility treatment staff to read the mail, if the director or his or her  
15 designee has reason to believe that the mail could pose a threat to security at the  
16 facility or seriously interfere with the treatment, rights, or safety of others.

17           **SECTION 1993g.** 51.61 (1) (i) 1. of the statutes is amended to read:

18           51.61 (1) (i) 1. Except as provided in subd. 2., have a right to be free from  
19 physical restraint and isolation except for emergency situations or when isolation or  
20 restraint is a part of a treatment program. Isolation or restraint may be used only  
21 when less restrictive measures are ineffective or not feasible and shall be used for  
22 the shortest time possible. When a patient is placed in isolation or restraint, his or  
23 her status shall be reviewed once every 30 minutes. Each facility shall have a written  
24 policy covering the use of restraint or isolation ~~which~~ that ensures that the dignity  
25 of the individual is protected, that the safety of the individual is ensured, and that

1 there is regular, frequent monitoring by trained staff to care for bodily needs as may  
2 be required. Isolation or restraint may be used for emergency situations only when  
3 it is likely that the patient may physically harm himself or herself or others. The  
4 treatment director shall specifically designate physicians who are authorized to  
5 order isolation or restraint, and shall specifically designate licensed psychologists  
6 who are authorized to order isolation. ~~In the instance where~~ If the treatment director  
7 is not a physician, the medical director shall make the designation. In the case of a  
8 center for the developmentally disabled, use shall be authorized by the director of the  
9 center. The authorization for emergency use of isolation or restraint shall be in  
10 writing, except that isolation or restraint may be authorized in emergencies for not  
11 more than one hour, after which time an appropriate order in writing shall be  
12 obtained from the physician or licensed psychologist designated by the director, in  
13 the case of isolation, or the physician so designated in the case of restraint.  
14 Emergency isolation or restraint may not be continued for more than 24 hours  
15 without a new written order. Isolation may be used as part of a treatment program  
16 if it is part of a written treatment plan, and the rights specified in this subsection are  
17 provided to the patient. The use of isolation as a part of a treatment plan shall be  
18 explained to the patient and to his or her guardian, if any, by the person who  
19 ~~undertakes such~~ provides the treatment. ~~Such~~ A treatment plan that incorporates  
20 isolation shall be evaluated at least once every 2 weeks. Patients who have a recent  
21 history of physical aggression may be restrained during transport to or from the  
22 facility. Persons who are committed or transferred under s. 51.35 (3) or 51.37 or  
23 under ch. 971 or 975, or who are detained or committed under ch. 980, and who, while  
24 under this status, are transferred to a hospital, as defined in s. 50.33 (2), for medical  
25 care may be isolated for security reasons within locked facilities in the hospital.

1 Patients who are committed or transferred under s. 51.35 (3) or 51.37 or under ch.  
2 971 or 975, or who are detained or committed under ch. 980, may be restrained for  
3 security reasons during transport to or from the facility.

4 **SECTION 1993h.** 51.61 (1) (i) 2. of the statutes is amended to read:

5 51.61 (1) (i) 2. Patients in the maximum security facility at the Mendota Mental  
6 Health Institute may be locked in their rooms during the night shift and for a period  
7 of no longer than one hour and 30 minutes during each change of shift by staff to  
8 permit staff review of patient needs. Patients detained or committed under ch. 980  
9 and placed in a facility specified under s. 980.065 may be locked in their rooms during  
10 the night shift, if they reside in a maximum or medium security unit in which each  
11 room is equipped with a toilet and sink, or if they reside in a unit in which each room  
12 is not equipped with a toilet and sink and the number of patients outside their rooms  
13 equals or exceeds the number of toilets in the unit, except that patients who do not  
14 have toilets in their rooms must be given an opportunity to use a toilet at least once  
15 every hour, or more frequently if medically indicated. Patients in the maximum  
16 security facility at the Mendota Mental Health Institute, or patients detained or  
17 committed under ch. 980 and placed in a facility specified under s. 980.065, may also  
18 be locked in their rooms on a unit-wide or facility-wide basis as an emergency  
19 measure as needed for security purposes to deal with an escape or attempted escape,  
20 the discovery of a dangerous weapon in the unit or facility or the receipt of reliable  
21 information that a dangerous weapon is in the unit or facility, or to prevent or control  
22 a riot or the taking of a hostage. A unit-wide or facility-wide emergency isolation  
23 order may only be authorized by the director of the unit or ~~maximum security facility~~  
24 where the order is applicable or his or her designee ~~and shall.~~ A unit-wide or  
25 facility-wide emergency isolation order affecting the Mendota Mental Health

1 Institute must be approved within one hour after it is authorized by the director of  
2 the Mendota ~~mental health facility~~ Mental Health Institute or the director's  
3 designee. An emergency order for unit-wide or facility-wide isolation may only be  
4 in effect for the period of time needed to preserve order while dealing with the  
5 situation and may not be used as a substitute for adequate staffing. During a period  
6 of unit-wide or facility-wide isolation, the status of each patient shall be reviewed  
7 every 30 minutes to ensure the safety and comfort of the patient, and each patient  
8 who is locked in a room without a toilet shall be given an opportunity to use a toilet  
9 at least once every hour, or more frequently if medically indicated. Each unit in the  
10 maximum security facility at the Mendota Mental Health Institute and each unit in  
11 a facility specified under s. 980.065 shall have a written policy covering the use of  
12 isolation which that ensures that the dignity of the individual is protected, that the  
13 safety of the individual is secured, and that there is regular, frequent monitoring by  
14 trained staff to care for bodily needs as may be required. ~~Each policy~~ The isolation  
15 policies shall be reviewed and approved by the director of the Mendota Mental  
16 Health Institute or the director's designee, or by the director of the facility specified  
17 under s. 980.065 or his or her designee, whichever is applicable.

18 **SECTION 1993i.** 51.61 (1) (o) of the statutes is amended to read:

19 51.61 **(1)** (o) Except as otherwise provided, have a right not to be filmed or  
20 taped, unless the patient signs an informed and voluntary consent which that  
21 specifically authorizes a named individual or group to film or tape the patient for a  
22 particular purpose or project during a specified time period. The patient may specify  
23 in such consent periods during which, or situations in which, the patient may not be  
24 filmed or taped. If a patient is legally incompetent, such consent shall be granted on  
25 behalf of the patient by the patient's guardian. A patient in Goodland Hall at the

1 Mendota Mental Health Institute, or a patient detained or committed under ch. 980  
2 and placed in a facility specified under s. 980.065, may be filmed or taped for security  
3 purposes without the patient’s consent, except that such a patient may not be filmed  
4 in patient bedrooms or bathrooms for any purpose without the patient’s consent.”.

5 **977.** Page 660, line 5: after that line insert:

6 “**SECTION 1985m.** 59.01 of the statutes is amended to read:

7 **59.01 Body corporate; status.** Each county in this state is a body corporate,  
8 authorized to sue and be sued, to acquire and hold, lease or rent real and personal  
9 estate for public uses or purposes, including lands acquired under ch. 75, to sell, lease  
10 and convey the same, including the authority to enter into leases or contracts with  
11 the state for a period of years for the uses and purposes specified in s. ss. 23.09 (2)  
12 (d) and 28.02 (2), to make such contracts and to do such other acts as are necessary  
13 and proper to the exercise of the powers and privileges granted and the performance  
14 of the legal duties charged upon it.”.

15 **978.** Page 665, line 7: after that line insert:

16 “**SECTION 2001nm.** 59.52 (6) (a) of the statutes is amended to read:

17 59.52 **(6)** (a) *How acquired; purposes.* Take and hold land acquired under ch.  
18 75 and acquire, lease or rent property, real and personal, for public uses or purposes  
19 of any nature, including without limitation acquisitions for county buildings,  
20 airports, parks, recreation, highways, dam sites in parks, parkways and  
21 playgrounds, flowages, sewage and waste disposal for county institutions, lime pits  
22 for operation under s. 59.70 (24), equipment for clearing and draining land and  
23 controlling weeds for operation under s. 59.70 (18), ambulances, acquisition and  
24 transfer of real property to the state for new collegiate institutions or research

1 facilities, and for transfer to the state for state parks, for state forests and for the  
2 other uses and purposes specified in s. 23.09 (2) (d).”.

3 **979.** Page 665, line 20: after that line insert:

4 “**SECTION 2001r.** 59.52 (29) (c) of the statutes is created to read:

5 59.52 **(29)** (c) If a county enacts an ordinance or adopts a resolution that  
6 authorizes preferences or set-asides to minority businesses in the awarding of a  
7 public work contract under par. (a), the ordinance or resolution shall require that the  
8 minority business be certified by the department of commerce under s. 560.036 (2).

9 **SECTION 2002j.** 59.57 (1) (b) of the statutes is amended to read:

10 59.57 **(1)** (b) If a county with a population of 500,000 or more appropriates  
11 money under par. (a) to fund nonprofit agencies, the county shall have a goal of  
12 expending 20% of the money appropriated for this purpose to fund a nonprofit agency  
13 that is ~~actively managed by minority group members, as defined in s. 560.036 (1) (f),~~  
14 a minority business certified by the department of commerce under s. 560.036 (2) and  
15 that principally serves minority group members.”.

16 **980.** Page 665, line 20: after that line insert:

17 “**SECTION 2002j.** 59.54 (27) of the statutes is created to read:

18 59.54 **(27)** RELIGIOUS ORGANIZATIONS; CONTRACT POWERS. (a) *Definition.* In this  
19 subsection, “board” includes any department, as defined in s. 59.60 (2) (a).

20 (b) *General purpose and authority.* The purpose of this subsection is to allow  
21 the board to contract with, or award grants to, religious organizations, under any  
22 program administered by the county dealing with delinquency and crime prevention  
23 or the rehabilitation of offenders, on the same basis as any other nongovernmental  
24 provider, without impairing the religious character of such organizations and

1 without diminishing the religious freedom of beneficiaries of assistance funded  
2 under such program.

3 (c) *Nondiscrimination against religious organizations.* If the board is  
4 authorized to contract with a nongovernmental entity, or is authorized to award  
5 grants to a nongovernmental entity, religious organizations are eligible, on the same  
6 basis as any other private organization, to be contractors and grantees under any  
7 program administered by the board so long as the programs are implemented  
8 consistently with the first amendment to the U.S. Constitution and article I, section  
9 18, of the Wisconsin constitution. Except as provided in par. (L), the board may not  
10 discriminate against an organization that is or applies to be a contractor or grantee  
11 on the basis that the organization does or does not have a religious character or  
12 because of the specific religious nature of the organization.

13 (d) *Religious character and freedom.* 1. The board shall allow a religious  
14 organization with which the board contracts or to which the board awards a grant  
15 to retain its independence from government, including the organization's control  
16 over the definition, development, practice, and expression of its religious beliefs.

17 2. The board may not require a religious organization to alter its form of  
18 internal governance or to remove religious art, icons, scripture, or other symbols to  
19 be eligible for a contract or grant.

20 (e) *Rights of beneficiaries of assistance.* 1. If the board contracts with, or  
21 awards grants to, a religious organization for the provision of crime prevention or  
22 offender rehabilitation assistance under a program administered by the board, an  
23 individual who is eligible for this assistance shall be informed in writing that  
24 assistance of equal value and accessibility is available from a nonreligious provider  
25 upon request.

1           2. The board shall provide an individual who is otherwise eligible for assistance  
2 from an organization described under subd. 1. with assistance of equal value from  
3 a nonreligious provider if the individual objects to the religious character of the  
4 organization described under subd. 1. and requests assistance from a nonreligious  
5 provider. The board shall provide such assistance within a reasonable period of time  
6 after the date of the objection and shall ensure that it is accessible to the individual.

7           (g) *Nondiscrimination against beneficiaries.* A religious organization may not  
8 discriminate against an individual in regard to rendering assistance that is funded  
9 under any program administered by the board on the basis of religion, a religious  
10 belief or nonbelief, or a refusal to actively participate in a religious practice.

11           (h) *Fiscal accountability.* 1. Except as provided in subd. 2., any religious  
12 organization that contracts with or receives a grant from the board is subject to the  
13 same laws and rules as other contractors and grantees regarding accounting, in  
14 accord with generally accepted auditing principles, for the use of the funds provided  
15 under such programs.

16           2. If the religious organization segregates funds provided under programs  
17 administered by the board into separate accounts, only the financial assistance  
18 provided with those funds shall be subject to audit.

19           (i) *Compliance.* Any party that seeks to enforce its rights under this subsection  
20 may bring a civil action for injunctive relief against the entity that allegedly commits  
21 the violation.

22           (j) *Limitations on use of funds for certain purposes.* No funds provided directly  
23 to religious organizations by the board may be expended for sectarian worship,  
24 instruction, or proselytization.



1           (k) *Certification of compliance.* Every religious organization that contracts  
2 with or receives a grant from the county board to provide delinquency and crime  
3 prevention or offender rehabilitation services to eligible recipients shall certify in  
4 writing that it has complied with the requirements of pars. (g) and (j) and submit to  
5 the board a copy of this certification and a written description of the policies the  
6 organization has adopted to ensure that it has complied with the requirements under  
7 pars. (g) and (j).

8           (L) *Preemption.* Nothing in this subsection may be construed to preempt any  
9 other statute that prohibits or restricts the expenditure of federal or state funds by  
10 or the granting of federal or state funds to religious organizations.”.

11           **981.** Page 669, line 11: after that line insert:

12           “**SECTION 2003pc.** 60.10 (1) (g) of the statutes is created to read:

13           60.10 (1) (g) *Hourly wage of certain employees.* Establish the hourly wage to  
14 be paid under s. 60.37 (4) to a town employee who is also an elected town officer,  
15 unless the authority has been delegated to the town board under sub. (2) (L).

16           **SECTION 2003pd.** 60.10 (2) (g) of the statutes is amended to read:

17           60.10 (2) (g) *Disposal of property.* Authorize the town board to dispose of town  
18 real property, ~~real or personal~~, other than property donated to and required to be held  
19 by the town for a special purpose.

20           **SECTION 2003pe.** 60.10 (2) (L) of the statutes is created to read:

21           60.10 (2) (L) *Hourly wage of certain employees.* Authorize the town board to  
22 establish the hourly wage to be paid under s. 60.37 (4) to a town employee who is also  
23 an elected town officer, other than a town board supervisor.”.

24           **982.** Page 669, line 11: after that line insert:

1           “**SECTION 2003mn.** 59.74 (2) (g) of the statutes is amended to read:

2           59.74 **(2)** (g) Every land surveyor and every officer of the department of natural  
3 resources, every officer of the department of forestry and the district attorney shall  
4 enforce this subsection.”.

5           **983.** Page 669, line 17: after that line insert:

6           “**SECTION 2003t.** 60.47 (7) of the statutes is created to read:

7           60.47 **(7)** MINORITY CONTRACTING. If a town board enacts an ordinance or adopts  
8 a resolution that authorizes preferences or set-asides to minority businesses in the  
9 awarding of a public work contract under subs. (2) and (3), the ordinance or  
10 resolution shall require that the minority business be certified by the department of  
11 commerce under s. 560.036 (2).

12           **SECTION 2003up.** 61.55 of the statutes is renumbered 61.55 (1) and amended  
13 to read:

14           61.55 **(1)** All contracts for public construction, in any ~~such~~ village, exceeding  
15 \$15,000, shall be let by the village board to the lowest responsible bidder in  
16 accordance with s. 66.0901 insofar as ~~said~~ that section ~~may be~~ is applicable. If the  
17 estimated cost of any public construction exceeds \$5,000, but is not greater than  
18 \$15,000, the village board shall give a class 1 notice, under ch. 985, of the proposed  
19 construction before the contract for the construction is executed.

20           **(2)** This provision does not apply to public construction if the materials for such  
21 a project are donated or if the labor for such a project is provided by volunteers, and  
22 this provision and s. 281.41 are not mandatory for the repair and reconstruction of  
23 public facilities when damage or threatened damage thereto creates an emergency,  
24 as determined by resolution of the village board, in which the public health or welfare

1 of the village is endangered. Whenever the village board by majority vote at a regular  
2 or special meeting declares that an emergency no longer exists, this exemption no  
3 longer applies.

4 **SECTION 2003uq.** 61.55 (3) of the statutes is created to read:

5 61.55 (3) If a village board enacts an ordinance or adopts a resolution that  
6 authorizes preferences or set-asides to minority businesses in the awarding of a  
7 public work contract under sub. (1), the ordinance or resolution shall require that the  
8 minority business be certified by the department of commerce under s. 560.036 (2).

9 **SECTION 2003vp.** 62.15 (1) of the statutes is renumbered 62.15 (1) (a) and  
10 amended to read:

11 62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR. (a)  
12 All public construction, the estimated cost of which exceeds \$15,000, shall be let by  
13 contract to the lowest responsible bidder; ~~all.~~ All other public construction shall be  
14 let as the council may direct. If the estimated cost of any public construction exceeds  
15 \$5,000 but is not greater than \$15,000, the board of public works shall give a class  
16 1 notice, under ch. 985, of the proposed construction before the contract for the  
17 construction is executed.

18 (b) This provision does not apply to public construction if the materials for such  
19 a project are donated or if the labor for such a project is provided by volunteers. The  
20 council may also by a vote of three-fourths of all the members-elect provide by  
21 ordinance that any class of public construction or any part thereof may be done  
22 directly by the city without submitting the same for bids.

23 **SECTION 2003vq.** 62.15 (1) (c) of the statutes is created to read:

24 62.15 (1) (c) If a council enacts an ordinance or adopts a resolution that  
25 authorizes preferences or set-asides to minority businesses in the awarding of a

1 public work contract under par. (a), the ordinance or resolution shall require that the  
2 minority business be certified by the department of commerce under s. 560.036 (2).”.

3 **984.** Page 669, line 17: after that line insert:

4 “**SECTION 2003rm.** 60.34 (1) (a) of the statutes is amended to read:

5 60.34 (1) (a) ~~Receive~~ Except as provided in s. 66.0608, receive and take charge  
6 of all money belonging to the town, or which is required by law to be paid into the  
7 town treasury, and disburse the money under s. 66.0607.

8 **SECTION 2003rn.** 61.26 (2) of the statutes is amended to read:

9 61.26 (2) ~~Receive~~ Except as provided in s. 66.0608, receive all moneys belonging  
10 or accruing to the village or directed by law to be paid to the treasurer.

11 **SECTION 2003ve.** 61.26 (3) of the statutes is amended to read:

12 61.26 (3) ~~Deposit~~ Except as provided in s. 66.0608, deposit upon receipt the  
13 funds of the village in the name of the village in the public depository designated by  
14 the board. Failure to comply with this subsection shall be prima facie grounds for  
15 removal from office. When the money is deposited, the treasurer and bonders are not  
16 liable for the losses defined by s. 34.01 (2), and the interest shall be paid into the  
17 village treasury.

18 **SECTION 2003we.** 62.09 (9) (a) of the statutes is amended to read:

19 62.09 (9) (a) ~~The~~ Except as provided in s. 66.0608, the treasurer shall collect  
20 all city, school, county, and state taxes, receive all moneys belonging to the city or  
21 which by law are directed to be paid to the treasurer, and pay over the money in the  
22 treasurer’s hands according to law.

23 **SECTION 2003wg.** 62.09 (9) (e) of the statutes is amended to read:

1           62.09 (9) (e) The Except as provided in s. 66.0608, the treasurer shall deposit  
2 immediately upon receipt thereof the funds of the city in the name of the city in the  
3 public depository designated by the council. Such deposit may be in either a demand  
4 deposit or in a time deposit, maturing in not more than one year. Failure to comply  
5 with the provisions hereof shall be prima facie grounds for removal from office. When  
6 the money is so deposited, the treasurer and the treasurer’s bonders shall not be  
7 liable for such losses as are defined by s. 34.01 (2). The interest arising therefrom  
8 shall be paid into the city treasury.”.

9           **985.** Page 669, line 17: after that line insert:

10           “**SECTION 2003tm.** 60.77 (6) (a) of the statutes is amended to read:

11           60.77 (6) (a) Let contracts for any work or purchase that involves an  
12 expenditure of ~~\$5,000~~ \$15,000 or more to the lowest responsible bidder in the manner  
13 prescribed by the commission. Section 66.0901 applies to contracts let under this  
14 paragraph.”.

15           **986.** Page 669, line 17: after that line insert:

16           “**SECTION 2003sc.** 60.323 of the statutes is amended to read:

17           **60.323 Compensation when acting in more than one official capacity.**

18 Except for offices combined under s. 60.305, no town may compensate a town officer  
19 for acting in more than one ~~official capacity or~~ office of the town at the same time.

20           **SECTION 2003se.** 60.37 (1) of the statutes is amended to read:

21           60.37 (1) GENERAL. The town board may employ on a temporary or permanent  
22 basis persons necessary to carry out the functions of town government including,  
23 subject to sub. (4), any elected officer of the town. The board may establish the  
24 qualifications and terms of employment, which may include the residency of the

1 employee. The board may delegate the authority to hire town employees to any town  
2 official or employee.

3 **SECTION 2003sg.** 60.37 (4) of the statutes is created to read:

4 **60.37 (4) ELECTED OFFICERS SERVING AS EMPLOYEES.** (a) An elected town officer  
5 who also serves as a town employee may be paid an hourly wage for serving as a town  
6 employee, not exceeding a total of \$5,000 each year. Amounts that are paid under  
7 this paragraph may be paid in addition to any amount that an individual receives  
8 under s. 60.32 or as a volunteer fire fighter, emergency medical technician, or first  
9 responder under s. 66.0501 (4). The \$5,000 maximum in this paragraph includes  
10 amounts paid to a town board supervisor who is acting as superintendent of  
11 highways under s. 81.01 (1).

12 (b) 1. Except as provided in subd. 2., the town meeting shall establish the hourly  
13 wage to be paid an elected town officer for serving as a town employee.

14 2. If authorized by the town meeting under s. 60.10 (2) (L), the town board may  
15 establish the hourly wage to be paid an elected town officer, other than a town board  
16 supervisor, for serving as a town employee.”.

17 **987.** Page 669, line 18: after that line insert:

18 “**SECTION 2004g.** 64.12 (4) of the statutes is amended to read:

19 **64.12 (4)** At the end of each fiscal year the council shall cause a full and  
20 complete examination of all the books and accounts of the city to be made by  
21 competent certified public accountants licensed or certified under ch. 442 who shall  
22 report in full to the council. The summaries of such audits shall be presented and  
23 furnished to all newspapers and libraries of the city and to such other persons as  
24 shall apply therefor.

1           **SECTION 2004j.** 64.34 (2) of the statutes is amended to read:

2           64.34 (2) At the end of each year the council shall cause a full and complete  
3 examination of all of the books and accounts of the city to be made by competent  
4 certified public accountants licensed or certified under ch. 442, who shall report in  
5 full thereon to the council. Copies of such reports shall be furnished by the council  
6 to all newspapers of the city and to all persons who shall apply therefor.”.

7           **988.** Page 677, line 19: delete the material beginning with that line and  
8 ending with page 678, line 10.

9           **989.** Page 678, line 22: after that line insert:

10           “**SECTION 2019g.** 66.0217 (9) (b) of the statutes is amended to read:

11           66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate and plat,  
12 the secretary of state shall forward 2 copies of the ordinance, certificate and plat to  
13 the department of transportation, one copy to the department of administration, one  
14 copy to the department of revenue, one copy to the department of public instruction,  
15 one copy to the department, one copy to the department of natural resources, one  
16 copy to the department of forestry, one copy to the department of agriculture, trade  
17 and consumer protection and 2 copies to the clerk of the municipality from which the  
18 territory was annexed.”.

19           **990.** Page 679, line 21: after that line insert:

20           “**SECTION 2019mn.** 66.0221 (1) of the statutes, as affected by 2001 Wisconsin  
21 Act .... (this act), is amended to read:

22           66.0221 (1) Upon its own motion, a city or village by a two-thirds vote of the  
23 entire membership of its governing body may enact an ordinance annexing territory  
24 which comprises a portion of a town or towns and which was completely surrounded

1 by territory of the city or village on December 2, 1973. The ordinance shall include  
2 all surrounded town areas except those that are exempt by mutual agreement of all  
3 of the governing bodies involved. The annexation ordinance shall contain a legal  
4 description of the territory and the name of the town or towns from which the  
5 territory is detached. Upon enactment of the ordinance, the city or village clerk  
6 immediately shall file 6 certified copies of the ordinance in the office of the secretary  
7 of state, together with 6 copies of a scale map. The secretary of state shall forward  
8 2 copies of the ordinance and scale map to the department of transportation, one copy  
9 to the department of natural resources, one copy to the department of forestry, one  
10 copy to the department of revenue and one copy to the department of administration.  
11 This subsection does not apply if the town island was created only by the annexation  
12 of a railroad right-of-way or drainage ditch. This subsection does not apply to land  
13 owned by a town government which has existing town government buildings located  
14 on the land. No town island may be annexed under this subsection if the island  
15 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies  
16 to annexations under this subsection. Except as provided in sub. (2), after  
17 December 2, 1973, no city or village may, by annexation, create a town area which  
18 is completely surrounded by the city or village.”.

19 **991.** Page 680, line 5: after that line insert:

20 “**SECTION 2026k.** 66.0901 (6) of the statutes is amended to read:

21 66.0901 (6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS. In public  
22 contracts for the construction, repair, remodeling, or improvement of a public  
23 building or structure, other than highway structures and facilities, a municipality  
24 may bid projects based on a single or multiple division of the work. Public contracts



1 shall be awarded according to the division of work selected for bidding. The  
2 municipality may set out in any public contract reasonable and lawful conditions as  
3 to the hours of labor, wages, residence, character, and classification of workers to be  
4 employed by any contractor, classify contractors as to their financial responsibility,  
5 competency, and ability to perform work, and set up a classified list of contractors.  
6 The municipality may reject the bid of any person, if the person has not been  
7 classified for the kind or amount of work in the bid. If one of the conditions a  
8 municipality imposes under a contract that is let under this section authorizes  
9 preferences or set-asides to minority businesses in the awarding of a contract under  
10 this section, the condition shall require that the minority business be certified by the  
11 department of commerce under s. 560.036 (2).”.

12 **992.** Page 680, line 5: after that line insert:

13 “SECTION 2020n. 66.0301 (1) (a) of the statutes is amended to read:

14 66.0301 (1) (a) In this section “municipality” means the state or any  
15 department or agency thereof, or any city, village, town, county, school district, public  
16 library system, public inland lake protection and rehabilitation district, sanitary  
17 district, farm drainage district, metropolitan sewerage district, sewer utility district,  
18 solid waste management system created under s. 59.70 (2), local exposition district  
19 created under subch. II of ch. 229, local professional baseball park district created  
20 under subch. III of ch. 229, local professional football stadium district created under  
21 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,  
22 family care district under s. 46.2895, water utility district, mosquito control district,  
23 municipal electric company, county or city transit commission, commission created

1 by contract under this section, taxation district or regional planning commission, or  
2 city-county health department.”.

3 **993.** Page 680, line 5: after that line insert:

4 “**SECTION 2020m.** 66.0609 (3) of the statutes is amended to read:

5 66.0609 (3) The ordinance under sub. (1) shall require that the governing body  
6 of the city or village obtain an annual detailed audit of its financial transactions and  
7 accounts by a certified public accountant licensed or certified under ch. 442 and  
8 designated by the governing body.”.

9 **994.** Page 680, line 5: after that line insert:

10 “**SECTION 2020i.** 66.0607 (1) of the statutes is amended to read:

11 66.0607 (1) Except as otherwise provided in subs. (2) to (5) and in s. 66.0608,  
12 in a county, city, village, town, or school district, all disbursements from the treasury  
13 shall be made by the treasurer upon the written order of the county, city, village,  
14 town, or school clerk after proper vouchers have been filed in the office of the clerk.  
15 If the statutes provide for payment by the treasurer without an order of the clerk, the  
16 clerk shall draw and deliver to the treasurer an order for the payment before or at  
17 the time that the payment is required to be made by the treasurer. This section  
18 applies to all special and general provisions of the statutes relative to the  
19 disbursement of money from the county, city, village, town, or school district treasury  
20 except s. 67.10 (2).

21 **SECTION 2020ic.** 66.0608 of the statutes is created to read:

22 **66.0608 Separate accounts for municipal fire, emergency medical**  
23 **technician, and first responder volunteer funds. (1) DEFINITIONS.** In this  
24 section:

1 (a) “Emergency medical technician” has the meaning given in s. 146.50 (1) (e).

2 (b) “Emergency medical technician volunteer funds” means funds of a  
3 municipality that are raised by employees of the municipality’s emergency medical  
4 technician department, by volunteers, or by donation to the emergency medical  
5 technician department, for the benefit of the municipality’s emergency medical  
6 technician department.

7 (c) “Fire volunteer funds” means funds of a municipality that are raised by  
8 employees of the municipality’s fire department, by volunteers, or by donation to the  
9 fire department, for the benefit of the municipality’s fire department.

10 (d) “First responder” has the meaning given in s. 146.53 (1) (d).

11 (e) “First responder volunteer funds” means funds of a municipality that are  
12 raised by employees of the municipality’s first responder department, by volunteers,  
13 or by donation to the first responder department, for the benefit of the municipality’s  
14 first responder department.

15 (f) “Municipality” means any city, village, or town.

16 (g) “Public depository” has the meaning given in s. 34.01 (5).

17 (h) “Volunteer funds” means emergency medical technician volunteer funds,  
18 fire volunteer funds, or first responder volunteer funds.

19 **(2) GENERAL AUTHORITY.** Subject to subs. (3) and (4), the governing body of a  
20 municipality may enact an ordinance that does all of the following:

21 (a) Authorizes a particular official or employee of the municipality’s fire  
22 department, emergency medical technician department, or first responder  
23 department to deposit volunteer funds of the department for which the individual  
24 serves as an official or employee, in an account in the name of the fire department,

1 emergency medical technician department, or first responder department, in a  
2 public depository.

3 (b) Gives the municipality's fire department, emergency medical technician  
4 department, or first responder department, through the official or employee  
5 described under par. (a), exclusive control over the expenditure of volunteer funds  
6 of the department for which the individual serves as an official or employee in an  
7 account described under par. (a).

8 **(3) LIMITATIONS, REQUIREMENTS.** An ordinance enacted under sub. (2) may  
9 include any of the following limitations or requirements:

10 (a) A limit on the type and amount of funds that may be deposited into the  
11 account described under sub. (2) (a).

12 (b) A limit on the amount of withdrawals from the account described under sub.  
13 (2) (a) that may be made, and a limit on the purposes for which such withdrawals may  
14 be made.

15 (c) Reporting and audit requirements that relate to the account described  
16 under sub. (2) (a).

17 **(4) OWNERSHIP OF FUNDS.** Notwithstanding an ordinance enacted under sub. (2),  
18 volunteer funds shall remain the property of the municipality until the funds are  
19 disbursed.”.

20 **995.** Page 680, line 5: after that line insert:

21 “**SECTION 2022s.** 66.0316 of the statutes is created to read:

22 **66.0316 Renew Wisconsin performance review. (1) DEFINITIONS.** In this  
23 section:

1 (a) “Analysis” means a performance analysis of the cost and benefit of a political  
2 subdivision providing a governmental service compared to a private person  
3 providing the same service.

4 (b) “Chief executive officer” has the meaning given in s. 66.1106 (1) (a).

5 (c) “Department” means the department of revenue.

6 (d) “Extension” has the meaning given in s. 36.05 (7).

7 (e) “Governmental service” means a service related to any of the following:

8 1. Law enforcement.

9 2. Fire protection.

10 3. Emergency services.

11 4. Public health.

12 5. Solid waste collection and disposal.

13 6. Recycling.

14 7. Public transportation.

15 8. Public housing.

16 9. Animal control.

17 10. Libraries.

18 11. Recreation and culture.

19 12. Human services.

20 13. Youth services.

21 (f) “Political subdivision” means any city, village, town, or county with a  
22 population greater than 2,500.

23 **(2) PILOT PROGRAM.** The department shall establish a pilot program to study  
24 governmental services delivered by and to political subdivisions. The department  
25 shall solicit political subdivisions to participate in the program. Based on the

1 department's solicitation, the department shall select 5 political subdivisions to form  
2 councils as provided under sub. (3) and shall include in that selection at least one  
3 county and at least one city, village, or town.

4 **(3) CREATION OF COUNCIL.** (a) No later than January 1, 2002, each political  
5 subdivision selected under sub. (2) shall create a council consisting of 5 members, as  
6 follows:

7 1. The chief executive officer of the political subdivision, or his or her designee.

8 2. A member who is an employee of the political subdivision.

9 3. A member with cost accounting experience who is a resident of the political  
10 subdivision and who is not a political subdivision officer or employee.

11 4. Two members, not including the member under subd. 3., who are residents  
12 of the political subdivision and who are not political subdivision officers or  
13 employees.

14 (b) The political subdivision's chief executive officer shall appoint the council  
15 members under par. (a) 2. to 4. The chief executive officer shall appoint 2 members  
16 to initial terms of 2 years and the remaining 2 members to initial terms of 4 years.  
17 The chief executive officer shall appoint the respective successors of the members  
18 under par. (a) 2. to 4. to terms of 4 years. All members under par. (a) 2. to 4. shall  
19 serve until their successors are appointed and qualified.

20 (c) The council shall organize annually at its first meeting to elect a  
21 chairperson. Four members of the council shall constitute a quorum.

22 **(4) DUTIES OF COUNCIL.** The council shall conduct an analysis of governmental  
23 services provided by the political subdivision with which the council is affiliated. In  
24 conducting such an analysis, the council shall do all of the following:

1 (a) Establish specific benchmarks for performance, including goals related to  
2 intergovernmental cooperation to provide governmental services.

3 (b) Conduct research and establish new methods to promote efficiency in the  
4 delivery of governmental services.

5 (c) Identify and recommend collaborative agreements to be developed with  
6 other political subdivisions to deliver governmental services.

7 **(5) DATA COLLECTION AND ANALYSIS.** (a) A council may conduct an analysis of a  
8 governmental service provided by the political subdivision with which the council is  
9 affiliated on its own or after receiving any of the following:

10 1. A written suggestion regarding delegating a governmental service to a  
11 private person.

12 2. A written complaint that a governmental service provided by the political  
13 subdivision is competing with the same or a similar service provided by a private  
14 person.

15 3. A written suggestion by a political subdivision employee or political  
16 subdivision employee labor organization to review a governmental service delegated  
17 to a private person.

18 (b) After receiving a suggestion or complaint under par. (a), the council shall  
19 meet to decide whether an analysis of the governmental service indicated in the  
20 suggestion or complaint is necessary. The council may hold hearings, conduct  
21 inquiries, and gather data to make its decision. If the council decides to analyze a  
22 governmental service under this paragraph, the council shall do all of the following:

23 1. Determine the costs of providing the governmental service, including the  
24 cost of personnel and capital assets used in providing the service.

1           2. Determine how often and to what extent the governmental service is  
2 provided and the quality of the governmental service provided.

3           3. Make a cost–benefit determination based on the findings under subds. 1. and  
4 2.

5           4. Determine whether a private person can provide the governmental service  
6 at a cost savings to the political subdivision providing the service and at a quality at  
7 least equal to the quality of the service provided by the political subdivision.

8           5. If the council decides that a governmental service is not suitable for  
9 delegating to a private person, determine whether the governmental service should  
10 be retained in its present form, modified, or eliminated.

11           (c) After completing an analysis under par. (b), the council shall make a  
12 recommendation to the political subdivision providing the governmental service  
13 analyzed under par. (b) and publish the council's recommendation. The  
14 recommendation shall specify the recommendation's impact on the political  
15 subdivision and the political subdivision's employees.

16           **(6) TRAINING AND ASSISTANCE.** The board of regents of the University of  
17 Wisconsin System shall direct the extension to assist councils created under this  
18 section in performing their duties under subs. (4) and (5). The board of regents shall  
19 ensure that council members are trained in how to do all of the following:

20           (a) Conduct an analysis of a governmental service.

21           (b) Determine ways to improve the efficiency of delivering a governmental  
22 service.

23           (c) Establish, quantify, and monitor performance standards.

24           (d) Prepare the reports required under sub. (7) (a) and (b).



1           **(7) REPORTS.** (a) On or before June 30, 2002, each council shall submit a report  
2 to the department describing the council's activities.

3           (b) On or before June 30, 2003, each council shall submit a final report to the  
4 department describing the council's activities and recommendations and the extent  
5 to which its recommendations have been adopted by the political subdivision with  
6 which the council is affiliated. A report submitted under this paragraph shall  
7 provide a detailed explanation of all analyses conducted under subs. (4) and (5).

8           (c) On or before July 31, 2003, the department shall submit a report concerning  
9 the activities and recommendations described in the reports submitted under pars.  
10 (a) and (b) to the legislature under s. 13.172 (2) and to the governor. The  
11 department's report shall describe ways to implement such recommendations  
12 statewide.

13           **SECTION 2022t.** 66.0317 of the statutes is created to read:

14           **66.0317 Cooperation region. (1) DEFINITIONS.** In this section:

15           (a) "Cooperation region" means a federal standard metropolitan statistical  
16 area. For purposes of this section, if only a part of a county is located in a federal  
17 standard metropolitan statistical area the entire county is considered to be located  
18 in the federal standard metropolitan statistical area.

19           (b) "Governmental service" has the meaning given in s. 66.0316 (1) (e).

20           (c) "Metropolitan service delivery" means any governmental service provided  
21 to a city that is provided by the city or by another city or by a town, village, or county  
22 and provided on a multijurisdictional basis.

23           (d) "Municipality" means any city, village, or town.

24           **(2) AREA COOPERATION COMPACTS.** (a) 1. Except as provided in subd. 3., beginning  
25 in 2003 and ending in 2005, a municipality shall enter into an area cooperation

1 compact with at least 2 municipalities or counties located in the same cooperation  
2 region as the municipality, or with any combination of at least 2 such entities, to  
3 perform at least 2 governmental services.

4 2. Except as provided in subd. 3., beginning in 2006 and in each subsequent  
5 year, a municipality shall enter into an area cooperation compact with at least 4  
6 municipalities or counties located in the same cooperation region as the municipality,  
7 or with any combination of at least 4 such entities, to perform at least 5 governmental  
8 services.

9 3. A municipality that is not adjacent to at least 2 other municipalities located  
10 in the same cooperation region as the municipality may enter into a cooperation  
11 compact with any adjacent municipality or with the county in which the municipality  
12 is located to perform the number of governmental services as specified under subd.  
13 1. or 2.

14 (b) An area cooperation compact shall provide a plan for any municipalities or  
15 counties that enter into the compact to collaborate to provide governmental services.  
16 The compact shall provide benchmarks to measure the plan's progress and provide  
17 outcome-based performance measures to evaluate the plan's success.  
18 Municipalities and counties that enter into the compact shall structure the compact  
19 in a way that results in significant tax savings to taxpayers within those  
20 municipalities and counties.

21 (c) 1. Annually, beginning in 2002, a municipality shall certify to the  
22 department of revenue by May 1, in a manner prescribed by the department that the  
23 municipality complied with pars. (a) and (b).

24 2. Annually, beginning in 2002, a municipality shall submit to the department  
25 of revenue on or before June 30, in a manner prescribed by the department, a report

1 that indicates whether the municipality has entered into any agreements with any  
2 other municipality or any county located in the same cooperation region as the  
3 municipality related to the following:

4 a. Establishment of performance standards for delivery of governmental  
5 services by municipalities or counties within a federal standard metropolitan  
6 statistical area or county.

7 b. Collaborative service delivery.

8 c. Reduction or elimination of overlapping service delivery.

9 d. Municipal revenue sharing under s. 66.0305.

10 e. Smart growth planning under s. 16.965.

11 f. Metropolitan service delivery.

12 g. Financial incentives for shared regional planning services.

13 h. Boundary issues.

14 i. Other intergovernmental issues.

15 (d) The department of revenue may grant a municipality additional time to  
16 submit any report under par. (c), if the municipality shows good cause for granting  
17 the additional time.

18 (e) Annually, beginning in 2004, the legislative audit bureau shall prepare a  
19 report on the performance of area cooperation compacts and shall submit copies of  
20 the report to the chief clerk of each house of the legislature for distribution to the  
21 appropriate standing committees under s. 13.172 (3) by June 30.”.

22 **996.** Page 680, line 5: after that line insert:

23 “SECTION 2020e. 66.0501 (4) of the statutes is amended to read:

1           66.0501 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter,  
2 emergency medical technician, or first responder in a city, village, or town whose  
3 annual compensation from one or more of those positions, including fringe benefits,  
4 does not exceed \$2,500 the amount specified in s. 946.13 (2) (a) may also hold an  
5 elected elective office in that city, village, or town. It is compatible with his or her  
6 office for an elected town officer to receive wages under s. 60.37 (4) for work that he  
7 or she performs for the town.”.

8           **997.** Page 680, line 5: after that line insert:

9           “**SECTION 2021.** 66.0627 (title) of the statutes is amended to read:

10           **66.0627 (title) Special charges for current services.**

11           **SECTION 2022.** 66.0627 (2) of the statutes is amended to read:

12           66.0627 (2) Except as provided in sub. (5), the governing body of a city, village  
13 or town may impose a special charge against real property for ~~current services~~ that  
14 are available, regardless of whether the services are actually rendered, by allocating  
15 all or part of the cost of the service to the property that is served or that is eligible  
16 to be served. The authority under this section is in addition to any other method  
17 provided by law.

18           **SECTION 2022e.** 66.0627 (3) (a) of the statutes is amended to read:

19           66.0627 (3) (a) Except as provided in par. (b), before a special charge may be  
20 imposed a public hearing shall be held on the imposition of the proposed special  
21 charge by the governing body of the city, village or town ~~may determine the manner~~  
22 ~~of providing notice of a special charge.~~ Notice of the hearing shall be by class 1 notice  
23 under ch. 985, and the notice shall specify where a copy of the proposed ordinance  
24 relating to the special charge may be obtained.

1           **SECTION 2023.** 66.0707 (2) of the statutes is amended to read:

2           66.0707 (2) A city, village or town may impose a special charge under s. 66.0627  
3 against real property in an adjacent city, village or town that is served by current  
4 services that are available, regardless of whether the services are actually rendered  
5 by the municipality imposing the special charge if the municipality in which the  
6 property is located approves the imposition by resolution, except that such a  
7 resolution may not be approved before the governing body of the municipality in  
8 which the property is located holds a public hearing on the imposition. Notice of the  
9 public hearing shall be by class 1 notice under ch. 985, and the notice shall specify  
10 where a copy of the proposed resolution and ordinance relating to the special charge  
11 may be obtained. The owner of the property is entitled to the use and enjoyment of  
12 the service for which the special charge is imposed on the same conditions as the  
13 owner of property within the city, village or town.”.

14           **998.** Page 680, line 5: after that line insert:

15           “**SECTION 2020m.** 66.0223 of the statutes is amended to read:

16           **66.0223 Annexation of territory owned by a city or village.** In addition  
17 to other methods provided by law and subject to ss. 59.692 (7) and 66.0307 (7),  
18 territory owned by and lying near but not necessarily contiguous to a village or city  
19 may be annexed to a village or city by ordinance enacted by the board of trustees of  
20 the village or the common council of the city, provided that in the case of  
21 noncontiguous territory the use of the territory by the city or village is not contrary  
22 to any town or county zoning regulation. The ordinance shall contain the exact  
23 description of the territory annexed and the names of the towns from which  
24 detached, and attaches the territory to the village or city upon the filing of 7 certified

1 copies of the ordinance in the office of the secretary of state, together with 7 copies  
2 of a plat showing the boundaries of the territory attached. Two copies of the  
3 ordinance and plat shall be forwarded by the secretary of state to the department of  
4 transportation, one copy to the department of administration, one copy to the  
5 department of natural resources, one copy to the department of forestry, one copy to  
6 the department of revenue and one copy to the department of public instruction.  
7 Within 10 days of filing the certified copies, a copy of the ordinance and plat shall be  
8 mailed or delivered to the clerk of the county in which the annexed territory is  
9 located. Section 66.0217 (11) applies to annexations under this section.

10 **SECTION 2021g.** 66.0235 (5) of the statutes is amended to read:

11 66.0235 (5) APPORTIONMENT BOARD. The boards or councils of the local  
12 governmental units, or committees selected for that purpose, acting together,  
13 constitute an apportionment board. When a local governmental unit is dissolved  
14 because all of its territory is transferred the board or council of the local  
15 governmental unit existing at the time of dissolution shall, for the purpose of this  
16 section, continue to exist as the governing body of the local governmental unit until  
17 there has been an apportionment of assets by agreement of the interested local  
18 governmental units or by an order of the circuit court. After an agreement for  
19 apportionment of assets has been entered into between the interested local  
20 governmental units, or an order of the circuit court becomes final, a copy of the  
21 apportionment agreement, or of the order, certified to by the clerks of the interested  
22 local governmental units, shall be filed with the department of revenue, the  
23 department of natural resources, the department of forestry, the department of  
24 transportation, the state superintendent of public instruction, the department of  
25 administration, and with any other department or agency of the state from which the

1 town may be entitled by law to receive funds or certifications or orders relating to the  
2 distribution or disbursement of funds, with the county treasurer, with the treasurer  
3 of any local governmental unit, or with any other entity from which payment would  
4 have become due if the dissolved local governmental unit had continued in existence.  
5 Subject to ss. 79.006 and 86.303 (4), payments from the shared revenue account  
6 made pursuant to ch. 79, payments of forest crop taxes under s. 77.05, of  
7 transportation aids under s. 20.395, of state aids for school purposes under ch. 121,  
8 payments for managed forest land under subch. VI of ch. 77 and all payments due  
9 from a department or agency of the state, from a county, from a local governmental  
10 unit, or from any other entity from which payments would have become due if the  
11 dissolved local governmental unit had continued in existence, shall be paid to the  
12 interested local governmental unit as provided by the agreement for apportionment  
13 of assets or by any order of apportionment by the circuit court and the payments have  
14 the same force and effect as if made to the dissolved local governmental unit.

15 **SECTION 2021p.** 66.0307 (4) (a) 1. of the statutes is amended to read:

16 66.0307 (4) (a) 1. The department, the department of natural resources, the  
17 department of forestry, the department of agriculture, trade and consumer  
18 protection and the department of transportation.

19 **SECTION 2021r.** 66.0407 (5) of the statutes is amended to read:

20 66.0407 (5) This section does not apply to Canada thistle or annual noxious  
21 weeds that are located on land that the department of natural resources or the  
22 department of forestry owns, occupies, or controls and that is maintained in whole  
23 or in part as habitat for wild birds by ~~the~~ either department of natural resources.”.

24 **999.** Page 681, line 7: after that line insert:

1           “**SECTION 2026nz.** 66.0903 (3) (ap) of the statutes is created to read:

2           66.0903 (3) (ap) In defining under par. (am) the trades or occupations that are  
3 commonly employed on projects that are subject to this section, the department:

4           1. May not define swimming pool installer as a separate trade or occupation for  
5 purposes of determining the prevailing wage rates for the trades or occupations that  
6 are commonly employed in the construction of swimming pools.

7           2. Shall define metal building assembler as a separate trade or occupation for  
8 purposes of determining the prevailing wage rates for that trade or occupation and  
9 shall include among the typical duties of that trade or occupation reroofing and  
10 repairing existing prefabricated, packaged metal buildings and constructing  
11 prefabricated, packaged metal additions to existing prefabricated, packaged metal  
12 buildings.”.

13           **1000.** Page 682, line 9: delete lines 10 to 22.

14           **1001.** Page 682, line 22: after that line insert:

15           “**SECTION 2029ss.** 66.1105 (5) (bh) of the statutes is created to read:

16           66.1105 (5) (bh) Notwithstanding the time limits in subs. (4) (e) and (4m) (b)  
17 2., if the village clerk of a village that created, or attempted to create, a tax  
18 incremental district before June 2000 and amended or tried to amend the district’s  
19 boundaries in September 2000 files with the department of revenue, not later than  
20 November 30, 2000, the forms and application that were originally due on or before  
21 December 31, 2000, the tax incremental base of the district shall be calculated by the  
22 department of revenue as if the time limits described in subs. (4) (e) and (4m) (b) 2.  
23 had been strictly complied with and, until the tax incremental district terminates,  
24 the department of revenue shall allocate tax increments and treat the district in all



1 other respects as if the time limits described in subs. (4) (e) and (4m) (b) 2. had been  
2 strictly complied with and as if the district were created on January 1, 2000, except  
3 that the department of revenue may not certify a value increment under par. (b)  
4 before 2002.”.

5 **1002.** Page 682, line 23: delete the material beginning with that line and  
6 ending on page 684, line 18.

7 **1003.** Page 684, line 18: after that line insert:

8 “**SECTION 2049h.** 66.1113 (2) (a) of the statutes is amended to read:

9 66.1113 (2) (a) The governing body of a political subdivision, by a two-thirds  
10 vote of the members of the governing body who are present when the vote is taken,  
11 may enact an ordinance or adopt a resolution declaring itself to be a premier resort  
12 area if, except as provided in par. (e), at least 40% of the equalized assessed value of  
13 the taxable property within such political subdivision is used by tourism-related  
14 retailers.

15 **SECTION 2049i.** 66.1113 (2) (e) of the statutes is created to read:

16 66.1113 (2) (e) 1. The legislature finds the following with respect to the city of  
17 Eagle River:

18 a. That it has an atypical percentage of tax-exempt land within its boundaries  
19 that is used for tourism-related purposes.

20 b. That it is the site of national recreational competitions that draw tourism  
21 business to the entire northern region of this state.

22 2. The city of Eagle River may enact an ordinance or adopt a resolution  
23 declaring itself to be a premier resort area under par. (a) even if less than 40% of the

1 equalized assessed value of the taxable property within Eagle River is used by  
2 tourism-related retailers.”.

3 **1004.** Page 693, line 7: after “death” insert “, together with the fee required  
4 under s. 69.22 (7).”.

5 **1005.** Page 698, line 1: delete “sub. (6)” and substitute “subs. (6) and (7)”.

6 **1006.** Page 698, line 24: delete “, all of which shall be forwarded as provided  
7 in sub. (1m)”.

8 **1007.** Page 700, line 5: after that line insert:

9 “**SECTION 2100m.** 69.22 (7) of the statutes is created to read:

10 69.22 (7) In a county with a population greater than 600,000, in addition to any  
11 applicable fee under sub. (1), the state registrar and any local registrar shall charge  
12 a fee of \$10 for filing a certificate of death and a surcharge of \$1 for issuing a certified  
13 copy or additional certified copy of a certificate of death, regardless of whether the  
14 death occurred before or after 1930. By the 15th day of the first month following the  
15 end of a calendar quarter, the state registrar and local registrar shall forward to the  
16 state treasurer the amounts received under this subsection during the calendar  
17 quarter. The state treasurer shall credit all amounts received under this subsection  
18 to the cemetery management insurance fund.”.

19 **1008.** Page 702, line 23: delete lines 23 to 25.

20 **1009.** Page 703, line 1: delete lines 1 to 7.

21 **1010.** Page 703, line 14: after “to” insert “automatic teller machines.”.

22 **1011.** Page 703, line 18: after that line insert:

23 “**SECTION 2108s.** 70.11 (39m) of the statutes is created to read:

1           70.11 **(39m)** If the owner of the property fulfills the requirements under s.  
2           70.35, cash registers and fax machines, excluding fax machines that are also  
3           copiers.”.

4           **1012.** Page 704, line 22: after that line insert:

5           “**SECTION 2112m.** 70.111 (25) of the statutes is amended to read:

6           70.111 **(25)** DIGITAL BROADCASTING EQUIPMENT. Digital broadcasting equipment  
7           owned and used by a radio station ~~or a~~ television station, ~~except that this subsection~~  
8           ~~does not apply to digital broadcasting equipment that is owned and used by a~~ or cable  
9           television system, as defined in s. ~~66.082~~ 66.0419 (2) (d).”.

10          **1013.** Page 705, line 24: after that line insert:

11          “**SECTION 2114c.** 70.112 (5) of the statutes is amended to read:

12          70.112 **(5)** MOTOR VEHICLES, BICYCLES, SNOWMOBILES. Every automobile,  
13          low-speed vehicle, motor bicycle, motor bus, motorcycle, motor truck, moped, road  
14          tractor, school bus, snowmobile, truck tractor, or other similar motor vehicle, or  
15          trailer or semitrailer used in connection therewith.”.

16          **1014.** Page 705, line 24: after that line insert:

17          “**SECTION 2114gb.** 70.113 (1) (intro.) of the statutes is amended to read:

18          70.113 **(1)** (intro.) As soon after April 20 of each year as is feasible the  
19          department of natural resources shall pay to the city, village, or town treasurer all  
20          of the following amounts from the following appropriations for each acre situated in  
21          the municipality of ~~state forest lands, as defined in s. 28.02 (1),~~ state parks under s.  
22          27.01 and state public shooting, trapping or fishing grounds and reserves or refuges  
23          operated thereon, acquired at any time under s. 29.10, 1943 stats., s. 23.09 (2) (d) or  
24          29.749 (1) or from the appropriations made by s. 20.866 (2) (tp) by the department

1 of natural resources or leased from the federal government by the department of  
2 natural resources:

3 **SECTION 2114gd.** 70.113 (1m) of the statutes is created to read:

4 70.113 (1m) As soon after April 20 of each year as is feasible, the department  
5 of forestry shall pay to the city, village, or town treasurer all of the following amounts  
6 from the following appropriations for each acre situated in the municipality that is  
7 state forest land, as defined in s. 28.02 (1).

8 (a) Eighty cents, to be paid from the appropriation under s. 20.375 (3) (d) or (s).

9 (b) Eight cents, to be paid from the appropriation under s. 20.375 (3) (s).

10 **SECTION 2114ge.** 70.113 (2) (a) of the statutes is amended to read:

11 70.113 (2) (a) Towns, cities or villages shall be paid for forest lands as defined  
12 in s. 28.02 (1), state parks under s. 27.01, and other lands acquired under s. 23.09 (2)  
13 (d), 23.27, 23.29, 23.293, 23.31, or 29.749 (1) located within such municipality and  
14 acquired after June 30, 1969. Such payments shall be ~~made from the appropriation~~  
15 ~~under s. 20.370 (5) (da) or (dq) and~~ remitted by the department of natural resources  
16 or the department of forestry in the amounts certified by the department of revenue  
17 according to par. (b).

18 **SECTION 2114gf.** 70.114 (1) (a) of the statutes is repealed.

19 **SECTION 2114gj.** 70.114 (1) (d) of the statutes is amended to read:

20 70.114 (1) (d) “Purchase price” means the amount paid by the department of  
21 natural resources or by the department of forestry for a fee simple interest in real  
22 property. “Purchase price” does not include administrative costs incurred by ~~the~~  
23 either department to acquire the land, such as legal fees, appraisal costs or recording  
24 fees. If real estate is transferred by gift to the applicable department ~~by gift~~ or is sold  
25 to the applicable department for an amount that is less than the estimated fair

1 market value of the property as shown on the property tax bill prepared for the prior  
2 year under s. 74.09, “purchase price” means an amount equal to the estimated fair  
3 market value of the property as shown on that tax bill. If the real estate is exempt  
4 from taxation at the time that it is transferred or sold to the applicable department  
5 and if the property was not sold at an arm’s-length sale, “purchase price” means the  
6 fair market value of the real estate at the time that the applicable department takes  
7 title to it.

8 **SECTION 2114gk.** 70.114 (2) of the statutes is amended to read:

9 70.114 (2) APPLICATION. For all land acquired after December 31, 1991, the  
10 department of natural resources and the department of forestry shall pay aids in lieu  
11 of taxes under this section and not under s. 70.113.

12 **SECTION 2114gL.** 70.114 (3) of the statutes is amended to read:

13 70.114 (3) ASCERTAINING RATE. Each year, the department of natural resources  
14 and the department of forestry shall ascertain from the clerks of the taxation district  
15 the aggregate net general property tax rate for taxation districts to which aids are  
16 paid under this section.

17 **SECTION 2114gn.** 70.114 (4) (a) of the statutes is amended to read:

18 70.114 (4) (a) On or before January 31, the department of natural resources  
19 shall pay to each treasurer of a taxation district, with respect to each parcel of land  
20 acquired by that is under the jurisdiction of the department and that is within the  
21 taxation district on or before January 1 of the preceding year, ~~an~~.

22 (c) The amount to be paid under par. (a) or (b) shall be determined by  
23 multiplying each parcel’s estimated value equated to the average level of assessment  
24 in the taxation district by the aggregate net general property tax rate that would

1 apply to the parcel of land if it were taxable, as shown on property tax bills prepared  
2 for that year under s. 74.09.

3 **SECTION 2114gp.** 70.114 (4) (b) of the statutes is created to read:

4 70.114 (4) (b) On or before January 31, the department of forestry shall pay to  
5 each treasurer of a taxation district, with respect to each parcel of state land acquired  
6 that is under the jurisdiction of the department of forestry and that is within the  
7 taxation district on or before January 1 of the preceding year.”.

8 **1015.** Page 706, line 6: after that line insert:

9 “**SECTION 2114p.** 70.35 (1) of the statutes is amended to read:

10 70.35 (1) To determine the amount and value of any personal property for  
11 which any person, firm or corporation should be assessed, any assessor may examine  
12 such person or the managing agent or officer of any firm or corporation under oath  
13 as to all such items of personal property, the taxable value thereof as defined in s.  
14 70.34 if the property is taxable and the fair market value if the property is exempt  
15 under s. 70.11 (39) or (39m). In the alternative the assessor may require such person,  
16 firm or corporation to submit a return of such personal property and of the taxable  
17 value thereof. There shall be annexed to such return the declaration of such person  
18 or of the managing agent or officer of such firm or corporation that the statements  
19 therein contained are true.

20 **SECTION 2114q.** 70.35 (2) of the statutes is amended to read:

21 70.35 (2) The return shall be made and all the information therein requested  
22 given by such person on a form prescribed by the assessor with the approval of the  
23 department of revenue which shall provide suitable schedules for such information  
24 bearing on value as the department deems necessary to enable the assessor to

1 determine the true cash value of the taxable personal property, and of the personal  
2 property that is exempt under s. 70.11 (39) and (39m), that is owned or in the  
3 possession of such person on January 1 as provided in s. 70.10. The return may  
4 contain methods of deriving assessable values from book values and for the  
5 conversion of book values to present values, and a statement as to the accounting  
6 method used. No person shall be required to take detailed physical inventory for the  
7 purpose of making the return required by this section.

8 **SECTION 2114s.** 70.36 (1m) of the statutes is amended to read:

9 70.36 **(1m)** Any person, firm or corporation that fails to include information on  
10 property that is exempt under s. 70.11 (39) and (39m) on the report under s. 70.35  
11 shall forfeit \$10 for every \$100 or major fraction thereof that is not reported.”.

12 **1016.** Page 706, line 7: after that line insert:

13 “**SECTION 2115m.** 70.58 of the statutes is amended to read:

14 **70.58 Forestation state tax.** There is levied an annual tax of two-tenths of  
15 one mill for each dollar of the assessed valuation of the property of the state as  
16 determined by the department of revenue under s. 70.57, for the purpose of  
17 acquiring, preserving and developing the forests of the state and for the purpose of  
18 forest crop law and county forest law administration and aid payments, for grants  
19 to forestry cooperatives under s. 36.56, and for the acquisition, purchase and  
20 development of forests described under s. ~~25.29 (7) (a)~~ 25.28 (3) (am) and (b), the  
21 proceeds of the tax to be paid into the ~~conservation~~ forestry fund. The tax shall not  
22 be levied in any year in which general funds are appropriated for the purposes  
23 specified in this section, equal to or in excess of the amount which the tax would  
24 produce.”.

1           **1017.** Page 706, line 15: delete the material beginning with that line and  
2 ending on page 708, line 5.

3           **1018.** Page 713, line 6: after that line insert:

4           “**SECTION 2130b.** 70.995 (12r) of the statutes is amended to read:

5           70.995 (**12r**) The department of revenue shall calculate the value of property  
6 that is used in manufacturing, as defined in this section, and that is exempt under  
7 s. 70.11 (39) and (39m).”.

8           **1019.** Page 723, line 19: delete the material beginning with that line and  
9 ending with page 728, line 17.

10          **1020.** Page 728, line 17: after that line insert:

11          “**SECTION 2142m.** 71.05 (1) (am) of the statutes is created to read:

12          71.05 (**1**) (am) *Military retirement systems.* All retirement payments, other  
13 than surviving spouse benefits, received from the U.S. military employee retirement  
14 system, to the extent that such payments are not exempt under par. (a).

15          **SECTION 2142n.** 71.05 (1) (an) of the statutes is created to read:

16          71.05 (**1**) (an) *Uniformed services retirement benefits.* All retirement payments  
17 received by an individual from the U.S. government that relate to the individual’s  
18 service with the coast guard, the commissioned corps of the national oceanic and  
19 atmospheric administration, or the commissioned corps of the public health service,  
20 to the extent that such payments are not exempt under par. (a) or (am).”.

21          **1021.** Page 730, line 18: after that line insert:

22          “**SECTION 2145m.** 71.07 (2di) (b) 1. of the statutes is amended to read:

23          71.07 (**2di**) (b) 1. Except as provided in subd. 2., the credit, including any  
24 credits carried over, may be offset only against the amount of the tax otherwise due



1 under this chapter attributable to income from the business operations of the  
2 claimant in the development zone; except that a claimant in a development zone  
3 under s. 560.795 (1) (e) may offset the credit, including any credits carried over,  
4 against the amount of the tax otherwise due under this chapter attributable to all  
5 of the claimant's income; and against the tax attributable to income from directly  
6 related business operations of the claimant.

7 **SECTION 2145p.** 71.07 (2di) (b) 3. of the statutes is amended to read:

8 71.07 **(2di)** (b) 3. Partnerships, limited liability companies and tax–option  
9 corporations may not claim the credit under this subsection, but the eligibility for,  
10 and amount of, that credit shall be determined on the basis of their economic activity,  
11 not that of their shareholders, partners or members. The corporation, partnership  
12 or company shall compute the amount of the credit that may be claimed by each of  
13 its shareholders, partners or members and shall provide that information to each of  
14 its shareholders, partners or members. Partners, members of limited liability  
15 companies and shareholders of tax–option corporations may claim the credit based  
16 on the partnership's, company's or corporation's activities in proportion to their  
17 ownership interest and may offset it against the tax attributable to their income from  
18 the partnership's, company's or corporation's business operations in the  
19 development zone; except that partners, members, and shareholders in a  
20 development zone under s. 560.795 (1) (e) may offset the credit against the amount  
21 of the tax attributable to their income from all of the partnership's, company's, or  
22 corporation's business operations; and against the tax attributable to their income  
23 from the partnership's, company's or corporation's directly related business  
24 operations.”.

1           **1022.** Page 730, line 23: after “(5)” insert “or 560.798 (3)”.

2           **1023.** Page 731, line 2: after “(e)” insert “and (f) or 560.798”.

3           **1024.** Page 732, line 16: after “(5)” insert “or 560.798 (3)”.

4           **1025.** Page 733, line 2: after that line insert:

5           “(hm) Credits claimed under this subsection, including any credits carried over,  
6           may be offset only against the amount of the tax otherwise due under this subchapter  
7           attributable to income from the business operations of the claimant in the  
8           development zone; except that a claimant in a development zone under s. 560.795 (1)  
9           (e) may offset credits, including any credits carried over, against the amount of the  
10          tax otherwise due under this subchapter attributable to all of the claimant’s income;  
11          and against the tax attributable to income from directly related business operations  
12          of the claimant.”.

13          **1026.** Page 733, line 14: after “zone” insert “; except that partners, members,  
14          and shareholders in a development zone under s. 560.795 (1) (e) may offset the credit  
15          against the amount of the tax attributable to their income from all of the  
16          partnership’s, company’s, or corporation’s business operations;”.

17          **1027.** Page 733, line 18: after “(5)” insert “or 560.798 (3)”.

18          **1028.** Page 734, line 2: after “(5)” insert “or 560.798 (3)”.

19          **1029.** Page 734, line 8: after that line insert:

20          “**SECTION 2146m.** 71.07 (2dx) (a) 2. of the statutes is amended to read:

21          71.07 (2dx) (a) 2. “Development zone” means a development zone under s.  
22          560.70, a development opportunity zone under s. 560.795 or an enterprise

1 development zone under s. 560.797, or an agricultural development zone under s.  
2 560.798.”.

3 **1030.** Page 734, line 22: after that line insert:

4 “**SECTION 2147d.** 71.07 (5) (a) 10. of the statutes is created to read:

5 71.07 (5) (a) 10. Any amount claimed as a credit under sub. (9t).”.

6 **1031.** Page 734, line 22: after that line insert:

7 “**SECTION 2147g.** 71.07 (2dx) (c) of the statutes is amended to read:

8 71.07 (2dx) (c) *Credit precluded.* If the certification of a person for tax benefits  
9 under s. 560.765 (3) ~~or~~ 560.797 (4) or 560.798 (3) is revoked, or if the person becomes  
10 ineligible for tax benefits under s. 560.795 (3), that person may not claim credits  
11 under this subsection for the taxable year that includes the day on which the  
12 certification is revoked; the taxable year that includes the day on which the person  
13 becomes ineligible for tax benefits; or succeeding taxable years and that person may  
14 not carry over unused credits from previous years to offset tax under this chapter for  
15 the taxable year that includes the day on which certification is revoked; the taxable  
16 year that includes the day on which the person becomes ineligible for tax benefits;  
17 or succeeding taxable years.

18 **SECTION 2147h.** 71.07 (2dx) (d) of the statutes is amended to read:

19 71.07 (2dx) (d) *Carry-over precluded.* If a person who is entitled under s.  
20 560.795 (3) to claim tax benefits or certified under s. 560.765 (3) ~~or~~ 560.797 (4) or  
21 560.798 (3) for tax benefits ceases business operations in the development zone  
22 during any of the taxable years that that zone exists, that person may not carry over  
23 to any taxable year following the year during which operations cease any unused

1 credits from the taxable year during which operations cease or from previous taxable  
2 years.”.

3 **1032.** Page 734, line 22: after that line insert:

4 “**SECTION 2147k.** 71.07 (2dx) (b) (intro.) of the statutes is amended to read:

5 71.07 (**2dx**) (b) *Credit.* (intro.) Except as provided in pars. (be) and (bg) and  
6 in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person  
7 is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3)  
8 or, 560.797 (4) or 560.798 (3), any person may claim as a credit against taxes imposed  
9 on the person’s income from the person’s business activities in a development zone  
10 the following amounts:

11 **SECTION 2147m.** 71.07 (2dx) (be) of the statutes is created to read:

12 71.07 (**2dx**) (be) *Offset.* A claimant in a development zone under s. 560.795 (1)  
13 (e) may offset any credits claimed under this subsection, including any credits  
14 carried over, against the amount of the tax otherwise due under this subchapter  
15 attributable to all of the claimant’s income and against the tax attributable to income  
16 from directly related business operations of the claimant.

17 **SECTION 2147p.** 71.07 (2dx) (bg) of the statutes is created to read:

18 71.07 (**2dx**) (bg) *Other entities.* For claimants in a development zone under s.  
19 560.795 (1) (e), partnerships, limited liability companies, and tax-option  
20 corporations may not claim the credit under this subsection, but the eligibility for,  
21 and amount of, that credit shall be determined on the basis of their economic activity,  
22 not that of their shareholders, partners, or members. The corporation, partnership,  
23 or company shall compute the amount of the credit that may be claimed by each of  
24 its shareholders, partners, or members and shall provide that information to each

1 of its shareholders, partners, or members. Partners, members of limited liability  
2 companies, and shareholders of tax–option corporations may claim the credit based  
3 on the partnership’s, company’s, or corporation’s activities in proportion to their  
4 ownership interest and may offset it against the tax attributable to their income from  
5 all of the partnership’s, company’s, or corporation’s business operations and against  
6 the tax attributable to their income from the partnership’s, company’s, or  
7 corporation’s directly related business operations.”.

8 **1033.** Page 736, line 12: delete the material beginning with that line and  
9 ending with page 738, line 1.

10 **1034.** Page 738, line 1: after that line insert:

11 “**SECTION 2150d.** 71.07 (9t) of the statutes is created to read:

12 71.07 (9t) ARTISTIC ENDOWMENT CREDIT. (a) *Definition.* In this subsection,  
13 “claimant” means a person who files a claim under this subsection.

14 (b) *Filing claims.* For taxable years beginning after December 31, 2002, subject  
15 to the limitations provided in this subsection, a claimant may claim as a credit  
16 against the tax imposed under s. 71.02, up to the amount of those taxes, an amount  
17 equal to 10% of the amount contributed to the artistic endowment fund under s.  
18 25.78.

19 (c) *Limitations and conditions.* 1. The maximum credit that may be claimed  
20 under par. (b), in a taxable year, is one of the following amounts:

21 a. If the claimant is a single individual or a married individual who files a  
22 separate income tax return, \$5.

23 b. If the claimant is married and the claimant and his or her spouse file a joint  
24 income tax return, \$10.

1           2. Nonresidents of this state are not eligible for the credit under this subsection,  
2 except as provided under subd. 3.

3           3. For a claimant who is a part–year resident of this state and who is a single  
4 person or a married person filing a separate return, multiply the credit for which the  
5 claimant is eligible under subd. 1. by a fraction, the numerator of which is the  
6 individual’s Wisconsin adjusted gross income and the denominator of which is the  
7 individual’s federal adjusted gross income. If a claimant is married and files a joint  
8 return, and if the claimant’s spouse is a nonresident or if the claimant or the  
9 claimant’s spouse, or both, are part–year residents of this state, multiply the credit  
10 for which the claimant is eligible under subd. 1. by a fraction, the numerator of which  
11 is the couple’s joint Wisconsin adjusted gross income and the denominator of which  
12 is the couple’s joint federal adjusted gross income.

13           4. No new claim may be filed under this subsection for a taxable year that  
14 begins after December 31 of the year in which the department determines that the  
15 total amount of revenues received by the endowment fund equals \$50,150,000.

16           5. No credit may be allowed under this subsection unless it is claimed within  
17 the time period under s. 71.75 (2).

18           (d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit  
19 under that subsection, applies to the credit under this subsection.

20           **SECTION 2150t.** 71.10 (4) (dg) of the statutes is created to read:

21           71.10 (4) (dg) The artistic endowment credit under s. 71.07 (9t).”.

22           **1035.** Page 763, line 6: delete the material beginning with that line and  
23 ending with page 768, line 6.

24           **1036.** Page 768, line 24: delete “and (5)” and substitute “(5), and (9t)”.

1           **1037.** Page 793, line 22: after that line insert:

2           “**SECTION 2176m.** 71.28 (1di) (b) 1. of the statutes is amended to read:

3           71.28 **(1di)** (b) 1. Except as provided in subd. 2., the credit, including any  
4 credits carried over, may be offset only against the amount of the tax otherwise due  
5 under this chapter attributable to income from the business operations of the  
6 claimant in the development zone; except that a claimant in a development zone  
7 under s. 560.795 (1) (e) may offset the credit, including any credits carried over,  
8 against the amount of the tax otherwise due under this chapter attributable to all  
9 of the claimant's income; and against the tax attributable to income from directly  
10 related business operations of the claimant.

11           **SECTION 2176p.** 71.28 (1di) (b) 3. of the statutes is amended to read:

12           71.28 **(1di)** (b) 3. Partnerships, limited liability companies and tax–option  
13 corporations may not claim the credit under this subsection, but the eligibility for,  
14 and amount of, that credit shall be determined on the basis of their economic activity,  
15 not that of their shareholders, partners or members. The corporation, partnership  
16 or limited liability company shall compute the amount of the credit that may be  
17 claimed by each of its shareholders, partners or members and shall provide that  
18 information to each of its shareholders, partners or members. Partners, members  
19 of limited liability companies and shareholders of tax–option corporations may claim  
20 the credit based on the partnership's, company's or corporation's activities in  
21 proportion to their ownership interest and may offset it against the tax attributable  
22 to their income from the partnership's, company's or corporation's business  
23 operations in the development zone; except that partners, members, and  
24 shareholders in a development zone under s. 560.795 (1) (e) may offset the credit

1 against the amount of the tax attributable to their income from all of the  
2 partnership's, company's, or corporation's business operations; and against the tax  
3 attributable to their income from the partnership's, company's or corporation's  
4 directly related business operations.”.

5 **1038.** Page 794, line 2: after “(5)” insert “or 560.798 (3)”.

6 **1039.** Page 794, line 5: after “(e)” insert “and (f) or 560.798”.

7 **1040.** Page 795, line 20: after “(5)” insert “or 560.798 (3)”.

8 **1041.** Page 796, line 5: after that line insert:

9 “(hm) Credits claimed under this subsection, including any credits carried over,  
10 may be offset only against the amount of the tax otherwise due under this subchapter  
11 attributable to income from the business operations of the claimant in the  
12 development zone; except that a claimant in a development zone under s. 560.795 (1)  
13 (e) may offset credits, including any credits carried over, against the amount of the  
14 tax otherwise due under this subchapter attributable to all of the claimant's income;  
15 and against the tax attributable to income from directly related business operations  
16 of the claimant.”.

17 **1042.** Page 796, line 17: after “zone” insert “; except that partners, members,  
18 and shareholders in a development zone under s. 560.795 (1) (e) may offset the credit  
19 against the amount of the tax attributable to their income from all of the  
20 partnership's, company's, or corporation's business operations;”.

21 **1043.** Page 796, line 21: after “(5)” insert “or 560.798 (3)”.

22 **1044.** Page 797, line 4: after “(5)” insert “or 560.798 (3)”.

23 **1045.** Page 797, line 10: after that line insert:



1           **SECTION 2177m.** 71.28 (1dx) (a) 2. of the statutes is amended to read:

2           71.28 (1dx) (a) 2. “Development zone” means a development zone under s.  
3 560.70, a development opportunity zone under s. 560.795 ~~or~~, an enterprise  
4 development zone under s. 560.797, or an agricultural development zone under s.  
5 560.798.”.

6           **1046.** Page 797, line 24: after that line insert:

7           **SECTION 2178g.** 71.28 (1dx) (c) of the statutes is amended to read:

8           71.28 (1dx) (c) *Credit precluded.* If the certification of a person for tax benefits  
9 under s. 560.765 (3) ~~or~~, 560.797 (4) or 560.798 (3) is revoked, or if the person becomes  
10 ineligible for tax benefits under s. 560.795 (3), that person may not claim credits  
11 under this subsection for the taxable year that includes the day on which the  
12 certification is revoked; the taxable year that includes the day on which the person  
13 becomes ineligible for tax benefits; or succeeding taxable years and that person may  
14 not carry over unused credits from previous years to offset tax under this chapter for  
15 the taxable year that includes the day on which certification is revoked; the taxable  
16 year that includes the day on which the person becomes ineligible for tax benefits;  
17 or succeeding taxable years.

18           **SECTION 2178h.** 71.28 (1dx) (d) of the statutes is amended to read:

19           71.28 (1dx) (d) *Carry-over precluded.* If a person who is entitled under s.  
20 560.795 (3) to claim tax benefits or certified under s. 560.765 (3) ~~or~~, 560.797 (4) or  
21 560.798 (3) for tax benefits ceases business operations in the development zone  
22 during any of the taxable years that that zone exists, that person may not carry over  
23 to any taxable year following the year during which operations cease any unused

1 credits from the taxable year during which operations cease or from previous taxable  
2 years.”.

3 **1047.** Page 797, line 24: after that line insert:

4 “**SECTION 2178k.** 71.28 (1dx) (b) (intro.) of the statutes is amended to read:

5 71.28 (1dx) (b) *Credit.* (intro.) Except as provided in pars. (be) and (bg) and  
6 in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person  
7 is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3)  
8 or, 560.797 (4) or 560.798 (3), any person may claim as a credit against taxes imposed  
9 on the person’s income from the person’s business activities in a development zone  
10 under this subchapter the following amounts:

11 **SECTION 2178m.** 71.28 (1dx) (be) of the statutes is created to read:

12 71.28 (1dx) (be) *Offset.* A claimant in a development zone under s. 560.795 (1)  
13 (e) may offset any credits claimed under this subsection, including any credits  
14 carried over, against the amount of the tax otherwise due under this subchapter  
15 attributable to all of the claimant’s income and against the tax attributable to income  
16 from directly related business operations of the claimant.

17 **SECTION 2178p.** 71.28 (1dx) (bg) of the statutes is created to read:

18 71.28 (1dx) (bg) *Other entities.* For claimants in a development zone under s.  
19 560.795 (1) (e), partnerships, limited liability companies, and tax-option  
20 corporations may not claim the credit under this subsection, but the eligibility for,  
21 and amount of, that credit shall be determined on the basis of their economic activity,  
22 not that of their shareholders, partners, or members. The corporation, partnership,  
23 or company shall compute the amount of the credit that may be claimed by each of  
24 its shareholders, partners, or members and shall provide that information to each

1 of its shareholders, partners, or members. Partners, members of limited liability  
2 companies, and shareholders of tax–option corporations may claim the credit based  
3 on the partnership’s, company’s, or corporation’s activities in proportion to their  
4 ownership interest and may offset it against the tax attributable to their income from  
5 all of the partnership’s, company’s, or corporation’s business operations and against  
6 the tax attributable to their income from the partnership’s, company’s, or  
7 corporation’s directly related business operations.”.

8 **1048.** Page 798, line 22: after that line insert:

9 “SECTION 2179d. 71.28 (9t) of the statutes is created to read:

10 71.28 (9t) ARTISTIC ENDOWMENT CREDIT. (a) *Definition.* In this subsection,  
11 “claimant” means a person who files a claim under this subsection.

12 (b) *Filing claims.* For taxable years beginning after December 31, 2002, subject  
13 to the limitations provided in this subsection, a claimant may claim as a credit  
14 against the tax imposed under s. 71.23, up to the amount of those taxes, an amount  
15 equal to 10% of the amount contributed to the artistic endowment fund under s.  
16 25.78, up to a maximum credit of \$500 in a taxable year.

17 (c) *Limitations and conditions.* 1. No new claim may be filed under this  
18 subsection for a taxable year that begins after December 31 of the year in which the  
19 department determines that the total amount of revenues received by the  
20 endowment fund equals \$50,150,000.

21 2. No credit may be allowed under this subsection unless it is claimed within  
22 the time period under s. 71.75 (2).

23 (d) *Administration.* Subsection (4) (e) and (g), as it applies to the credit under  
24 sub. (4), applies to the credit under this subsection.

1           **SECTION 2179h.** 71.30 (3) (bm) of the statutes is created to read:

2           71.30 **(3)** (bm) Artistic endowment credit under s. 71.28 (9t).”.

3           **1049.** Page 822, line 7: delete the material beginning with that line and  
4 ending with page 826, line 6.

5           **1050.** Page 826, line 16: after that line insert:

6           “**SECTION 2190m.** 71.47 (1di) (b) 1. of the statutes is amended to read:

7           71.47 **(1di)** (b) 1. Except as provided in subd. 2., the credit, including any  
8 credits carried over, may be offset only against the amount of the tax otherwise due  
9 under this chapter attributable to income from the business operations of the  
10 claimant in the development zone; except that a claimant in a development zone  
11 under s. 560.795 (1) (e) may offset the credit, including any credits carried over,  
12 against the amount of the tax otherwise due under this chapter attributable to all  
13 of the claimant’s income; and against the tax attributable to income from directly  
14 related business operations of the claimant.

15           **SECTION 2190p.** 71.47 (1di) (b) 3. of the statutes is amended to read:

16           71.47 **(1di)** (b) 3. Partnerships, limited liability companies and tax–option  
17 corporations may not claim the credit under this subsection, but the eligibility for,  
18 and amount of, that credit shall be determined on the basis of their economic activity,  
19 not that of their shareholders, partners or members. The corporation, partnership  
20 or limited liability company shall compute the amount of the credit that may be  
21 claimed by each of its shareholders, partners or members and shall provide that  
22 information to each of its shareholders, partners or members. Partners, members  
23 of limited liability companies and shareholders of tax–option corporations may claim  
24 the credit based on the partnership’s, company’s or corporation’s activities in

1 proportion to their ownership interest and may offset it against the tax attributable  
2 to their income from the partnership's, company's or corporation's business  
3 operations in the development zone; except that a claimant in a development zone  
4 under s. 560.795 (1) (e) may offset the credit, including any credits carried over,  
5 against the amount of the tax otherwise due under this chapter attributable to all  
6 of the claimant's income; and against the tax attributable to their income from the  
7 partnership's, company's or corporation's directly related business operations.”.

8 **1051.** Page 826, line 21: after “(5)” insert “or 560.798 (3)”.

9 **1052.** Page 826, line 24: after “(e)” insert “and (f) or 560.798”.

10 **1053.** Page 828, line 14: after “(5)” insert “or 560.798 (3)”.

11 **1054.** Page 828, line 24: after that line insert:

12 “(hm) Credits claimed under this subsection, including any credits carried over,  
13 may be offset only against the amount of the tax otherwise due under this subchapter  
14 attributable to income from the business operations of the claimant in the  
15 development zone; except that a claimant in a development zone under s. 560.795 (1)  
16 (e) may offset credits, including any credits carried over, against the amount of the  
17 tax otherwise due under this subchapter attributable to all of the claimant's income;  
18 and against the tax attributable to income from directly related business operations  
19 of the claimant.”.

20 **1055.** Page 829, line 12: after “zone” insert “; except that partners, members,  
21 and shareholders in a development zone under s. 560.795 (1) (e) may offset the credit  
22 against the amount of the tax attributable to their income from all of the  
23 partnership's, company's, or corporation's business operations;”.

24 **1056.** Page 829, line 16: after “(5)” insert “or 560.798 (3)”.

1           **1057.** Page 829, line 24: after “(5)” insert “or 560.798 (3)”.

2           **1058.** Page 830, line 5: after that line insert:

3           “**SECTION 2191m.** 71.47 (1dx) (a) 2. of the statutes is amended to read:

4           71.47 **(1dx)** (a) 2. “Development zone” means a development zone under s.  
5           560.70, a development opportunity zone under s. 560.795 or an enterprise  
6           development zone under s. 560.797, or an agricultural development zone under s.  
7           560.798.”.

8           **1059.** Page 830, line 19: after that line insert:

9           “**SECTION 2192g.** 71.47 (1dx) (c) of the statutes is amended to read:

10           71.47 **(1dx)** (c) *Credit precluded.* If the certification of a person for tax benefits  
11           under s. 560.765 (3) ~~or~~ 560.797 (4) or 560.798 (3) is revoked, or if the person becomes  
12           ineligible for tax benefits under s. 560.795 (3), that person may not claim credits  
13           under this subsection for the taxable year that includes the day on which the  
14           certification is revoked; the taxable year that includes the day on which the person  
15           becomes ineligible for tax benefits; or succeeding taxable years and that person may  
16           not carry over unused credits from previous years to offset tax under this chapter for  
17           the taxable year that includes the day on which certification is revoked; the taxable  
18           year that includes the day on which the person becomes ineligible for tax benefits;  
19           or succeeding taxable years.

20           **SECTION 2192h.** 71.47 (1dx) (d) of the statutes is amended to read:

21           71.47 **(1dx)** (d) *Carry-over precluded.* If a person who is entitled under s.  
22           560.795 (3) to claim tax benefits or certified under s. 560.765 (3) ~~or~~ 560.797 (4) or  
23           560.798 (3) for tax benefits ceases business operations in the development zone  
24           during any of the taxable years that that zone exists, that person may not carry over

1 to any taxable year following the year during which operations cease any unused  
2 credits from the taxable year during which operations cease or from previous taxable  
3 years.”.

4 **1060.** Page 830, line 19: after that line insert:

5 “**SECTION 2192k.** 71.47 (1dx) (b) (intro.) of the statutes is amended to read:

6 71.47 (1dx) (b) *Credit.* (intro.) Except or provided in pars. (be) and (bg) and  
7 in s. 73.03 (35), and subject to s. 560.785, for any taxable year for which the person  
8 is entitled under s. 560.795 (3) to claim tax benefits or certified under s. 560.765 (3)  
9 ~~or~~ 560.797 (4) or 560.798 (3), any person may claim as a credit against taxes imposed  
10 on the person’s income from the person’s business activities in a development zone  
11 under this subchapter the following amounts:

12 **SECTION 2192m.** 71.47 (1dx) (be) of the statutes is created to read:

13 71.47 (1dx) (be) *Offset.* A claimant in a development zone under s. 560.795 (1)  
14 (e) may offset any credits claimed under this subsection, including any credits  
15 carried over, against the amount of the tax otherwise due under this subchapter  
16 attributable to all of the claimant’s income and against the tax attributable to income  
17 from directly related business operations of the claimant.

18 **SECTION 2192p.** 71.47 (1dx) (bg) of the statutes is created to read:

19 71.47 (1dx) (bg) *Other entities.* For claimants in a development zone under s.  
20 560.795 (1) (e), partnerships, limited liability companies, and tax-option  
21 corporations may not claim the credit under this subsection, but the eligibility for,  
22 and amount of, that credit shall be determined on the basis of their economic activity,  
23 not that of their shareholders, partners, or members. The corporation, partnership,  
24 or company shall compute the amount of the credit that may be claimed by each of

1 its shareholders, partners, or members and shall provide that information to each  
2 of its shareholders, partners, or members. Partners, members of limited liability  
3 companies, and shareholders of tax–option corporations may claim the credit based  
4 on the partnership’s, company’s, or corporation’s activities in proportion to their  
5 ownership interest and may offset it against the tax attributable to their income from  
6 all of the partnership’s, company’s, or corporation’s business operations and against  
7 the tax attributable to their income from the partnership’s, company’s, or  
8 corporation’s directly related business operations.”.

9 **1061.** Page 831, line 18: after that line insert:

10 “SECTION 2193d. 71.47 (9t) of the statutes is created to read:

11 71.47 (9t) ARTISTIC ENDOWMENT CREDIT. (a) *Definition.* In this subsection,  
12 “claimant” means a person who files a claim under this subsection.

13 (b) *Filing claims.* For taxable years beginning after December 31, 2002, subject  
14 to the limitations provided in this subsection, a claimant may claim as a credit  
15 against the tax imposed under s. 71.43, up to the amount of those taxes, an amount  
16 equal to 10% of the amount contributed to the artistic endowment fund under s.  
17 25.78, up to a maximum credit of \$500 in a taxable year.

18 (c) *Limitations and conditions.* 1. No new claim may be filed under this  
19 subsection for a taxable year that begins after December 31 of the year in which the  
20 department determines that the total amount of revenues received by the  
21 endowment fund equals \$50,150,000.

22 2. No credit may be allowed under this subsection unless it is claimed within  
23 the time period under s. 71.75 (2).



1 (d) *Administration*. Section 71.28 (4) (e) and (g), as it applies to the credit under  
2 s. 71.28 (4), applies to the credit under this subsection.

3 **SECTION 2193h.** 71.49 (1) (bm) of the statutes is created to read:

4 71.49 (1) (bm) Artistic endowment credit under s. 71.47 (9t).”.

5 **1062.** Page 831, line 23: after that line insert:

6 “**SECTION 2200b.** 71.93 (1) (a) 3. of the statutes is amended to read:

7 71.93 (1) (a) 3. An amount that the department of health and family services  
8 may recover under s. 49.45 (2) (a) 10. or 49.497, if the department of health and  
9 family services has certified the amount under s. 49.85.”.

10 **1063.** Page 831, line 23: after that line insert:

11 “**SECTION 2195m.** 71.59 (1m) of the statutes is amended to read:

12 71.59 (1m) PERMITTED USES. The designation by the department of natural  
13 resources or by the department of forestry of any farmland in this state, for which  
14 a claim under this section may be filed, as part of the ice age trail, under s. 23.17, is  
15 a permitted use under a farmland preservation agreement, or a certificate of a zoning  
16 authority, under sub. (1) (b).”.

17 **1064.** Page 832, line 6: delete “(b)”.

18 **1065.** Page 832, line 8: delete lines 8 to 11 and substitute:

19 “72.01 (11m) “Federal credit” means, for deaths occurring after September 30,  
20 2002, and before January 1, 2008, the federal estate tax credit allowed for state death  
21 taxes as computed under the federal estate tax law in effect on December 31, 2000,  
22 and for deaths occurring after December 31, 2007, the federal estate tax credit  
23 allowed for state death taxes as computed under the federal estate tax law in effect  
24 on the day of the decedent’s death.”.

1           **1066.** Page 832, line 13: delete lines 13 to 16 and substitute:

2           “72.01 (11n) “Federal estate tax” means, for deaths occurring after September  
3           30, 2002, and before January 1, 2008, the federal estate tax as computed under the  
4           federal estate tax law in effect on December 31, 2000, and for deaths occurring after  
5           December 31, 2007, the federal estate tax as computed under the federal estate tax  
6           law in effect on the day of the decedent’s death.”.

7           **1067.** Page 832, line 20: delete “allowed for state death taxes” and substitute  
8           “allowed for state death taxes”.

9           **1068.** Page 832, line 23: delete “allowed for state death taxes” and substitute  
10          “allowed for state death taxes”.

11          **1069.** Page 833, line 2: delete “allowed for state death taxes” and substitute  
12          “allowed for state death taxes”.

13          **1070.** Page 833, line 8: delete “chapter” and substitute “chapter”.

14          **1071.** Page 833, line 9: delete “chapter,” and substitute “chapter, with”.

15          **1072.** Page 833, line 13: delete the material beginning with “2001” and  
16          ending with “1,” on line 14.

17          **1073.** Page 836, line 24: after that line insert:

18          “**SECTION 2205n.** 73.03 (57) of the statutes is created to read:

19          73.03 (57) To include on the forms on which the artistic endowment credits are  
20          claimed, under ss. 71.07 (9t), 71.28 (9t), and 71.47 (9t), a statement that a taxpayer  
21          may contribute amounts to the artistic endowment fund under s. 25.78 that exceed  
22          the amount for which a credit may be claimed by reducing the taxpayer’s refund or

1 by increasing the taxpayer’s payment for tax liability, with the proceeds to be  
2 deposited into the fund.”.

3 **1074.** Page 837, line 7: after that line insert:

4 “**SECTION 2207m.** 73.06 (3) of the statutes is amended to read:

5 73.06 (3) The department of revenue, through its supervisors of equalization,  
6 shall examine and test the work of assessors during the progress of their assessments  
7 and ascertain whether any of them is assessing property at other than full value or  
8 is omitting property subject to taxation from the roll. The department and such  
9 supervisors shall have the rights and powers of a local assessor for the examination  
10 of persons and property and for the discovery of property subject to taxation. If any  
11 property has been omitted or not assessed according to law, they shall bring the same  
12 to the attention of the local assessor of the proper district and if such local assessor  
13 shall neglect or refuse to correct the assessment they shall report the fact to the board  
14 of review. If it discovers errors in identifying or valuing property that is exempt  
15 under s. 70.11 (39) or (39m), the department shall change the specification of the  
16 property as taxable or exempt and shall change the value of the property. All  
17 disputes between the department, municipalities and property owners about the  
18 taxability or value of property that is reported under s. 79.095 (2) (a) or of the  
19 property under s. 70.995 (12r) shall be resolved by using the procedures under s.  
20 70.995 (8).”.

21 **1075.** Page 838, line 25: after that line insert:

22 “**SECTION 2231m.** 76.02 (6m) of the statutes is created to read:

1           76.02 **(6m)** “Repair facility” means property on which a roundhouse, a repair  
2 shop, and a turntable are located and at which railcars and locomotives are built,  
3 maintained, and repaired.

4           **SECTION 2232d.** 76.16 of the statutes is amended to read:

5           **76.16 Separate valuation of repair facilities, docks, piers, wharves, ore**  
6 **yards, elevators, car ferries and pipeline terminal facilities.** After the  
7 property of a company is first valued as a whole, if any repair facilities, docks, ore  
8 yards, piers, wharves, grain elevators or car ferries used in transferring freight or  
9 passengers between cars and vessels or transfer of freight cars located on car ferries,  
10 or if any terminal storage facilities, docks, pipelines and pumping equipment used  
11 in transferring oil from pipelines to vessels shall be included in such valuation, then  
12 for the purpose of accounting to the proper taxation districts, the department shall  
13 make a separate valuation of each such repair facility, dock, ore yard, pier, wharf,  
14 grain elevator, including the approaches thereto, or car ferries and of each such  
15 terminal storage facility, dock, pipeline and pumping equipment. As used herein, an  
16 approach shall be an immediate access facility commencing at the switching point  
17 which leads primarily to the terminal facility. For the purpose of defining the  
18 pipeline terminal facilities affected by this section, such facilities shall begin where  
19 the incoming pipeline enters the terminal storage facility site used in the transfer  
20 of oil to vessels.

21           **SECTION 2232m.** 76.24 (2) (a) of the statutes is amended to read:

22           76.24 **(2)** (a) All taxes paid by any railroad company derived from or  
23 apportionable to repair facilities, docks, ore yards, piers, wharves, grain elevators,  
24 and their approaches, or car ferries or terminal storage facilities, docks, pipelines  
25 and pumping equipment used in transferring oil from pipelines to vessels on the

1 basis of the separate valuation provided for in s. 76.16, shall be distributed annually  
2 from the transportation fund to the towns, villages and cities in which they are  
3 located, pursuant to certification made by the department of revenue on or before  
4 August 15.”.

5 **1076.** Page 838, line 25: after that line insert:

6 “**SECTION 2231m.** 76.025 (1) of the statutes is amended to read:

7 76.025 (1) The property taxable under s. 76.13 shall include all franchises, and  
8 all real and personal property of the company used or employed in the operation of  
9 its business, excluding property that is exempt from the property tax under s. 70.11  
10 (39) and (39m), such motor vehicles as are exempt under s. 70.112 (5) and treatment  
11 plant and pollution abatement equipment exempt under s. 70.11 (21) (a). The  
12 taxable property shall include all title and interest of the company referred to in such  
13 property as owner, lessee or otherwise, and in case any portion of the property is  
14 jointly used by 2 or more companies, the unit assessment shall include and cover a  
15 proportionate share of that portion of the property jointly used so that the  
16 assessments of the property of all companies having any rights, title or interest of  
17 any kind or nature whatsoever in any such property jointly used shall, in the  
18 aggregate, include only one total full value of such property.”.

19 **1077.** Page 842, line 22: after “(39)” insert “and (39m)”.

20 **1078.** Page 843, line 5: after that line insert:

21 “**SECTION 2243b.** 77.02 (1) of the statutes is amended to read:

22 77.02 (1) PETITION. The owner of an entire quarter quarter section, fractional  
23 lot or government lot as determined by U.S. government survey plat, excluding  
24 public roads and railroad rights-of-way that may have been sold, may file with the

1 department of ~~natural resources~~ forestry a petition stating that the owner believes  
2 the lands therein described are more useful for growing timber and other forest crops  
3 than for any other purpose, that the owner intends to practice forestry thereon, that  
4 all persons holding encumbrances thereon have joined in the petition and requesting  
5 that such lands be approved as “Forest Croplands” under this subchapter. Whenever  
6 any such land is encumbered by a mortgage or other indenture securing any issue  
7 of bonds or notes, the trustee named in such mortgage or indenture or any  
8 amendment thereto may join in such petition, and such action shall for the purpose  
9 of this section be deemed the action of all holders of such bonds or notes.

10 **SECTION 2243c.** 77.02 (2) of the statutes is amended to read:

11 77.02 (2) NOTICE OF HEARING, ADJOURNMENT. Upon receipt of such petition the  
12 department of ~~natural resources~~ forestry shall investigate the same and shall file a  
13 listing of descriptions with the town chairperson. For petitions received prior to May  
14 1, the department shall within the same calendar year cause a notice that such  
15 petition has been filed to be published as a class 3 notice, under ch. 985, in the  
16 newspaper having the largest general circulation in the county in which the lands  
17 are located, and notice by registered mail shall be given to the town clerk of any town  
18 in which the lands are located. Such notice shall contain the name of the petitioner,  
19 a description of the lands and a statement that any resident of or taxpayer in the  
20 town may within 15 days from the date of publication of the notice file a request with  
21 the department that it conduct a public hearing on the petition. Upon receipt of such  
22 a request the department shall conduct a public hearing on the petition. The  
23 department may conduct a public hearing on any petition without a request, if it  
24 deems it advisable to do so. Notice of the time and place of such hearing and a  
25 description, in specific or general terms, as the department deems advisable, of the

1 property requested to be approved as “Forest Croplands” shall be given to persons  
2 making the request, the owner of such land and to the assessor of towns in which it  
3 is situated, by mail, at least one week before the day of hearing. The notice also shall  
4 be published as a class 1 notice, under ch. 985, in a newspaper having general  
5 circulation in the county in which such land is located, at least one week before the  
6 day of the hearing. Such hearing may be adjourned and no notice of the time and  
7 place of such adjourned hearing need be given, excepting the announcement thereof  
8 by the presiding officer at the hearing at which the adjournment is had.

9 **SECTION 2243d.** 77.02 (3) of the statutes is amended to read:

10 77.02 (3) DECISION, COPIES. After receiving all the evidence offered at any  
11 hearing held on the petition and after making such independent investigation as it  
12 sees fit the department shall make its findings of fact and make and enter an order  
13 accordingly. If it finds that the facts give reasonable assurance that a stand of  
14 merchantable timber will be developed on such descriptions within a reasonable  
15 time, and that such descriptions are then held permanently for the growing of timber  
16 under sound forestry practices, rather than for agricultural, mineral, shoreland  
17 development of navigable waters, recreational, residential or other purposes, and  
18 that all persons holding encumbrances against such descriptions have in writing  
19 agreed to the petition, the order entered shall grant the request of the petitioner on  
20 condition that all unpaid taxes against said descriptions be paid within 30 days  
21 thereafter; otherwise the department of ~~natural resources~~ forestry shall deny the  
22 request of the petitioner. If the request of the petitioner is granted, a copy of such  
23 order shall be filed with the department of revenue, the supervisor of equalization  
24 and the clerk of each town, and the order shall be recorded with the register of deeds  
25 of each county, in which any of the lands affected by the order are located. The

1 register of deeds shall record the entry, transfer or withdrawal of all forest croplands  
2 in a suitable manner on the county records. The register of deeds may collect  
3 recording fees under s. 59.43 (2) from the owner. Any order of the department  
4 relating to the entry of forest croplands issued on or before November 20 of any year  
5 shall take effect on January 1 of the following calendar year, but all orders issued  
6 after November 20 shall take effect on January 1 of the calendar year following the  
7 calendar year in which orders issued on or before November 20 would have been  
8 effective.

9 **SECTION 2243e.** 77.03 of the statutes is amended to read:

10 **77.03 Taxation of forest croplands.** After the filing and recording of the  
11 order with the officers under s. 77.02 (3) the lands described therein shall be “Forest  
12 Croplands”, on which taxes shall thereafter be payable only as provided under this  
13 subchapter. The enactment of ss. 77.01 to 77.14, petition by the owner and the  
14 making of the order under s. 77.02 (3) shall constitute a contract between the state  
15 and the owner, running with the lands, for a period of 25 or 50 years at the election  
16 of the applicant at the time the petition is filed, unless withdrawn under s. 77.10,  
17 with privilege of renewal by mutual agreement between the owner and the state,  
18 whereby the state as an inducement to owners and prospective purchasers of forest  
19 croplands to come under ss. 77.01 to 77.14 agrees that, unless withdrawn under s.  
20 77.10, no change in or repeal of ss. 77.01 to 77.14 shall apply to any land then  
21 accepted as forest croplands, except as the department of ~~natural resources~~ forestry  
22 and the owner may expressly agree in writing and except as provided in s. 77.17. If  
23 at the end of the contract period the land is not designated as managed forest land  
24 under subch. VI, the merchantable timber on the land shall be estimated by an  
25 estimator jointly agreed upon by the department of ~~natural resources~~ forestry and



1 the owner, and if the department and the owner fail to agree on an estimator, the  
2 judge of the circuit court of the district in which the lands lie shall appoint a qualified  
3 forester, whose estimate shall be final, and the cost thereof shall be borne jointly by  
4 the department of ~~natural resources~~ forestry and the owner; and the 10% severance  
5 tax paid on the stumpage thereon in the same manner as if the stumpage had been  
6 cut. The owners by such contract consent that the public may hunt and fish on the  
7 lands, subject to such rules as the department of natural resources prescribes  
8 regulating hunting and fishing.

9 **SECTION 2243f.** 77.04 (2) of the statutes is amended to read:

10 77.04 (2) TAX PER ACRE; PAYMENT; PENALTY. The “acreage share” shall be  
11 computed at the rate of 10 cents per acre on all lands entered prior to 1972. On all  
12 lands entered after December 31, 1971, the “acreage share” shall be computed every  
13 10 years to the nearest cent by the department of revenue at the rate of 20 cents per  
14 acre multiplied by a ratio using the equalized value of the combined residential,  
15 commercial, manufacturing, agricultural, swamp, or waste and productive forest  
16 land classes under s. 70.32 (2) within the state in 1972 as the denominator, and using  
17 equalized value for these combined land classes in 1982 and every 10th year  
18 thereafter as the numerator. All owners shall pay to the taxation district treasurer  
19 the acreage share on each description on or before January 31. If the acreage share  
20 is not paid when due to the taxation district treasurer it shall be subject to interest  
21 and penalty as provided under ss. 74.11 (11), 74.12 (10) and 74.47. These lands shall  
22 be returned as delinquent and a tax certificate under subch. VII of ch. 74 shall be  
23 issued on them. After 2 years from the date of the issuance of a tax certificate, the  
24 county clerk shall promptly take a tax deed under ch. 75. On taking such deed the

1 county clerk shall certify that fact and specify the descriptions to the department of  
2 ~~natural resources~~ forestry.

3 **SECTION 2243g.** 77.05 of the statutes is amended to read:

4 **77.05 State contribution.** The department of ~~natural resources~~ forestry shall  
5 pay before June 30 annually to the town treasurer, from the appropriation under s.  
6 ~~20.370 (5) (bv)~~ 20.375 (2) (vm), 20 cents for each acre of land in the town that is  
7 described as forest croplands under this subchapter.

8 **SECTION 2243h.** 77.06 (1) of the statutes is amended to read:

9 **77.06 (1) CUTTING TIMBER REGULATED.** No person shall cut any merchantable  
10 wood products on any forest croplands where the forest crop taxes are delinquent nor  
11 until 30 days after the owner has filed with the department of ~~natural resources~~  
12 forestry a notice of intention to cut, specifying by descriptions and the estimated  
13 amount of wood products to be removed and the proportion of present volume to be  
14 left as growing stock in the area to be cut. The department of ~~natural resources~~  
15 forestry may require a bond executed by some surety company licensed in this state  
16 or other surety for such amount as may reasonably be required for the payment to  
17 the department of ~~natural resources~~ forestry of the severance tax hereinafter  
18 provided. The department, after examination of the lands specified, may prescribe  
19 the amount of forest products to be removed. Cutting in excess of the amount  
20 prescribed shall render the owner liable to double the severance tax prescribed in s.  
21 77.06 (5) and subject to cancellation under s. 77.10. Merchantable wood products  
22 include all wood products except wood used for fuel by the owner.

23 **SECTION 2243i.** 77.06 (2) of the statutes is amended to read:

24 **77.06 (2) APPRAISAL OF TIMBER, ZONES.** Each year the department of ~~natural~~  
25 ~~resources~~ forestry, at the time and place it shall fix and after such public notice as

1 it deems reasonable, shall hold a public hearing. After the hearing the department  
2 shall make and file, open to public inspection, a determination of the reasonable  
3 stumpage values of the wood products usually grown in the several towns in which  
4 any forest croplands lie. A public hearing under this section shall be held prior to  
5 August 1 of each year and the determination of stumpage values made by the  
6 department of ~~natural resources~~ forestry shall take effect on November 1 of that year.  
7 If the department of ~~natural resources~~ forestry finds there is a material variance in  
8 the stumpage values in the different localities, it may fix separate zones and  
9 determine the values for each zone.

10 **SECTION 2243j.** 77.06 (3) of the statutes is amended to read:

11 77.06 (3) REVALUATION. As to any locality or zone in which the department of  
12 ~~natural resources~~ forestry deems there has been no material variance from the  
13 preceding year in stumpage values, it may omit to make any new valuation in any  
14 year, in which event the last preceding valuation shall continue in force until  
15 changed in a succeeding year.

16 **SECTION 2243k.** 77.06 (4) of the statutes is amended to read:

17 77.06 (4) CUTTING REPORTED. Within 30 days after completion of cutting on any  
18 land description, but not more than one year after filing of the notice of intention to  
19 cut, the owner shall transmit to the department of ~~natural resources~~ forestry on  
20 forms provided by the department a written statement of the products so cut,  
21 specifying the variety of wood, kind of product, and quantity of each variety and kind  
22 as shown by the scale or measurement thereof made on the ground as cut, skidded,  
23 loaded, delivered, or by tree scale certified by a qualified forester when stumpage is  
24 sold by tree measurement. The department of ~~natural resources~~ forestry may accept  
25 such reports as sufficient evidence of the facts, or may either with or without hearing

1 and notice of time and place thereof to such owner, investigate and determine the fact  
2 of the quantity of each variety and kind of product so cut during said periods  
3 preceding such reports.

4 **SECTION 2243L.** 77.06 (5) of the statutes is amended to read:

5 77.06 (5) TAX LEVY ON RIGHT TO CUT TIMBER. The department of ~~natural resources~~  
6 forestry shall assess and levy against the owner a severance tax on the right to cut  
7 and remove wood products covered by reports under this section, at the rate of 10%  
8 of the value of the wood products based upon the stumpage value then in force. Upon  
9 making the assessment, the department of ~~natural resources~~ forestry shall mail a  
10 duplicate of the certificate by registered mail to the owner who made the report of  
11 cutting at the owner's last-known post-office address. The tax assessed is due and  
12 payable to the department of ~~natural resources~~ forestry on the last day of the next  
13 calendar month after mailing the certificate. The proceeds of the tax shall be paid  
14 into the forestry ~~account of the conservation~~ fund for distribution under s. 77.07 (3).

15 **SECTION 2243m.** 77.07 (2) of the statutes is amended to read:

16 77.07 (2) PENALTY, COLLECTIONS. If any severance tax remain unpaid for 30 days  
17 after it becomes due, there shall then be added a penalty of 10%, and such tax and  
18 penalty shall thereafter draw interest at the rate of one per cent per month until paid.  
19 At the expiration of said 30 days the department of ~~natural resources~~ forestry shall  
20 report to the attorney general any unpaid severance tax, adding said penalty, and the  
21 attorney general shall thereupon proceed to collect the same with penalty and  
22 interest by suit against the owner and by attachment or other legal means to enforce  
23 the lien and by action on the bond mentioned in s. 77.06 (1), or by any or all such  
24 means.

25 **SECTION 2243n.** 77.08 of the statutes is amended to read:

1           **77.08 Supplemental severance tax.** At any time within one year after any  
2 cutting should have been reported, the department of ~~natural resources~~ forestry  
3 after due notice to the owner and opportunity to be heard, and on evidence duly made  
4 a matter of record, may determine whether the quantity of wood products cut from  
5 any such land, did in fact substantially exceed the amount on which the severance  
6 tax theretofore levied was based, and if so shall assess a supplemental severance tax  
7 which, in all respects, shall have the same force and effect as the former severance  
8 tax, except only it shall not be a lien on any property the title of which has passed  
9 to a purchaser for value without notice.

10           **SECTION 2243p.** 77.09 (1) of the statutes is amended to read:

11           77.09 (1) Any person who fails to report or shall intentionally make any false  
12 statement or report to the department of ~~natural resources~~ forestry required by s.  
13 77.06 shall forfeit not more than \$1,000. An action under this section shall not be  
14 a bar to a cancellation of entry and order of withdrawal under s. 77.10.

15           **SECTION 2243q.** 77.10 (1) (a) of the statutes is amended to read:

16           77.10 (1) (a) The department of ~~natural resources~~ forestry shall on the  
17 application of the department of revenue or the owner of any forest croplands or the  
18 town board of the town in which said lands lie and may on its own motion at any time  
19 cause an investigation to be made and hearing to be had as to whether any forest  
20 croplands shall continue under this subchapter. If on such hearing after due notice  
21 to and opportunity to be heard by the department of revenue, the town and the owner,  
22 the department of ~~natural resources~~ forestry finds that any such lands are not  
23 meeting the requirements set forth in s. 77.02 or that the owner has made use of the  
24 land for anything other than forestry or has failed to practice sound forestry on the  
25 land, the department of ~~natural resources~~ forestry shall cancel the entry of such

1 description and issue an order of withdrawal, and the owner shall be liable for the  
2 tax and penalty under sub. (2). Copies of the order of withdrawal specifying the  
3 description shall be filed by the department of ~~natural resources~~ forestry with all  
4 officers designated to receive copies of the order of entry and withdrawal and this  
5 subchapter shall not thereafter apply to the lands withdrawn, except s. 77.07 so far  
6 as it may be needed to collect any previously levied severance or supplemental  
7 severance tax. If the owner shall not repay the amounts on or before the last day of  
8 February next succeeding the return of such lands to the general property tax roll  
9 as provided in sub. (4), the department of ~~natural resources~~ forestry shall certify to  
10 the county treasurer the descriptions and the amounts due, and the county treasurer  
11 shall sell such lands as delinquent as described in s. 77.04 (2). Whenever any county  
12 clerk has certified to the taking of tax deed under s. 77.04 (2) the department of  
13 ~~natural resources~~ forestry shall issue an order of withdrawal as to the lands covered  
14 in such tax deed. Such order may also be issued when examination of tax records  
15 reveals prolonged delinquency and noncompliance with the requirements of s. 77.04  
16 (2).

17 **SECTION 2243r.** 77.10 (1) (b) of the statutes is amended to read:

18 77.10 (1) (b) Whenever any owner of forest croplands conveys such land the  
19 owner shall, within 10 days of the date of the deed, file with the department of  
20 ~~natural resources~~ forestry on forms prepared by the department a transfer of  
21 ownership signed by the owner and an acceptance of transfer signed by the grantee  
22 certifying that the grantee intends to continue the practice of forestry on such land.  
23 The department of ~~natural resources~~ forestry shall immediately issue a notice of  
24 transfer to all officers designated to receive copies of orders of entry and withdrawal.  
25 Whenever a purchaser of forest croplands declines to certify his or her intention to

1 continue the practice of forestry thereon, such action shall constitute cause for  
2 cancellation of entry under par. (a) without hearing.

3 **SECTION 2243s.** 77.10 (2) (a) 1. of the statutes is amended to read:

4 77.10 (2) (a) 1. Any owner of forest croplands may elect to withdraw all or any  
5 of such lands from under this subchapter, by filing with the department of ~~natural~~  
6 ~~resources~~ forestry a declaration withdrawing from this subchapter any description  
7 owned by such person which he or she specified, and by payment by such owner to  
8 the department of ~~natural resources~~ forestry within 60 days the amount of tax due  
9 from the date of entry or the most recent date of renewal, whichever is later, as  
10 determined by the department of revenue under s. 77.04 (1) with simple interest  
11 thereon at 12% per year, less any severance tax and supplemental severance tax or  
12 acreage share paid thereon, with interest computed according to the rule of partial  
13 payments at the rate of 12% per year.

14 **SECTION 2243t.** 77.10 (2) (a) 2. of the statutes is amended to read:

15 77.10 (2) (a) 2. The amount of the tax shall be determined by the department  
16 of revenue and furnished to the department of ~~natural resources~~ forestry, which shall  
17 determine the exact amount of payment. When the tax rate or assessed value ratio  
18 of the current year has not been determined the rate of the preceding tax year may  
19 be used. On receiving such payment the department of ~~natural resources~~ forestry  
20 shall issue an order of withdrawal and file copies thereof with the department of  
21 revenue, the supervisor of equalization and the clerk of the town, and shall record  
22 the order with the register of deeds of the county, in which the land lies. The land  
23 shall then cease to be forest croplands.

24 **SECTION 2243u.** 77.10 (2) (b) of the statutes is amended to read:

1           77.10 (2) (b) Upon receipt of any taxes under this section by the state, the  
2 department of ~~natural resources~~ forestry shall first deduct all moneys paid by the  
3 state on account of the lands under s. 77.05 with interest on the moneys computed  
4 according to the rule of partial payments at the rate of interest paid under par. (a)  
5 by the person withdrawing such lands. The department shall within 20 days remit  
6 the balance to the town treasurer who shall pay 20% to the county treasurer and  
7 retain the remainder.

8           **SECTION 2243v.** 77.10 (4) of the statutes is amended to read:

9           77.10 (4) TAXATION AFTER WITHDRAWAL. When any description ceases to be a part  
10 of the forest croplands, by virtue of any order of withdrawal issued by the department  
11 of ~~natural resources~~ forestry, taxes thereafter levied thereon shall be payable and  
12 collectible as if such description had never been under this subchapter.

13           **SECTION 2243w.** 77.11 of the statutes is amended to read:

14           **77.11 Accounts of department of ~~natural resources~~ forestry.** The  
15 department of ~~natural resources~~ forestry shall keep a set of forest croplands books  
16 in which shall always appear as to each description in each town containing any  
17 forest croplands, the amount of taxes paid by the state to the town and received by  
18 the state from the owner. All tax payments shall be paid out of and receipts credited  
19 to the forestry ~~account of the conservation~~ fund.

20           **SECTION 2243x.** 77.13 (1) of the statutes is amended to read:

21           77.13 (1) On and after July 20, 1985, no person may petition the department  
22 of ~~natural resources~~ forestry requesting it to approve any land as forest croplands  
23 under this subchapter.

24           **SECTION 2243y.** 77.13 (2) of the statutes is amended to read:



1           77.13 **(2)** On and after January 1, 1986, the department of ~~natural resources~~  
2 forestry may not act on any petition requesting the designation of land as forest  
3 croplands, issue any order entering land as forest croplands or enter into a renewal  
4 of any forest croplands contract under this subchapter.

5           **SECTION 2243z.** 77.14 of the statutes is amended to read:

6           **77.14 Forest croplands information, protection, appropriation.** The  
7 department of ~~natural resources~~ forestry shall publish and distribute information  
8 regarding the method of taxation of forest croplands under this subchapter, and may  
9 employ a fire warden in charge of fire prevention in forest croplands. All actual and  
10 necessary expenses incurred by the department of ~~natural resources~~ forestry or by  
11 the department of revenue in the performance of their duties under this subchapter  
12 shall be paid from the appropriation made in s. ~~20.370 (1) (mu)~~ 20.375 (2) (q) upon  
13 certification by the department incurring such expenses.

14           **SECTION 2243zm.** 77.16 (1) of the statutes is amended to read:

15           77.16 **(1)** In this section “department” means the department of ~~natural~~  
16 ~~resources~~ forestry.”

17           **1079.** Page 843, line 6: delete lines 6 to 14.

18           **1080.** Page 847, line 2: after that line insert:

19           **“SECTION 2245dm.** 77.524 of the statutes is created to read:

20           **77.524 Seller and 3rd-party liability. (1)** In this subsection:

21           (a) “Certified automated system” means software that is certified jointly by the  
22 states that are signatories to the agreement, as defined in s. 77.65 (2) (a), and that  
23 is used to calculate the sales tax and use tax imposed under this subchapter and

1 subch. V on a transaction by each appropriate jurisdiction, to determine the amount  
2 of tax to remit to the appropriate state, and to maintain a record of the transaction.

3 (b) “Certified service provider” means an agent that is certified jointly by the  
4 states that are signatories to the agreement, as defined in s. 77.65 (2) (a), and that  
5 performs all of a seller’s sales tax and use tax functions related to the seller’s retail  
6 sales.

7 (c) “Seller” has the meaning given in s. 77.65 (2) (e).

8 **(2)** A certified service provider is the agent of the seller with whom the certified  
9 service provider has contracted and is liable for the sales and use taxes that are due  
10 the state on all sales transactions that the provider processes for a seller, except as  
11 provided in sub. (3).

12 **(3)** A seller that contracts with a certified service provider is not liable for sales  
13 and use taxes that are due the state on transactions that the provider processed,  
14 unless the seller has misrepresented the type of items that the seller sells or has  
15 committed fraud. The seller is subject to an audit on transactions that the certified  
16 service provider processed only if there is probable cause to believe that the seller has  
17 committed fraud or made a material misrepresentation. The seller is subject to an  
18 audit on transactions that the certified service provider does not process. The states  
19 that are signatories to the agreement, as defined in s. 77.65 (2) (a), may jointly check  
20 the seller’s business system and review the seller’s business procedures to determine  
21 if the certified service provider’s system is functioning properly and to determine the  
22 extent to which the seller’s transactions are being processed by the certified service  
23 provider.

24 **(4)** A person that provides a certified automated system is responsible for the  
25 system’s proper functioning and is liable to this state for tax underpayments that are

1 attributable to errors in the system’s functioning. A seller that uses a certified  
2 automated system is responsible and liable to this state for reporting and remitting  
3 sales and use tax.

4 (5) A seller that has a proprietary system for determining the amount of tax  
5 that is due on transactions and that has signed an agreement with the states that  
6 are signatories to the agreement, as defined in 77.65 (2) (a), establishing a  
7 performance standard for the system is liable for the system’s failure to meet the  
8 performance standard.”.

9 **1081.** Page 847, line 15: after that line insert:

10 “**SECTION 2246p.** 77.65 of the statutes is created to read:

11 **77.65 Uniform sales and use tax administration. (1) SHORT TITLE.** This  
12 section shall be known as the “Uniform Sales and Use Tax Administration Act.”

13 **(2) DEFINITIONS.** In this section:

14 (a) “Agreement” means the streamlined sales and use tax agreement.

15 (b) “Department” means the department of revenue.

16 (c) “Person” means an individual, trust, estate, fiduciary, partnership, limited  
17 liability company, limited liability partnership, corporation, or any other legal entity.

18 (d) “Sales tax” means the tax imposed under ss. 77.52, 77.57, and 77.71 (1).

19 (e) “Seller” means any person who sells, leases, or rents personal property or  
20 services.

21 (f) “State” means any state of the United States and the District of Columbia.

22 (g) “Use tax” means the tax imposed under ss. 77.53 and 77.71 (2), (3), and (4).

23 **(3) DEPARTMENT AUTHORITY.** The department may enter into the agreement to  
24 simplify and modernize sales tax and use tax administration in order to

1 substantially reduce the tax compliance burden for all sellers and for all types of  
2 commerce. The department may act jointly with other states that are signatories to  
3 the agreement to establish standards for the certification of a certified service  
4 provider and certified automated system and to establish performance standards for  
5 multistate sellers. The department may promulgate rules to administer this section,  
6 may procure jointly with other states that are signatories to the agreement goods and  
7 services in furtherance of the agreement, and may take other actions reasonably  
8 required to implement this section. The secretary of revenue or the secretary's  
9 designee may represent this state before the states that are signatories to the  
10 agreement.

11 **(4) AGREEMENT REQUIREMENTS.** The department may not enter into the  
12 agreement unless the agreement requires that a state that is a signatory to the  
13 agreement do all of the following:

14 (a) Limit the number of state sales and use tax rates.

15 (b) Limit the application of any maximums on the amount of state sales and  
16 use tax that is due on a transaction.

17 (c) Limit thresholds on the application of sales and use tax.

18 (d) Establish uniform standards for the sourcing of transactions to the  
19 appropriate taxing jurisdictions, for administering exempt sales, and for sales and  
20 use tax returns and remittances.

21 (e) Develop and adopt uniform definitions related to sales and use tax.

22 (f) Provide, with all states that are signatories to the agreement, a central  
23 electronic registration system that allows a seller to register to collect and remit sales  
24 and use taxes for all states that are signatories to the agreement.

1 (g) Provide that the state shall not use a seller's registration with the central  
2 electronic registration system under par. (f), and the subsequent collection and  
3 remittance of sales and use taxes in the states that are signatories to the agreement,  
4 to determine whether the seller has sufficient connection with the state for the  
5 purpose of imposing any tax.

6 (h) Restrict variances between the state tax bases and local tax bases.

7 (i) Administer all sales and use taxes imposed by local jurisdictions within the  
8 state so that sellers who collect and remit such taxes are not required to register with,  
9 or submit returns or taxes to, local jurisdictions and are not subject to audits by local  
10 jurisdictions.

11 (j) Restrict the frequency of changes in any local sales and use tax rates and  
12 provide notice of any such changes.

13 (k) Establish effective dates for the application of local jurisdictional boundary  
14 changes to local sales and use tax rates and provide notice of any such changes.

15 (L) Provide monetary allowances to sellers and certified service providers as  
16 outlined in the agreement.

17 (m) Certify compliance with the agreement before entering into the agreement  
18 and maintain compliance with the agreement.

19 (n) Adopt a uniform policy, with the states that are signatories to the  
20 agreement, for certified service providers that protects a consumer's privacy and  
21 maintains tax information confidentiality.

22 (o) Appoint, with the states that are signatories to the agreement, an advisory  
23 council to consult with in administering the agreement. The advisory council shall  
24 consist of private sector representatives and representatives from states that are not  
25 signatories to the agreement.

1           **(5) COOPERATING STATES.** The agreement entered into under this section is an  
2 accord among cooperating states to further their governmental functions and  
3 provides a mechanism among the cooperating states to establish and maintain a  
4 cooperative, simplified system for the application and administration of sales and  
5 use taxes that are imposed by each state that is a signatory to the agreement.

6           **(6) LIMITED BINDING AND BENEFICIAL EFFECT.** (a) The agreement entered into  
7 under this section binds, and inures to the benefit of, only the states that are  
8 signatories to the agreement. Any benefit that a person may receive from the  
9 agreement is established by this state’s law and not by the terms of the agreement.

10           (b) No person shall have any cause of action or defense under the agreement  
11 or because of the department entering into the agreement. No person may challenge  
12 any action or inaction by any department, agency, other instrumentality of this state,  
13 or any political subdivision of this state on the ground that the action or inaction is  
14 inconsistent with the agreement.

15           (c) No law of this state, or the application of such law, may be declared invalid  
16 on the ground that the law, or the application of such law, is inconsistent with the  
17 agreement.

18           **(7) RELATIONSHIP TO STATE LAW.** No provision of the agreement in whole or in part  
19 invalidates or amends any law of this state and the state becoming a signatory to the  
20 agreement shall not amend or modify any law of this state.”.

21           **1082.** Page 847, line 15: after that line insert:

22           “**SECTION 2246n.** 77.54 (46) of the statutes is created to read:

1           77.54 **(46)** The gross receipts from the sale of and the storage, use, or other  
2 consumption of the U.S. flag or the state flag. This subsection does not apply to a  
3 representation of the U.S. flag or the state flag.”.

4           **1083.** Page 847, line 15: after that line insert:

5           “**SECTION 2246md.** 77.54 (47) of the statutes is created to read:

6           77.54 **(47)** The gross receipts from the sale of and the storage, use, or other  
7 consumption of water park water slides, including support structures, attachments,  
8 and parts for water park water slides, but excluding underground piping,  
9 foundations, and wholly or partially underground pools that are additions or  
10 improvements to real property and excluding water slides; and support structures,  
11 attachments, and parts for water slides; located at residential facilities, including  
12 personal residences, apartments, long–time care facilities, and state institutions.”.

13           **1084.** Page 848, line 9: after that line insert:

14           “**SECTION 2247c.** 77.81 (1) of the statutes is amended to read:

15           77.81 **(1)** “Department” means the department of ~~natural resources~~ forestry.”.

16           **1085.** Page 848, line 25: after that line insert:

17           “**SECTION 2247pg.** 77.82 (2) (intro.) of the statutes is amended to read:

18           77.82 **(2)** PETITION. (intro.) Any owner of land may petition the department to  
19 designate any eligible parcel of land as managed forest land. A petition may include  
20 any number of eligible parcels under the same ownership in a single municipality.  
21 Each petition shall be submitted on a form provided by the department and shall be  
22 accompanied by a nonrefundable \$10 application fee unless a different amount of the  
23 fee is established by the department by rule at an amount equal to the average  
24 expense to the department of recording an order issued under this subchapter. The

1 fee shall be deposited in the ~~conservation~~ forestry fund and credited to the  
2 appropriation under s. ~~20.370 (1) (cr)~~ 20.375 (2) (qr). Each petition shall include all  
3 of the following:

4 **SECTION 2247q.** 77.82 (4) of the statutes is amended to read:

5 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner may petition the  
6 department to designate as managed forest land an additional parcel of land in the  
7 same municipality if the additional parcel is at least 3 acres in size and is contiguous  
8 to any of the owner's designated land. The petition shall be accompanied by a  
9 nonrefundable \$10 application fee unless a different amount of the fee is established  
10 in the same manner as the fee under sub. (2). The fee shall be deposited in the  
11 ~~conservation~~ forestry fund and credited to the appropriation under s. ~~20.370 (1) (cr)~~  
12 20.375 (2) (qr). The petition shall be submitted on a department form and shall  
13 contain any additional information required by the department.

14 **SECTION 2247r.** 77.82 (4m) (bn) of the statutes is amended to read:

15 77.82 (4m) (bn) A petition under this subsection shall be accompanied by a  
16 nonrefundable \$100 application fee which shall be deposited in the ~~conservation~~  
17 forestry fund and credited to the appropriation under s. ~~20.370 (1) (cr)~~ 20.375 (2)  
18 (qr).”.

19 **1086.** Page 849, line 3: after that line insert:

20 “**SECTION 2247tg.** 77.84 (3) (b) of the statutes is amended to read:

21 77.84 (3) (b) Immediately after receiving the certification of the county clerk  
22 that a tax deed has been taken, the department shall issue an order withdrawing the  
23 land as managed forest land. The notice requirement under s. 77.88 (1) does not  
24 apply to the department's action under this paragraph. The department shall notify



1 the county treasurer of the amount of the withdrawal tax, as determined under s.  
2 77.88 (5), and the amount of the tax shall be payable to the department under s. 75.36  
3 (3) if the property is sold by the county. The amount shall be credited to the  
4 conservation forestry fund.

5 **SECTION 2247tj.** 77.85 of the statutes is amended to read:

6 **77.85 State contribution.** The department shall pay before June 30 annually  
7 the municipal treasurer, from the appropriation under s. ~~20.370 (5) (bv)~~ 20.375 (2)  
8 (vm), 20 cents for each acre of land in the municipality that is designated as managed  
9 forest land under this subchapter.

10 **SECTION 2247tk.** 77.87 (3) of the statutes is amended to read:

11 77.87 (3) PAYMENT. A tax assessed under sub. (1) or (2) is due and payable to  
12 the department on the last day of the month following the date the certificate is  
13 mailed to the owner. The department shall collect interest at the rate of 12% per year  
14 on any tax that is paid later than the due date. Amounts received shall be credited  
15 to the conservation forestry fund.

16 **SECTION 2247tm.** 77.88 (2) (d) of the statutes is amended to read:

17 77.88 (2) (d) Within 10 days after a transfer of ownership, the former owner  
18 shall, on a form provided by the department, file with the department a report of the  
19 transfer signed by the former owner and the transferee. The report shall be  
20 accompanied by a \$20 fee which shall be deposited in the conservation forestry fund  
21 and credited to the appropriation under s. ~~20.370 (1) (er)~~ 20.375 (2) (qr). The  
22 department shall immediately notify each person entitled to notice under s. 77.82 (8).

23 **SECTION 2247tn.** 77.88 (7) of the statutes is amended to read:

24 77.88 (7) PAYMENT; DELINQUENCY. A tax under sub. (5) is due and payable to the  
25 department on the last day of the month following the effective date of the

1 withdrawal order. Amounts received shall be credited to the ~~conservation~~ forestry  
2 fund. If the owner of the land fails to pay the tax, the department shall certify to the  
3 taxation district clerk the amount due. The taxation district clerk shall enter the  
4 delinquent amount on the property tax roll as a special charge.

5 **SECTION 2247tp.** 77.89 (1) of the statutes is amended to read:

6 77.89 (1) PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department,  
7 from the appropriation under s. ~~20.370 (5) (bv)~~ 20.375 (2) (vm), shall pay 50% of each  
8 payment received under s. 77.84 (3) (b), 77.87 (3) or 77.88 (7) to the treasurer of the  
9 municipality in which is located the land to which the payment applies.

10 **SECTION 2247tr.** 77.89 (3) of the statutes is amended to read:

11 77.89 (3) ~~CONSERVATION FORESTRY~~ FUND CREDIT. The municipal treasurer shall  
12 pay all amounts received under s. 77.84 (2) (b) to the county treasurer, as provided  
13 under ss. 74.25 and 74.30. The county treasurer shall, by June 30 of each year, pay  
14 all amounts received under this subsection to the department. All amounts received  
15 by the department shall be credited to the ~~conservation~~ forestry fund and shall be  
16 reserved for land acquisition and resource management activities relating to the  
17 state forests.

18 **SECTION 2247tt.** 77.91 (4) of the statutes is amended to read:

19 77.91 (4) EXPENSES. Except as provided in sub. (5), the department's expenses  
20 for the administration of this subchapter shall be paid from the appropriation under  
21 s. ~~20.370 (1) (mu)~~ 20.375 (2) (q).

22 **SECTION 2247tu.** 77.91 (5) of the statutes is amended to read:

23 77.91 (5) RECORDING. Each register of deeds who receives notice of an order  
24 under this subchapter shall record the action as provided under s. 59.43 (1). The  
25 department shall pay the register of deeds the fee specified under s. 59.43 (2) (ag) 1.

1 from the appropriation under s. ~~20.370 (1) (cr)~~ 20.375 (2) (qr). If the amount in the  
2 appropriation under s. ~~20.370 (1) (cr)~~ 20.375 (2) (qr) in any fiscal year is insufficient  
3 to pay the full amount required under this subsection in that fiscal year, the  
4 department shall pay the balance from the appropriation under s. ~~20.370 (1) (mu)~~  
5 20.375 (2) (q).”.

6 **1087.** Page 850, line 2: delete the material beginning with that line and  
7 ending on page 851, line 15.

8 **1088.** Page 852, line 11: after that line insert:

9 “**SECTION 2258d.** 79.01 (1) of the statutes is amended to read:

10 79.01 (1) There is established an account in the general fund entitled the  
11 “Expenditure Restraint Program Account”- Account.” There shall be appropriated  
12 to that account \$25,000,000 in 1991, in 1992<sub>1</sub>, and in 1993<sub>1</sub>; \$42,000,000 in 1994<sub>1</sub>;  
13 \$48,000,000 in each year beginning in 1995 and ending in 1999 and<sub>1</sub>; \$57,000,000 in  
14 the year 2000 and in the year 2001; \$57,570,000 in 2002; and \$58,145,700 in 2003  
15 and in each year thereafter.

16 **SECTION 2280m.** 79.03 (3c) (f) of the statutes is amended to read:

17 79.03 (3c) (f) *Distribution amount.* If the total amounts calculated under pars.  
18 (c) to (e) exceed the total amount to be distributed under this subsection, the amount  
19 paid to each eligible municipality shall be paid on a prorated basis. The total amount  
20 to be distributed under this subsection from s. 20.835 (1) (b) is \$10,000,000 beginning  
21 in 1996 and ending in 1999 and<sub>1</sub>; \$11,000,000 in the year 2000 and in the year 2001;  
22 \$11,110,000 in 2002; and \$11,221,100 in 2003 and in each year thereafter.

23 **SECTION 2281d.** 79.03 (4) of the statutes is amended to read:

1           79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and  
2           79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be  
3           distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.  
4           In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.  
5           20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this  
6           section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to  
7           municipalities and \$168,981,800 to counties. In Beginning in 1995 and subsequent  
8           years ending in 2001, the total amounts to be distributed under ss. 79.03, 79.04 and  
9           79.06 from s. 20.835 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to  
10          counties. In 2002, the total amounts to be distributed under ss. 79.03, 79.04, and  
11          79.06 from s. 20.835 (1) (d) are \$769,092,800 to municipalities and \$170,671,600 to  
12          counties. In 2003 and subsequent years, the total amounts to be distributed under  
13          ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) are \$776,783,700 to municipalities  
14          and \$172,378,300 to counties.

15           **SECTION 2281e.** 79.03 (5) of the statutes is created to read:

16           79.03 (5) (a) In 2002 and 2003, each municipality shall receive a shared  
17           revenue payment under this section that is equal to the amount of the payment it  
18           received in the previous year, multiplied by 101%. In 2004 and in subsequent years,  
19           each municipality shall receive a shared revenue payment under this section that is  
20           equal to the amount of the payment it received in 2003.

21           (b) The department of revenue shall use the population amounts it used to  
22           determine the November 2000, shared revenue payments to municipalities to  
23           calculate corrections to such payments in 2001, as provided under s. 79.08. The  
24           department of revenue shall use the population amounts it used to estimate

1 payments under s. 79.015 in September 2000, to calculate actual and corrected 2001  
2 shared revenue payments to municipalities.”.

3 **1089.** Page 852, line 11: after that line insert:

4 “**SECTION 2255m.** 79.03 (3) (b) 3. of the statutes is amended to read:

5 79.03 (3) (b) 3. “Full valuation” means the full value of property that is exempt  
6 under s. 70.11 (39) and (39m) as determined under s. 79.095 (3) plus the full value  
7 of all taxable property for the preceding year as equalized for state tax purposes,  
8 except that for municipalities the value of real estate assessed under s. 70.995 is  
9 excluded. Value increments under s. 66.1105 plus the full value of property that is  
10 exempt under s. 70.11 (39) and (39m) that would otherwise be part of a value  
11 increment are included for municipalities but excluded for counties. Environmental  
12 remediation value increments under s. 66.1106 are included for municipalities and  
13 counties that create the environmental remediation tax incremental district and are  
14 excluded for units of government that do not create the district. If property that had  
15 been assessed under s. 70.995 and that has a value exceeding 10% of a municipality’s  
16 value is assessed under s. 70.10, 30% of that property’s full value is included in “full  
17 valuation” for purposes of the shared revenue payments in the year after the  
18 assessment under s. 70.10, 65% of that property’s full value is included in “full  
19 valuation” for purposes of the shared revenue payments in the year 2 years after the  
20 assessment under s. 70.10 and 100% of that property’s full value is included in “full  
21 valuation” for purposes of subsequent shared revenue payments.”.

22 **1090.** Page 854, line 3: after that line insert:

23 “**SECTION 2285d.** 79.058 (3) (c) of the statutes is amended to read:

24 79.058 (3) (c) In the year 2000 and ~~subsequent years~~ in 2001, \$20,763,800.

1           **SECTION 2285e.** 79.058 (3) (d) of the statutes is created to read:

2           79.058 (3) (d) In 2002, \$20,971,400.

3           **SECTION 2285f.** 79.085 (3) (e) of the statutes is created to read:

4           79.085 (3) (e) In 2003 and subsequent years, \$21,181,100.”.

5           **1091.** Page 854, line 3: after that line insert:

6           “**SECTION 2285m.** 79.05 (2) (c) of the statutes is amended to read:

7           79.05 (2) (c) Its municipal budget;<sup>;</sup> exclusive of principal and interest on  
8 long-term debt and exclusive of ~~payments of the~~ revenue sharing payments under  
9 s. 66.0305 and recycling fee payments under s. 289.645;<sup>;</sup> for the year of the statement  
10 under s. 79.015 increased over its municipal budget as adjusted under sub. (6);<sup>;</sup>  
11 exclusive of principal and interest on long-term debt and exclusive of ~~payments of~~  
12 the revenue sharing payments under s. 66.0305 and recycling fee payments under  
13 s. 289.645;<sup>;</sup> for the year before that year by less than the sum of the inflation factor  
14 and the valuation factor, rounded to the nearest 0.10%.”.

15           **1092.** Page 854, line 3: after that line insert:

16           “**SECTION 2291m.** 79.095 (2) (a) of the statutes is amended to read:

17           79.095 (2) (a) On or before May 1, the value of the ~~computers~~ property that are  
18 is exempt under s. 70.11 (39) and (39m) in each taxing jurisdiction for which the  
19 municipality assesses property.

20           **SECTION 2291n.** 79.095 (3) of the statutes is amended to read:

21           79.095 (3) **REVIEW BY DEPARTMENT.** The department shall adjust each rate  
22 reported under sub. (2) (b) to a full-value rate. The department shall review and  
23 correct the information submitted under sub. (2) (a), shall determine the full value  
24 of all of the ~~computers~~ property reported under sub. (2) (a) and of all the ~~computers~~

1 property under s. 70.995 (12r) and, on or before October 1, shall notify each taxing  
2 jurisdiction of the full value of the ~~computers~~ property that are is exempt under s.  
3 70.11 (39) and (39m) and that are is located in the jurisdiction. The department shall  
4 adjust the full value that is reported to taxing jurisdictions under this subsection in  
5 the year after an error occurs or a value has been changed due to an appeal. All  
6 disputes between the department and municipalities about the value of the property  
7 reported under sub. (2) (a) or of the property under s. 70.995 (12r) shall be resolved  
8 by using the procedures under s. 70.995 (8).

9 **SECTION 2291p.** 79.095 (4) of the statutes is amended to read:

10 79.095 (4) PAYMENT. The department shall calculate the payments due each  
11 taxing jurisdiction under this section by multiplying the full value as of the January  
12 1 of the preceding year of the ~~computers~~ property that are is exempt under s. 70.11  
13 (39) and (39m) and that are is located in the jurisdiction by the full-value gross tax  
14 rate of the jurisdiction for the preceding year. The department shall certify the  
15 amount of the payment due each taxing jurisdiction to the department of  
16 administration, which shall make the payments on or before the first Monday in  
17 May.”.

18 **1093.** Page 854, line 3: after that line insert:

19 “**SECTION 2287.** 79.06 (2) (b) of the statutes is amended to read:

20 79.06 (2) (b) If the payments to a municipality or county, except any county in  
21 which there are no cities or villages, or any county created in the year 1846 or 1847,  
22 with a population in the year 1990 greater than 16,000 but less than 17,000, as  
23 determined by the 1990 federal decennial census, in any year exceed its combined  
24 payments under this section and s. 79.03, excluding payments under s. 79.03 (3c),



1 in the previous year by more than the maximum allowable increase, the excess shall  
2 be withheld to fund minimum payments in that year under sub. (1) (c).”.

3 **1094.** Page 856, line 3: after that line insert:

4 “**SECTION 2294p.** 81.01 (3) (intro.) of the statutes is amended to read:

5 81.01 (3) (intro.) Provide machinery, implements, material, and equipment  
6 needed to construct, maintain, and repair said highways and bridges, and for that  
7 purpose may acquire by purchase or by condemnation in the manner provided by ch.  
8 32 gravel pits and stone quarries, but the total sum spent under this subsection shall  
9 ~~not exceed \$10,000 in any year for construction, maintenance, and repair of~~  
10 highways and bridges may not exceed the product of \$5,000 multiplied by the miles  
11 of highway under the jurisdiction of the town measured by the most recent highway  
12 mileage for the town, as determined under s. 86.302, unless one of the following  
13 occurs:

14 **SECTION 2294pc.** 81.01 (3) (b) of the statutes is amended to read:

15 81.01 (3) (b) The town board, by resolution, submits to the electors of the town  
16 as a referendum at a general or special town election the question of exceeding the  
17 \$10,000 limit set under this subsection. A copy of the resolution shall be filed as  
18 provided in s. 8.37. The board shall abide by the majority vote of the electors of the  
19 town on the question. The question shall read as follows:

20 Shall the town of ... ... spend \$... \$.... over the annual limit of \$10,000 the  
21 product of \$5,000 multiplied by the miles of highway under the jurisdiction of the  
22 town measured by the most recent highway mileage for the town, as determined  
23 under section 86.302 of the Wisconsin Statutes, for the construction, maintenance,  
24 and repair of its highways and bridges?



1 FOR SPENDING  AGAINST SPENDING .

2 **1095.** Page 856, line 3: after that line insert:

3 “**SECTION 2294m.** 84.001 (1r) of the statutes is created to read:

4 84.001 (1r) “Intelligent transportation system” means a specialized computer  
5 system or other electronic, information processing, communication, or technical  
6 system, including roadway detector loops, closed circuit television, permanent  
7 variable message signs, or ramp meters, that is used to improve the efficiency or  
8 safety of a surface transportation system.”.

9 **1096.** Page 856, line 3: after that line insert:

10 “**SECTION 2294ec.** 79.10 (10) (bm) of the statutes is renumbered 79.10 (10) (bm)

11 1. and amended to read:

12 79.10 (10) (bm) 1. A person who is eligible for a credit under sub. (9) (bm) but  
13 whose property tax bill does not reflect the credit may claim the credit by applying  
14 to the treasurer of the taxation district in which the property is located for the credit  
15 under par. (a) by January 31 following the issuance of the person’s property tax bill.  
16 ~~The treasurer of the taxation district in which the property is located~~ shall compute  
17 the amount of the credit; subtract the amount of the credit from the person’s property  
18 tax bill; notify the person of the reduced amount of the property taxes due; issue a  
19 refund to the person if the person has paid the property taxes in full; and enter the  
20 person’s property on the next tax roll as property that qualifies for a lottery and  
21 gaming credit. Claims made under this ~~paragraph~~ subdivision become invalid when  
22 claims made under par. (a) become invalid.

23 **SECTION 2294ee.** 79.10 (10) (bm) 2. of the statutes is created to read:

1           79.10 (10) (bm) 2. A person who may apply for a credit under subd. 1. but who  
2 does not timely apply for the credit under subd. 1. may apply to the department of  
3 revenue no later than October 1 following the issuance of the person's property tax  
4 bill. Subject to review by the department, the department shall compute the amount  
5 of the credit; issue a check to the person in the amount of the credit; and notify the  
6 treasurer of the county in which the person's property is located or the treasurer of  
7 the taxation district in which the person's property is located, if the taxation district  
8 collects taxes under s. 74.87. The treasurer shall enter the person's property on the  
9 next tax roll as property that qualifies for a lottery and gaming credit. Claims made  
10 under this subdivision become invalid when claims made under par. (a) become  
11 invalid.

12           **SECTION 2294eg.** 79.10 (10) (bn) of the statutes is renumbered 79.10 (10) (bn)  
13 1. and amended to read:

14           79.10 (10) (bn) 1. If a person who owns and uses property as specified under  
15 sub. (1) (dm), as of the certification date under par. (a), transfers the property after  
16 the certification date, the transferee may apply to the treasurer of the county in  
17 which the property is located or, if the property is located in a city that collects taxes  
18 under s. 74.87, to the treasurer of the city in which the property is located for the  
19 credit under sub. (9) (bm) on a form prescribed by the department of revenue. The  
20 transferee shall attest that, to the transferee's knowledge, the transferor used the  
21 property in the manner specified under sub. (1) (dm) as of the certification date under  
22 par. (a). A claim that is made under this ~~paragraph~~ subdivision is valid for the year  
23 in which the property is transferred.

24           **SECTION 2294eh.** 79.10 (10) (bn) 2. of the statutes is created to read:

1           79.10 (10) (bn) 2. A person who is eligible for a credit under subd. 1. but whose  
2 property tax bill does not reflect the credit may claim the credit by applying to the  
3 treasurer of the taxation district in which the property is located for the credit by  
4 January 31 following the issuance of the person's property tax bill. Claims made  
5 after January 31, but no later than October 1 following the issuance of the person's  
6 property tax bill, shall be made to the department of revenue. Paragraph (bn), as  
7 it applies to processing claims made under that paragraph, applies to processing  
8 claims made under this subdivision, except that a claim that is made under this  
9 subdivision is valid for the year in which the person took possession of the  
10 transferred property under subd. 1.”.

11           **1097.** Page 856, line 3: after that line insert:

12           “**SECTION 2294j.** 80.05 (2) (b) of the statutes is amended to read:

13           80.05 (2) (b) Give notice by registered mail to the department of natural  
14 resources, to the department of forestry and to the county land conservation  
15 committee in each county through which the highway may pass.

16           **SECTION 2294m.** 80.39 (2) of the statutes is amended to read:

17           80.39 (2) NOTICE. Upon such petition the county board or the commissioners  
18 appointed by the board shall give notice of the time and place they will meet to decide  
19 on the petition. The notice shall be published as a class 2 notice, under ch. 985. The  
20 notice shall also be given to the ~~department~~ secretary of natural resources ~~by serving~~  
21 ~~a copy upon the secretary of natural resources~~ and to the secretary of forestry either  
22 by registered mail or personally. If the board appoints a committee to act, the notice  
23 shall state the fact and the notice shall be signed by the commissioners, otherwise  
24 by the chairperson of the board.

1           **SECTION 2294p.** 84.01 (17) of the statutes is amended to read:

2           **84.01 (17)** IMPROVEMENTS FOR NEXT 6 YEARS. In each odd-numbered year, the  
3 department of transportation shall determine, as far as possible, what  
4 improvements will be made during the following 6-year period, and shall notify the  
5 county clerks prior to February 1 of each even-numbered year, as to the  
6 improvements in their respective counties. Such notice shall also be given to the  
7 department of natural resources, to the department of forestry and to the  
8 department of agriculture, trade and consumer protection.”.

9           **1098.** Page 857, line 13: after that line insert:

10           “**SECTION 2296p.** 84.01 (34) of the statutes is created to read:

11           **84.01 (34)** STILLWATER BRIDGE PROJECT. (a) Not later than April 1, 2002, the  
12 department shall develop and submit to the joint committee on finance a proposal  
13 specifying the amount of anticipated expenditures to be made by the department for  
14 mitigation in connection with the Stillwater Bridge project across the St. Croix River  
15 between Houlton in St. Croix County and Stillwater, Minnesota.

16           (b) If, after submission of the proposal under par. (a), the department  
17 determines that it will exceed the amount of anticipated expenditures specified in  
18 the proposal under par. (a), the department shall submit to the joint committee on  
19 finance a proposal for the additional amount of anticipated expenditures for  
20 mitigation in connection with the project.”.

21           **1099.** Page 858, line 25: after that line insert:

22           “**SECTION 2302k.** 84.013 (6g) of the statutes is created to read:

23           **84.013 (6g)** Notwithstanding s. 13.489 (1m) the department shall conduct a  
24 study of the STH 11/USH 14 transportation corridor between Janesville and I 43 in

1 Rock and Walworth counties to evaluate alternatives to improve the capacity and  
2 safety of transportation in the corridor. The department shall consult with local  
3 units of government to determine the design and methodology of the study, and shall  
4 cooperate with the city of Janesville and the counties of Rock and Walworth in  
5 completing the study. If the department concludes after the study that  
6 improvements in the corridor require construction of a major highway project on  
7 STH 11 and USH 14, the department shall include the project in its report submitted  
8 to the transportation projects commission under s. 13.489 (2) no later than  
9 September 15, 2004, for review by the commission under s. 13.489 (4).”.

10 **1100.** Page 858, line 25: after that line insert:

11 “**SECTION 2302gg.** 84.013 (3m) (g) of the statutes is created to read:

12 84.013 (**3m**) (g) The department shall complete any major highway project  
13 involving USH 10 from Marshfield to Stevens Point in Portage and Wood counties  
14 by December 31, 2013.”.

15 **1101.** Page 859, line 10: delete “**reconstruction**” and substitute  
16 “**rehabilitation**”.

17 **1102.** Page 859, line 22: after that line insert:

18 “(d) “Rehabilitation” means the reconditioning, reconstruction, or resurfacing,  
19 as defined in s. 84.013 (1) (b) to (d), of a freeway or the adding of one or more lanes  
20 to the freeway, and includes interim repairs.

21 (e) “Southeast Wisconsin freeway” means a state trunk highway, located in  
22 Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, or Waukesha  
23 county, that has 4 or more lanes of traffic physically separated by a median or barrier  
24 and that gives preference to through traffic by limiting access to interchanges only.”.

1           **1103.** Page 859, line 23: after “86.255,” insert “any southeast Wisconsin  
2 freeway rehabilitation projects, including”.

3           **1104.** Page 859, line 24: delete “project” and substitute “project,”.

4           **1105.** Page 860, line 7: on lines 7 and 13, delete “reconstruction” and  
5 substitute “rehabilitation”.

6           **1106.** Page 861, line 17: after that line insert:

7           “(7fg) The Marquette interchange reconstruction project shall include an exit  
8 at the intersection of Plankinton Avenue and I 794. Notwithstanding ss. 84.29 (6)  
9 and 84.295 (7), the department shall keep an exit at Plankinton Avenue open for  
10 travel during the Marquette interchange reconstruction project.

11           **(7fm)** Construction work on the Marquette interchange reconstruction project  
12 shall be performed on a 24-hour basis.

13           **(7fr)** The department shall design the reconstruction of the Marquette  
14 interchange and I 94 in Milwaukee and Waukesha counties to allow for expansion  
15 of capacity for vehicular traffic on the Marquette interchange and I 94 in these  
16 counties to meet the projected vehicular traffic capacity needs, as determined by the  
17 department, for 30 years following the completion of such reconstruction.”.

18           **1107.** Page 861, line 18: before that line insert:

19           “**SECTION 2304p.** 84.02 (5) (a) of the statutes is amended to read:

20           84.02 **(5)** (a) As often as it deems necessary, the department shall publish  
21 highway service maps showing the state trunk highway system and such other main  
22 highways and other features as may seem desirable. Such highway service maps  
23 shall be sold by the department at a price to be fixed by it, which shall be not less than  
24 cost. The department may permit the use of the base plates for other maps and

1 publications in consideration of a fair fee for such use. The department shall make  
2 and publish or duplicate such highway service maps as are required for its use, and  
3 shall publish folded highway maps of Wisconsin for free distribution to the public.  
4 The department shall ensure that the folded highway maps bear information  
5 regarding the requirements of s. 347.48 (4) and do not bear information regarding  
6 toll-free telephone service under s. 13.205.”.

7 **1108.** Page 861, line 18: before that line insert:

8 “**SECTION 2304g.** 84.02 (3) (a) of the statutes is amended to read:

9 84.02 (3) (a) Changes may be made in the state trunk system by the  
10 department, if it deems that the public good is best served by making the changes.  
11 The department, in making the changes, may lay out new highways by the procedure  
12 under this subsection. Due notice shall be given to the localities concerned of the  
13 intention to make changes or discontinuances, and if the change proposes to lay a  
14 highway via a new location and the distance along such deviation from the existing  
15 location exceeds 2 1/2 miles, then a hearing in or near the region affected by the  
16 proposed change shall be held prior to making the change effective. The notice shall  
17 also be given to the secretary of natural resources and to the secretary of forestry  
18 either by registered mail or personally. Whenever the department decides to thus  
19 change more than 2 1/2 miles of the system the change shall not be effective until the  
20 decision of the department has been referred to and approved by the county board  
21 of each county in which any part of the proposed change is situated. A copy of the  
22 decision shall be filed in the office of the clerk of each county in which a change is  
23 made or proposed. Where the distance along the deviation from the existing location  
24 exceeds 5 miles the change shall constitute an addition to the state trunk highway

1 system. The preexisting route shall continue to be a state trunk highway unless the  
2 county board of each county in which any part of the relocation lies and the  
3 department mutually agree to its discontinuance as a state trunk highway.  
4 Whenever such county board or boards and the department cannot so agree the  
5 department shall report the problem to the next ensuing session of the legislature  
6 for determination.”.

7 **1109.** Page 861, line 19: delete the material beginning with that line and  
8 ending with page 864, line 2.

9 **1110.** Page 865, line 2: after “(5w),” insert “shall award a grant of \$2,500,000  
10 under s. 86.31 (3s),”.

11 **1111.** Page 865, line 3: delete “\$5,000,000” and substitute “\$2,500,000”.

12 **1112.** Page 865, line 7: after “(a)” insert “or s. 86.31 (3s)”.

13 **1113.** Page 865, line 20: after that line insert:

14 “**SECTION 2307h.** 84.075 (1) of the statutes is amended to read:

15 84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction  
16 contracts under s. 84.06, and in contracting with private contractors and agencies  
17 under s. 84.07, the department of transportation shall attempt to ensure that 5% of  
18 the total amount expended in each fiscal year is paid to contractors, subcontractors,  
19 and vendors ~~which are minority businesses, as defined under s. 560.036 (1) (e) 1 that~~  
20 are minority businesses certified by the department of commerce under s. 560.036  
21 (2). In attempting to meet this goal, the department of transportation may award  
22 any contract to a minority business that submits a qualified responsible bid that is  
23 no more than 5% higher than the low bid.

24 **SECTION 2307i.** 84.075 (2) of the statutes is amended to read:



1           84.075 (2) The contractor shall report to the department of transportation any  
2 amount of the contract paid to subcontractors and vendors ~~which~~ that are minority  
3 businesses certified by the department of commerce under s. 560.036 (2).

4           **SECTION 2307j.** 84.075 (3) of the statutes is amended to read:

5           84.075 (3) The department of transportation shall at least semiannually, or  
6 more often if required by the department of administration, report to the department  
7 of administration the total amount of money it has paid to contractors,  
8 subcontractors, and vendors ~~which~~ that are minority businesses under ss. 84.01 (13),  
9 84.06, and 84.07 and the number of contacts with minority businesses in connection  
10 with proposed purchases and contracts. In its reports, the department of  
11 transportation shall include only amounts paid to businesses certified by the  
12 department of commerce under s. 560.036 (2) as minority businesses.

13           **SECTION 2307jk.** 84.076 (1) (c) of the statutes is amended to read:

14           84.076 (1) (c) “Minority business” ~~has the meaning given under s. 560.036 (1)~~  
15 ~~(e) 1~~ means a business that is certified by the department of commerce under s.  
16 560.036 (2).”.

17           **1114.** Page 865, line 20: after that line insert:

18           **SECTION 2307f.** 84.04 (4) of the statutes is created to read:

19           84.04 (4) Notwithstanding sub. (2), after the effective date of this subsection  
20 .... [revisor inserts date], the department may not construct any rest area along or  
21 in close proximity with a state trunk highway at a location that is within a radius  
22 of 5 miles from an exit from the highway that provides access to motorist services  
23 described under s. 86.195 (3). This subsection does not apply to any rest area that

1 is located no more than 5 miles from the border of this state or to any rest area that  
2 may be located near the village of Belmont in Lafayette County.”.

3 **1115.** Page 865, line 20: after that line insert:

4 “**SECTION 2307dc.** 84.072 of the statutes is created to read:

5 **84.072 Unified disadvantaged business certification program. (1)**

6 DEFINITIONS. In this section:

7 (a) “Business” means a sole proprietorship, partnership, limited liability  
8 company, joint venture, or corporation that is operated for profit.

9 (am) “Certifying authority” means the department or, if authorized under sub.  
10 (5m), a municipality or county.

11 (b) “Disadvantaged business” means a business that is all of the following:

12 1. At least 51% owned by one or more disadvantaged individuals who are U.S.  
13 citizens or persons lawfully admitted to the United States for permanent residence,  
14 as defined in 8 USC 1101 (a) (20).

15 2. Controlled in its management and daily business operations by one or more  
16 of the disadvantaged individuals who own the business.

17 3. A small business concern within the meaning given in 49 CFR 26.5.

18 (c) “Disadvantaged individual” means an individual found by a certifying  
19 authority to be socially and economically disadvantaged within the meaning given  
20 in 49 CFR 26.5.

21 (d) “Municipality” means a city, village, or town.

22 **(2) CERTIFICATION.** (a) Any business may apply to a certifying authority for  
23 certification as a disadvantaged business. All applications shall be sworn and  
24 notarized. A certifying authority shall certify as a disadvantaged business any

1 business that meets the requirements under 49 CFR 26, subpart D, for such  
2 certification. A certifying authority shall follow all certification procedures and  
3 standards provided in 49 CFR 26 and all certification determinations shall strictly  
4 conform with 49 CFR 26 and federal guidelines established under that section. A  
5 certifying authority shall complete review and issue a decision concerning an  
6 application within 90 days after receiving the completed application, except that a  
7 certifying authority may extend its review period to not more than 150 days if, within  
8 those 90 days, the certifying authority provides written notice to the applicant  
9 specifying the reasons for the extension. No person may certify a business as a  
10 disadvantaged business for purposes of 49 CFR 26, except as provided in this section.  
11 A certifying authority may charge and collect reasonable fees for reviewing an  
12 application submitted under this paragraph.

13 (b) 1. Except as provided in sub. (6), a certifying authority is not required to  
14 review an application submitted by a business that has its principal place of business  
15 in another state, unless the business is certified as a disadvantaged business under  
16 a unified certification program that strictly conforms to 49 CFR 26 and to which that  
17 other state is a party.

18 2. If the department receives an application for a business that is certified as  
19 a disadvantaged business under a federally approved unified certification program  
20 pursuant to 49 CFR 26, the department may do any of the following:

21 a. Grant certification in reliance of the certification determination under the  
22 federally approved unified certification program.

23 b. Make an independent certification determination based on material  
24 submitted by the other certifying agency, supplemented by whatever additional  
25 information the department may request from the applicant.

1           c. Require the applicant to undergo the application process without regard to  
2 the other certification.

3           3. If a certifying authority that is a municipality or county receives an  
4 application for a business that is certified as a disadvantaged business under a  
5 federally approved unified certification program pursuant to 49 CFR 26, the  
6 certifying authority shall forward the application to the department for purposes of  
7 subd. 2.

8           (c) A certifying authority shall cooperate with any directive from the federal  
9 government under authority of 49 CFR 26 concerning certification under this  
10 section.

11           (d) Certification under this section is valid for 3 years, unless the department  
12 removes certification under sub. (4) or the certification is removed as provided in 49  
13 CFR 26.87 or 26.89. A certifying authority may not require a business that is  
14 certified under this section to reapply during the 3-year period after its certification,  
15 unless the factual basis on which the certification is made materially changes.

16           (e) No certification of a business as a disadvantaged business for purposes of  
17 federal transportation assistance programs before the effective date of this  
18 paragraph .... [revisor inserts date], is valid for contracts executed after the last day  
19 of the 5th month beginning after the effective date of this paragraph .... [revisor  
20 inserts date]. Beginning on the first day of the 6th month beginning after the  
21 effective date of this paragraph.... [revisor inserts date], only a business certified  
22 under this section qualifies as a disadvantaged business enterprise for purposes of  
23 49 CFR 26.

24           **(2m)** CONFIDENTIALITY. (a) A certifying authority may not disclose to any  
25 person any information that relates to an individual's statement of net worth, a

1 statement of experience, or a company's financial statement, including the gross  
2 receipts of a bidder, or to any documentation submitted in support of those  
3 statements, if the information was obtained for the purpose of complying with 49  
4 CFR 26, as that section existed on October 1, 1999.

5 (b) This subsection does not prohibit a certifying authority from disclosing  
6 information to any of the following persons:

7 1. The person to whom the information relates.

8 2. If the certifying authority is a municipality or county, to the department.

9 3. If the certifying authority is the department, to a municipality or county  
10 authorized under sub. (5m).

11 4. Any person who has the written consent of the person to whom the  
12 information relates to receive such information.

13 5. Any person to whom 49 CFR 26, as that section existed on October 1, 1999,  
14 requires or specifically authorizes the certifying authority to disclose such  
15 information.

16 6. The federal department of transportation, if the certifying authority  
17 discloses the information for the purposes of a certification appeal proceeding in  
18 which the disadvantaged status of the individual is in question.

19 **(3) IMPLIED CONSENT.** Any municipality, county, or other person that accepts  
20 federal moneys from the appropriations under s. 20.395 (1) (bx), (2) (ax), (dx), or (fx),  
21 or (3) (bx), (cx), or (ex), or accepts other federal moneys for highway, transit, or airport  
22 purposes, after the effective date of this subsection ... [revisor inserts date], is  
23 considered to have given consent to the unified certification disadvantage business  
24 program administered under this section.

1           **(4) REQUIREMENTS OF CERTIFIED BUSINESSES.** A business certified as a  
2 disadvantaged business shall, within 30 days after a change in the business's size,  
3 disadvantaged status, ownership, or control that could preclude its certification as  
4 a disadvantaged business under 49 CFR 26, notify the department of such change  
5 by sworn and notarized statement. A business certified as a disadvantaged business  
6 shall submit annually to the department a sworn, notarized statement attesting that  
7 there have been no changes to business's size, disadvantaged status, ownership, or  
8 control, or gross receipts, that would preclude its certification as a disadvantaged  
9 business under 49 CFR 26. The notice shall include a statement that the business  
10 meets the size and gross receipts criteria for certification, and shall include  
11 documentary evidence supporting that statement. The department shall remove the  
12 certification of any disadvantaged business that fails to provide the statement within  
13 13 months after certification under this section, or within 13 months after it last  
14 submitted to the department the information required under this subsection,  
15 whichever is later.

16           **(5) DIRECTORY OF CERTIFIED BUSINESSES.** The department shall maintain a list  
17 of all businesses certified as a disadvantaged business by a certifying authority or  
18 by a state that is a party to an agreement under sub. (6). The list shall include the  
19 business name, address, telephone number, and types of work that the business is  
20 certified to perform as a disadvantaged business. The department shall make the  
21 list and any updated information available to any person, at no charge, on the  
22 Internet and in printed format. The department shall update the list at least  
23 annually, but shall update the electronic list available on the Internet by including  
24 additions, deletions, or other changes to the list as soon as the department makes  
25 such an addition, deletion, or other change.

1           **(5m)** CERTIFICATION BY A MUNICIPALITY OR COUNTY. The department may  
2 authorize any municipality or county to certify a business as a disadvantaged  
3 business. The authorization shall be in writing and shall require the municipality  
4 or county to conform strictly to the standards and processes provided in this section  
5 and rules promulgated under this section. The authorization shall be valid for one  
6 year. The authorization shall require the municipality or county to provide written  
7 notice to the department of any certification decision. The written notice shall  
8 include all of the information contained in the directory maintained under sub. (5).  
9 The authorization shall require the municipality or county to forward applications  
10 to the department under sub. (2) (b) 3. Certification by a municipality or county is  
11 valid for 3 years, unless the department removes certification under sub. (4) or the  
12 certification is removed as provided in 49 CFR 26.87 or 26.89. No municipality or  
13 county authorized under this subsection may hear any appeals or complaints  
14 regarding certification decisions.

15           **(6)** RECIPROCAL CERTIFICATION AGREEMENTS. Notwithstanding sub. (2) (a), the  
16 department may enter into a reciprocal agreement with any other state establishing  
17 a joint unified certification program that strictly conforms to 49 CFR 26. The  
18 agreement may authorize the other state to certify as a disadvantaged business any  
19 business that is based in this state, or may authorize the department to certify as a  
20 disadvantaged business any business based in that other state.

21           **(7)** CERTIFICATION APPEALS AND COMPLAINTS. (a) Any business whose application  
22 for certification is denied, or is not reviewed within the time limits prescribed in sub.  
23 (2) (a), or whose certification is removed, may appeal that action as provided in 49  
24 CFR 26.89 to the department.

1 (b) Any person may file with the department a signed, written complaint that  
2 a business that a certifying authority has certified under this section is not eligible  
3 for such certification. The department shall investigate complaints that it finds are  
4 supported by credible evidence. If, upon investigation, the department finds  
5 reasonable cause to believe that a business is not eligible for certification, the  
6 department shall notify the business of its findings in writing and shall proceed in  
7 the manner provided under 49 CFR 26.87.

8 **(8) APPLICABILITY.** This section does not apply if federal law does not require,  
9 as a condition of using federal funds, this state to establish goals for the participation  
10 of disadvantaged businesses or the employment of disadvantaged individuals in  
11 projects using federal funds.

12 **SECTION 2307de.** 84.076 (1) (a) of the statutes is amended to read:

13 84.076 (1) (a) “Disadvantaged individual” means a minority group member, a  
14 woman or any other individual found by the department to be socially and  
15 economically disadvantaged ~~by the department as provided~~ within the meaning  
16 given in 49 CFR ~~23.62~~ 26.5, unless successfully challenged as provided in 49 CFR  
17 ~~23.69~~ 26.89.

18 **SECTION 2307dg.** 84.076 (1) (b) (intro.) of the statutes is renumbered 84.076  
19 (1) (b) and amended to read:

20 84.076 (1) (b) “Disadvantaged business” ~~means a sole proprietorship,~~  
21 ~~partnership, limited liability company, joint venture or corporation that fulfills all~~  
22 ~~of the following requirements, as certified by the department:~~ has the meaning given  
23 in s. 84.072 (1) (b).

24 **SECTION 2307dh.** 84.076 (1) (b) 1., 2. and 3. of the statutes are repealed.



1           **SECTION 2307dj.** 84.076 (3) (intro.) and (a) of the statutes are consolidated,  
2           renumbered 84.076 (3) and amended to read:

3           **84.076 (3) BIDS, CONTRACTS.** Section 84.06 (2) applies to bids and contracts  
4           under this section, except that the secretary shall reject low bids that do not satisfy  
5           the requirements under sub. (4). ~~The secretary shall establish a list of disadvantaged~~  
6           ~~businesses that are eligible to submit bids for contracts awarded under this section~~  
7           ~~and subcontractors who meet the requirements under sub. (4) (b).~~ Each bid  
8           submitted under this section shall include the agreement specified under sub. (4) and  
9           ~~all of the following conditions: (a) A, as a condition, a goal that at least 25% of the~~  
10          total number of workers in all construction trades employed on the project will be  
11          disadvantaged individuals.

12          **SECTION 2307dk.** 84.076 (3) (b) of the statutes is repealed.

13          **SECTION 2307dm.** 84.076 (4) (b) of the statutes is amended to read:

14          **84.076 (4) (b)** Obtain from a subcontractor that has experience in providing  
15          training to disadvantaged individuals a program of preapprenticeship training that  
16          satisfies the requirements established by the secretary under sub. (2) (b), and assure  
17          that the subcontractor has experience in providing a program of management and  
18          technical assistance to disadvantaged business contractors, and that the  
19          subcontractor's management and technical assistance program satisfies the  
20          requirements established by the secretary under sub. (2) (b) and includes all of the  
21          requirements of par. (a) 2. A subcontractor under this paragraph need not be a  
22          disadvantaged business, but if the subcontractor is not a disadvantaged business, it  
23          may not be included within the goal established under sub. (3) (b).”.

24          **1116.** Page 865, line 20: after that line insert:

1           **“SECTION 2307g.** 84.06 (1) of the statutes is amended to read:

2           **84.06 (1) DEFINITIONS.** In this section, “improvement” or “highway  
3 improvement” includes construction, reconstruction, rehabilitation, and the  
4 activities, ~~operations and processes incidental to building, fabricating, or bettering~~  
5 a highway, ~~public mass transportation system~~ or street, but not maintenance. The  
6 terms do not include the installation, replacement, rehabilitation, or maintenance  
7 of highway signs, traffic control signals, highway lighting, pavement markings, or  
8 intelligent transportation systems, unless incidental to building, fabricating, or  
9 bettering a highway or street.

10           **SECTION 2307h.** 84.07 (1) of the statutes is amended to read:

11           **84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY.** The state trunk  
12 highway system shall be maintained by the state at state expense. The department  
13 shall prescribe by rule specifications for such maintenance and may contract with  
14 any county highway committee or municipality to have all or certain parts of the  
15 work of maintaining the state trunk highways within or beyond the limits of the  
16 county or municipality, including interstate bridges, performed by the county or  
17 municipality, and any county or municipality may enter into such contract. General  
18 maintenance activities include the application of protective coatings, the removal  
19 and control of snow, the removal, treatment and sanding of ice, interim repair of  
20 highway surfaces and adjacent structures, and all other operations, activities and  
21 processes required on a continuing basis for the preservation of the highways on the  
22 state trunk system, and including the care and protection of trees and other roadside  
23 vegetation and suitable planting to prevent soil erosion or to beautify highways  
24 pursuant to s. 80.01 (3), and all measures deemed necessary to provide adequate  
25 traffic service. Special maintenance activities include the restoration,

1 reinforcement, complete repair or other activities which the department deems are  
2 necessary on an individual basis for specified portions of the state trunk system.  
3 Maintenance activities also include the installation, replacement, rehabilitation, or  
4 maintenance of highway signs, traffic control signals, highway lighting, pavement  
5 markings, and intelligent transportation systems. The department may contract  
6 with a private entity for services or materials or both associated with the installation,  
7 replacement, rehabilitation, or maintenance of highway signs, traffic control signals,  
8 highway lighting, pavement markings, and intelligent transportation systems.”.

9 **1117.** Page 865, line 20: after that line insert:

10 “SECTION 2307cf. 84.09 (9) of the statutes is created to read:

11 84.09 (9) Subsections (5), (5m), and (6) do not apply to residual state property  
12 subject to s. 20.9145.

13 SECTION 2307cg. 84.09 (9) of the statutes, as created by 2001 Wisconsin Act ....  
14 (this act), is repealed.”.

15 **1118.** Page 866, line 2: after that line insert:

16 “SECTION 2307m. 84.1040 of the statutes is created to read:

17 **84.1040 Donald K. “Deke” Slayton Memorial Highway. (1)** The  
18 department shall designate and, subject to sub. (2), mark STH 27 in Monroe County  
19 commencing at Sparta and proceeding southerly to Cashton as the “Donald K. ‘Deke’  
20 Slayton Memorial Highway” as a living memorial to and in honor of Donald K. “Deke”  
21 Slayton, who brought credit to this state and, in particular, Monroe County for his  
22 contribution to this country’s space program as one of the 7 original astronauts and  
23 as a participant in the first joint United States–Soviet space mission.

1           **(2)** Upon receipt of sufficient contributions from interested parties, including  
2 any county, city, village, or town, to cover the cost of erecting and maintaining  
3 markers along the route specified in sub. (1) to clearly identify to motorists the  
4 designation of the route as the “Donald K. ‘Deke’ Slayton Memorial Highway,” the  
5 department shall erect and maintain the markers. No state funds, other than from  
6 the receipt of contributions under this subsection, may be expended for the erection  
7 or maintenance of the markers.”.

8           **1119.** Page 868, line 2: after that line insert:

9           “**SECTION 2308r.** 84.30 (10m) of the statutes is renumbered 84.30 (10m) (intro.)  
10 and amended to read:

11           **84.30 (10m)** ANNUAL PERMIT FEE REQUIREMENT. (intro.) The department may  
12 promulgate a rule requiring persons specified in the rule to pay annual permit fees  
13 for signs. If the department establishes an annual permit fee under this subsection,  
14 failure to pay the fee within 2 months after the date on which payment is due is  
15 evidence that the sign has been abandoned for the purposes of s. TRANS 201.10 (2)  
16 (f), Wis. Adm. Code. This subsection does not apply to any of the following:

17           **SECTION 2308s.** 84.30 (10m) (a) and (b) of the statutes are created to read:

18           **84.30 (10m)** (a) An off–premises advertising sign that is owned by a religious  
19 organization.

20           (b) A sign that has been permanently removed by the owner of the sign, even  
21 if the department was not notified of the sign’s removal.”.

22           **1120.** Page 868, line 2: after that line insert:

23           “**SECTION 2308p.** 84.28 (1) of the statutes is amended to read:

1           **84.28 (1)** Moneys from the appropriation under s. ~~20.370 (7) (mc)~~ 20.375 (3) (b)  
2           may be expended for the renovation, marking and maintenance of a town or county  
3           highway located within the boundaries of any ~~state park~~, state forest ~~or other~~  
4           ~~property under the jurisdiction of the department of natural resources, other than~~  
5           a southern state forest. Moneys from the appropriation under s. 20.370 (7) (mc) may  
6           be expended for the renovation, marking and maintenance of a town or county  
7           highway located within the boundaries of any state park or any southern state forest,  
8           in the lower Wisconsin state riverway, as defined in s. 30.40 (15), or on other property  
9           under the jurisdiction of the department of natural resources. Outside the lower  
10          Wisconsin state riverway, as defined in s. 30.40 (15), or outside the boundaries of  
11          these parks, forests or other property under the jurisdiction of the department of  
12          natural resources, moneys from the appropriation under s. 20.370 (7) (mc) may be  
13          expended for the renovation, marking and maintenance of roads which the  
14          department of natural resources certifies are utilized by a substantial number of  
15          visitors to these state parks, state forests or other property under the jurisdiction of  
16          the department of natural resources. The department of natural resources shall  
17          authorize expenditures from the appropriation under s. 20.370 (7) (mc) under this  
18          subsection. The department of natural resources shall rank projects eligible for  
19          assistance funding from the appropriation under s. 20.370 (7) (mc) under a priority  
20          system and funding may be restricted to those projects with highest priority. Outside  
21          the boundaries of the state forests under the jurisdiction of the department of  
22          forestry, moneys from the appropriation under s. 20.375 (3) (b) may be expended for  
23          the renovation, marking, and maintenance of roads which the department of forestry  
24          certifies are utilized by a substantial number of visitors to these state forests. The  
25          department of forestry shall authorize expenditures from the appropriation under

1 s. 20.375 (3) (b) under this subsection. The department of forestry shall rank projects  
2 eligible for funding from the appropriation under s. 20.375 (3) (b) under a priority  
3 system and funding may be restricted to those projects with the highest priority.

4 **SECTION 2308s.** 84.28 (2) of the statutes is amended to read:

5 84.28 (2) The department may administer a program for the construction,  
6 maintenance, and marking of roads, including fire roads, service areas, trailer, or  
7 vehicle parking stalls or parking areas and other facilities consistent with highway  
8 construction and for the marking of scenic routes in the state parks, state forests, the  
9 lower Wisconsin state riverway as defined under s. 30.40 (15), state fish hatcheries,  
10 other public used areas under the jurisdiction of the department of natural resources  
11 or the department of forestry, and other public lands as defined in ch. 24, for  
12 highways or fire roads leading from the most convenient state trunk highways to  
13 such lands, and for the relocation and construction of state trunk highways in or near  
14 state parks when required in the interests of public safety. Within the limitations  
15 and for the purposes of this section, work may be performed by or under the  
16 supervision or authority or with the approval of the department of transportation,  
17 upon the request for such work filed by the department ~~of natural resources~~ having  
18 jurisdiction as to the lower Wisconsin state riverway, as defined in s. 30.40 (15), or  
19 as to state park or forest lands, or by the board of commissioners of the public lands  
20 as to other classes of public lands. Outside the lower Wisconsin state riverway, as  
21 defined in s. 30.40 (15), and outside the limits of the park, state forest, and public  
22 land areas, direct connections to the most convenient state trunk highway may be  
23 built or maintained under this section. Roads in unincorporated areas within 5 miles  
24 of the boundaries of the Horicon national wildlife refuge or the Horicon marsh  
25 wildlife area may be built or maintained under this section upon request of the town

1 board, if the department of transportation certifies that such roads are or will be used  
2 by a substantial number of visitors to such area. Costs incurred under this section  
3 shall be the responsibility of the department of natural resources, department of  
4 forestry, commissioners of public lands or town board, as appropriate.”.

5 **1121.** Page 868, line 24: after that line insert:

6 “**SECTION 2310m.** 85.027 of the statutes is created to read:

7 **85.027 Highway corridor planning grant program. (1)** In this section:

8 (a) “Highway corridor” means the area up to 10 miles on either side of a state  
9 trunk highway that is expected by the department to need additional capacity for  
10 vehicular traffic or to have possible safety or operational problems resulting from  
11 pressure for development adjacent to the highway.

12 (b) “Local governmental unit” means a city, village, town, county, regional  
13 planning commission, or metropolitan planning organization, as defined in s. 85.243

14 (1) (c).

15 **(2)** The department shall administer a highway corridor planning grant  
16 program. From the appropriation under s. 20.395 (3) (bq), the department shall  
17 award grants to local governmental units for highway corridor planning activities.  
18 In any fiscal year, the department may not expend more than \$500,000 for grants  
19 under this subsection.”.

20 **1122.** Page 869, line 1: before that line insert:

21 “**SECTION 2311g.** 85.061 (3) (b) of the statutes is renumbered 85.061 (3) (b) 1.  
22 and amended to read:

23 85.061 **(3)** (b) 1. The department may not use any proceeds from the bond issue  
24 authorized under s. 20.866 (2) (up) unless ~~the joint committee on finance approves~~

1 ~~the use of the proceeds and, with~~ state funds are used for not more than 20% of the  
2 cost of the project. This subdivision does not apply to the use of any bond proceeds  
3 approved by the joint committee on finance before the effective date of this  
4 subdivision .... [revisor inserts date].

5 2. With respect to a route under par. (a) 1. or 2., the department may not use  
6 any proceeds from the bond issue authorized under s. 20.866 (2) (up) unless the  
7 department submits evidence to the joint committee on finance that Amtrak or the  
8 applicable railroad has agreed to provide rail passenger service on that route.

9 (c) The department may contract with Amtrak, railroads or other persons to  
10 perform the activities under the program.”.

11 **1123.** Page 868, line 25: delete that line.

12 **1124.** Page 870, line 22: after that line insert:

13 “SECTION 2321p. 85.12 (5) of the statutes is created to read:

14 85.12 (5) Beginning with fiscal year 2001–02, from the appropriations under  
15 s. 20.395 (5) (dk) of moneys received by the department from the department and  
16 under s. 20.395 (5) (dq), the amount provided by the department in any fiscal year  
17 for the statewide public safety radio management program under this section may  
18 not exceed 50% of the costs of the statewide public safety radio management program  
19 or \$138,000, whichever is less.”.

20 **1125.** Page 873, line 18: after that line insert:

21 “SECTION 2330g. 85.205 (title) of the statutes is amended to read:

22 **85.205 (title) Prohibited expenditures and construction for light rail.**

23 SECTION 2330h. 85.205 of the statutes is renumbered 85.205 (1) and amended  
24 to read:



1           85.205 (1) Notwithstanding ss. 85.022, 85.062 and 85.063, the department may  
2 not encumber or expend any federal funds received under P.L. 102–240, section 1045,  
3 or P.L. 105–277, section 373, or state funds for any purpose related to a light rail mass  
4 transit system.—~~This section on or after the effective date of this subsection ....~~  
5 ~~[revisor inserts date]. This subsection~~ does not apply to any light rail mass transit  
6 system that is being constructed on October 29, 1999. ~~This section~~ subsection does  
7 not apply to any funds expended or activity related to a mass transit system that is  
8 done under the memorandum of agreement concerning USH 12 between Middleton  
9 and Lake Delton, Wisconsin, that was executed by the governor, the secretary of  
10 transportation, the secretary of natural resources, the county executive of Dane  
11 County, the administrative coordinator of Sauk County, and others, and that became  
12 effective on April 22, 1999. ~~This section~~ subsection does not apply after  
13 June 30, ~~2001~~ 2002.

14           **SECTION 2330j.** 85.205 (2) of the statutes is created to read:

15           85.205 (2) A light rail mass transit system may not be constructed in  
16 Milwaukee County after the effective date of this subsection .... [revisor inserts date],  
17 unless the Milwaukee County board authorizes construction of the light rail mass  
18 transit system by resolution and the resolution is ratified by the electors of  
19 Milwaukee County at a referendum held at the next general election.”.

20           **1126.** Page 878, line 10: after that line insert:

21           **“SECTION 2340q.** 85.53 (3) of the statutes is amended to read:

22           85.53 (3) Grants under this section shall be paid from the appropriations under  
23 s. 20.395 (5) (jr) and (jt). The amount of a grant may not exceed 80% of the amount  
24 expended by an eligible applicant for services related to the program.”.

1           **1127.** Page 878, line 23: after that line insert:

2           “**SECTION 2340vg.** 86.03 (5m) of the statutes is created to read:

3           **86.03 (5m)** TREES AND OTHER VEGETATION BLOCKING VIEW OF BUSINESS OR SIGN.

4           (a) In this subsection, “vegetation” means any tree, shrub, hedge, or other foliage.

5           (b) Notwithstanding any other provision of this section, if any vegetation  
6 located in the right-of-way of any highway under the jurisdiction of the department  
7 prevents the operator of a vehicle traveling on a highway at the posted speed limit  
8 from viewing for 6 uninterrupted seconds a business premises located adjacent to the  
9 highway right-of-way, a sign located on a business premises adjacent to the highway  
10 right-of-way that advertises the business to motorists on the adjacent highway, or  
11 any sign erected under this chapter or s. 84.30 that is permitted to be located in or  
12 adjacent to the highway right-of-way, any person who maintains a majority  
13 ownership interest in the business adjacent to the highway right-of-way or in any  
14 business advertised on a sign identified in this paragraph may trim or remove any  
15 obstructing vegetation located in the highway right-of-way if all of the following  
16 requirements are met:

17           1. The person obtains a permit from the department under par. (c).

18           2. The person pays for the cost of trimming or removing the obstructing  
19 vegetation, including the cost of cleanup and disposal, and for replacing any removed  
20 vegetation, including the cost of purchasing and planting the replacement  
21 vegetation.

22           3. If the person has removed vegetation, the person replaces the removed  
23 vegetation with comparable vegetation along the same highway right-of-way,  
24 provided that the person may not locate replacement vegetation in a manner that

1 obstructs, or will obstruct in the foreseeable future, the view from the highway of  
2 another existing business or sign identified in this paragraph.

3 4. No state funds are expended for the trimming, removal, or replacement of  
4 vegetation under this paragraph.

5 5. With respect to a sign identified in this paragraph, the owner of the land on  
6 which the sign is erected does not object to the trimming or removal of vegetation.

7 (c) The department shall issue permits to eligible applicants for the trimming  
8 or removal of vegetation located in a highway right-of-way under par. (b). Any  
9 permit issued under this paragraph shall specify the vegetation or the portion of the  
10 highway right-of-way to which the permit applies. The department shall grant or  
11 deny an application for a permit within 30 days of receipt of the application.”.

12 **1128.** Page 878, line 24: delete that line.

13 **1129.** Page 879, line 1: delete lines 1 to 6 and substitute:

14 “**SECTION 2340y.** 86.193 of the statutes is created to read:

15 **86.193 Agricultural tourism signs. (1)** In this section, “agricultural  
16 tourism facility” means a facility located in this state that is open to the public at  
17 least 4 days a week for a minimum of 3 months and which does any of the following:

18 (a) Markets Wisconsin farm products.

19 (b) Processes and markets agricultural products, of which at least 50% are  
20 grown and produced in this state.

21 (c) Promotes tourism by providing tours and on-site sales or samples of  
22 Wisconsin agricultural products.

23 **(2)** The department shall develop and, no later than March 1, 2002, implement  
24 a plan, consistent with federal and state laws, to promote and maximize the erection

1 of agricultural tourism signs on highways in this state to identify and provide  
2 directional information to any agricultural tourism facility.

3 (3) (a) Except as provided in par. (b), the department may assess and collect  
4 from an agricultural tourism facility the actual costs of erection of any agricultural  
5 tourism sign that identifies and provides directional information to the facility.

6 (b) A local authority shall permit erection of a trailblazer sign that identifies  
7 and provides directional information to an agricultural tourism facility on a highway  
8 under the jurisdiction of the local authority if the facility is located more than 5 miles  
9 from the highway and the local authority assesses and collects from the facility the  
10 actual costs of erection of the trailblazer sign. The department shall promulgate  
11 rules defining “trailblazer sign” for purposes of this paragraph.

12 (4) In developing and implementing the plan under sub. (2), the department  
13 shall consult with the department of agriculture, trade and consumer protection.”.

14 **1130.** Page 879, line 12: delete “\$1,790” and substitute “\$1,825”.

15 **1131.** Page 879, line 19: delete “\$88,312,900” and substitute “\$90,044,600”.

16 **1132.** Page 880, line 1: delete “\$277,843,200” and substitute “\$283,291,100”.

17 **1133.** Page 880, line 3: after that line insert:

18 “**SECTION 2345m.** 86.30 (10c) of the statutes is created to read:

19 86.30 (10c) AID PAYMENTS FOR CALENDAR YEAR 2002. (a) 1. For calendar year 2002,  
20 the department shall determine the percentage change between the amount of  
21 moneys appropriated for distribution under this section to counties for calendar year  
22 2002 and the amount of moneys appropriated for distribution under this section to  
23 counties for calendar year 2001.

1           2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),  
2           the amount of aid payable to each county in calendar year 2002 shall be the amount  
3           paid to that county for calendar year 2001, plus an amount equal to the percentage  
4           determined under subd. 1. of the amount paid to the county for calendar year 2001.

5           (b) 1. For calendar year 2002, the department shall determine the percentage  
6           change between the amount of moneys appropriated for distribution under this  
7           section to municipalities for calendar year 2002 and the amount of moneys  
8           appropriated for distribution under this section to municipalities for calendar year  
9           2001.

10          2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),  
11          the amount of aid payable to each municipality in calendar year 2002 shall be the  
12          amount paid to that municipality for calendar year 2001, plus an amount equal to  
13          the percentage determined under subd. 1. of the amount paid to the municipality for  
14          calendar year 2001.

15           **SECTION 2345n.** 86.30 (10g) of the statutes is created to read:

16           **86.30 (10g)** AID PAYMENTS FOR CALENDAR YEAR 2003. (a) 1. For calendar year 2003,  
17           the department shall determine the percentage change between the amount of  
18           moneys appropriated for distribution under this section to counties for calendar year  
19           2003 and the amount of moneys appropriated for distribution under this section to  
20           counties for calendar year 2002.

21          2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),  
22          the amount of aid payable to each county in calendar year 2003 shall be the amount  
23          paid to that county for calendar year 2002, plus an amount equal to the percentage  
24          determined under subd. 1. of the amount paid to the county for calendar year 2002.

1 (b) 1. For calendar year 2003, the department shall determine the percentage  
2 change between the amount of moneys appropriated for distribution under this  
3 section to municipalities for calendar year 2003 and the amount of moneys  
4 appropriated for distribution under this section to municipalities for calendar year  
5 2002.

6 2. Notwithstanding sub. (2) (a), (b), and (d) and s. 86.303 (5) (e), (f), (h), and (i),  
7 the amount of aid payable to each municipality in calendar year 2003 shall be the  
8 amount paid to that municipality for calendar year 2002, plus an amount equal to  
9 the percentage determined under subd. 1. of the amount paid to the municipality for  
10 calendar year 2002.”.

11 **1134.** Page 881, line 4: after that line insert:

12 “**SECTION 2348m.** 86.31 (3s) of the statutes is created to read:

13 86.31 (3s) WEST CANAL STREET RECONSTRUCTION. Notwithstanding limitations  
14 on the amount and use of aids provided under this section, or on eligibility  
15 requirements for receiving aids under this section, and subject to s. 84.03 (3) (b), the  
16 department shall award a grant of \$2,500,000 to the city of Milwaukee for the  
17 purpose specified under s. 84.03 (3) (a). Notwithstanding subs. (3) (b), (3g), (3m), and  
18 (3r), payment of the grant under this subsection shall be made from the  
19 appropriation under s. 20.395 (2) (fr) before making any other allocation of funds  
20 under subs. (3) (b), (3g), (3m), and (3r), and the allocation of funds under subs. (3) (b),  
21 (3g), (3m), and (3r) shall be reduced proportionately to reflect the amount of the grant  
22 made under this subsection. This subsection does not apply after December 31,  
23 2005.”.

24 **1135.** Page 881, line 4: after that line insert:

1           **“SECTION 2349m.** 86.315 (1) of the statutes is amended to read:

2           **86.315 (1)** From the appropriation under s. 20.395 (1) (fu), the department  
3 shall annually, on March 10, pay to counties having county forests established under  
4 ch. 28, for the improvement of public roads within the county forests which are open  
5 and used for travel and which are not state or county trunk highways or town roads  
6 and for which no aids are paid under s. 86.30, the amount of \$336 per mile of road  
7 designated in the comprehensive county forest land use plan as approved by the  
8 county board and the department of ~~natural resources~~ forestry. If the amount  
9 appropriated under s. 20.395 (1) (fu) is insufficient to make the payments required  
10 under this subsection, the department shall prorate the amount appropriated in the  
11 manner it considers desirable.”.

12           **1136.** Page 881, line 11: delete lines 11 to 20.

13           **1137.** Page 881, line 25: delete “; equal to at least” and substitute “by rule,  
14 equal to”.

15           **1138.** Page 882, line 1: delete “at least”.

16           **1139.** Page 882, line 11: after that line insert:

17           **“SECTION 2382.** 93.06 (8) of the statutes is amended to read:

18           **93.06 (8)** PRESCRIBE CONDITIONS OF LICENSES. Except as provided in s. 93.135,  
19 issue any permit, certificate, registration or license on a temporary or conditional  
20 basis, contingent upon pertinent circumstances or acts. If the temporary or  
21 conditional permit, certificate, registration or license is conditioned upon compliance  
22 with chs. 93 to 100, ch. ~~127~~ 126, a rule promulgated by the department or a regulation  
23 adopted under s. 97.41 (7) within a specified period of time and the condition is not

1 met within the specified period, the permit, certificate, registration or license shall  
2 be void.”.

3 **1140.** Page 882, line 13: delete the material beginning with “From” and  
4 ending with “provide” on line 14 and substitute “Provide”.

5 **1141.** Page 882, line 16: after that line insert:

6 “SECTION 2385. 93.135 (1) (rm) of the statutes is amended to read:

7 93.135 (1) (rm) A registration certificate license under s. ~~100.03 (2)~~ 126.56.

8 SECTION 2386. 93.135 (1) (s) of the statutes is amended to read:

9 93.135 (1) (s) A license under s. ~~127.02 (1)~~ 126.26.

10 SECTION 2387. 93.135 (1) (sm) of the statutes is amended to read:

11 93.135 (1) (sm) A license under s. ~~127.03 (1)~~ 126.11.

12 SECTION 2388. 93.20 (1) of the statutes is amended to read:

13 93.20 (1) DEFINITION. In this section, “action” means an action that is  
14 commenced in court by, or on behalf of, the department of agriculture, trade and  
15 consumer protection to enforce chs. 88, 91 to 100 or ~~127~~ 126.

16 SECTION 2389. 93.21 (5) (a) of the statutes is amended to read:

17 93.21 (5) (a) In this subsection, “license” means a permit, certificate,  
18 registration or license issued by the department under chs. 91 to 100 or ch. ~~127~~ 126.”.

19 **1142.** Page 882, line 17: after that line insert:

20 “SECTION 2390p. 93.32 of the statutes is created to read:

21 **93.32 Agriculture in the classroom program.** From the appropriation  
22 account under s. 20.115 (4) (q), the department shall provide grants to the  
23 organization that conducts an agriculture in the classroom program in cooperation



1 with the federal department of agriculture to help teachers educate students about  
2 agriculture.”.

3 **1143.** Page 882, line 24: after that line insert:

4 “**SECTION 2394.** 93.50 (1) (g) of the statutes is amended to read:

5 93.50 (1) (g) “Procurement contract” has the meaning given for “vegetable  
6 procurement contract” in s. ~~100.03 (1) (vm)~~ 126.55 (15).”.

7 **1144.** Page 882, line 24: after that line insert:

8 “**SECTION 2394p.** 93.80 of the statutes is created to read:

9 **93.80 Arsenic in wood. (1)** The department, jointly with the department of  
10 commerce, shall review scientific evidence to determine whether there is a  
11 substantial likelihood that wood treated with copper, chromium, and arsenic is  
12 harmful to the environment or to human health. The departments shall report the  
13 results of their review to the legislature under s. 13.172 (2) no later than June 30,  
14 2002.

15 **(2)** If the department and the department of commerce determine under sub.  
16 (1) that there is a substantial likelihood that wood treated with copper, chromium,  
17 and arsenic is harmful to the environment or to human health, the departments  
18 jointly shall promulgate rules that phase in restrictions on the use of wood treated  
19 with copper, chromium, and arsenic. The departments may not prohibit the use of  
20 wood treated with copper, chromium, and arsenic for a purpose unless there is a  
21 substitute wood preservative that may be used for that purpose and that is less  
22 harmful.

23 **(3)** Any person who violates a rule promulgated under sub. (2) may be required  
24 to forfeit not more than \$500 for each violation.”.

1           **1145.** Page 883, line 11: after “other” insert “practical”.

2           **1146.** Page 886, line 22: substitute “may” for “will”.

3           **1147.** Page 888, line 10: after that line insert:

4           “**SECTION 2397e.** 94.73 (3m) (r) of the statutes is amended to read:

5           94.73 **(3m)** (r) The cost of providing alternative sources of drinking water,  
6           except that, subject to sub. (6) (b) to (f), the department may reimburse a responsible  
7           person who applies for reimbursement a total of not more than \$20,000 \$50,000 for  
8           the replacement or restoration of private wells or for connection to a public or private  
9           water source if the department or the department of natural resources orders the  
10          well replacement or restoration or the connection in response to a discharge.”.

11          **1148.** Page 888, line 15: after that line insert:

12          “**SECTION 2400.** 97.20 (2) (d) 2. of the statutes is amended to read:

13          97.20 **(2)** (d) 2. The license applicant has filed all financial information required  
14          under s. 126.44 and any security required under s. ~~100.06~~ 126.47. If an applicant has  
15          not filed all financial information under s. 126.44 and any security required under  
16          s. ~~100.06~~ 126.47, the department may issue a conditional dairy plant license under  
17          s. 93.06 (8) which prohibits the licensed operator from purchasing milk or fluid milk  
18          products from milk producers or their agents, but allows the operator to purchase  
19          milk or fluid milk products from other sources.

20          **SECTION 2401.** 97.20 (3m) of the statutes is amended to read:

21          97.20 **(3m)** CONFIDENTIALITY. Any information kept by the department under  
22          this section or s. 97.24 that identifies individual milk producers who deliver milk to  
23          a dairy plant licensed under this section and that is a composite list for that dairy  
24          plant is not subject to inspection under s. 19.35 unless inspection is required under

1 s. ~~100.06 (4)~~ 126.70 or unless the department determines that inspection is necessary  
2 to protect the public health, safety or welfare.

3 **SECTION 2402.** 97.22 (10) of the statutes is amended to read:

4 97.22 **(10)** CONFIDENTIALITY. Any information obtained and kept by the  
5 department under this section, under s. 97.24 or 97.52, or under rules promulgated  
6 under those sections, that pertains to individual milk producer production, milk fat  
7 and other component tests and quality records is not subject to inspection under s.  
8 19.35 except as required under s. ~~100.06 (4)~~ 126.70 or except as the department  
9 determines is necessary to protect the public health, safety or welfare.

10 **SECTION 2403.** 97.29 (4) of the statutes is amended to read:

11 97.29 **(4)** FOOD PROCESSING PLANTS BUYING VEGETABLES FROM PRODUCERS. The  
12 department may not issue or renew a license to operate a food processing plant to any  
13 applicant who is a vegetable contractor, as defined in s. ~~100.03 (1) (f)~~ 126.55 (14),  
14 unless the applicant has filed all financial information required under s. 126.58 and  
15 any security that is required under s. ~~100.03~~ 126.61. If an applicant has not filed all  
16 financial information required under s. 126.58 and any security that is required  
17 under s. ~~100.03~~ 126.61, the department may issue a conditional license under s. 93.06  
18 (8) that prohibits the licensed operator from procuring vegetables from a producer  
19 or a producer's agent, but allows the operator to procure vegetables from other  
20 sources.”.

21 **1149.** Page 889, line 1: after that line insert:

22 “**SECTION 2404.** 100.03 of the statutes, as affected by 2001 Wisconsin Act ...  
23 (this act), is repealed.

1           **SECTION 2405.** 100.06 of the statutes, as affected by 2001 Wisconsin Act .... (this  
2 act), is repealed.”.

3           **1150.** Page 889, line 1: after that line insert:

4           “**SECTION 2404g.** 100.03 (1) (bm) of the statutes is amended to read:

5           100.03 **(1)** (bm) “Audited financial statement” means a financial statement  
6 that, in the accompanying opinion of an independent certified public accountant ~~or~~  
7 ~~a public accountant holding a certificate of authority~~ licensed or certified under ch.  
8 442, fairly and in all material respects represents the financial position of the  
9 contractor, the results of the contractor’s operations and the contractor’s cash flows  
10 in conformity with generally accepted accounting principles.

11           **SECTION 2404r.** 100.03 (1) (ym) 2. of the statutes is amended to read:

12           100.03 **(1)** (ym) 2. Reviewed according to generally accepted accounting  
13 principles by an independent certified public accountant ~~or a public accountant~~  
14 ~~holding a certificate of authority~~ licensed or certified under ch. 442.

15           **SECTION 2405m.** 100.06 (1g) (c) of the statutes is amended to read:

16           100.06 **(1g)** (c) The department shall require the applicant to file a financial  
17 statement of his or her business operations and financial condition that meets the  
18 requirements of par. (d). The licensee, during the term of his or her license, may be  
19 required to file such statements periodically. All such statements shall be  
20 confidential and shall not be open for public inspection, except that the department  
21 shall provide the name and address of an individual, the name and address of the  
22 individual’s employer and financial information related to the individual contained  
23 in such statements if requested under s. 49.22 (2m) by the department of workforce  
24 development or a county child support agency under s. 59.53 (5). The department

1 may require such statements to be certified by a certified public accountant licensed  
2 or certified under ch. 442. Such statements and audits, when made by the  
3 department, shall be paid for at cost.”.

4 **1151.** Page 889, line 8: after that line insert:

5 “**SECTION 2414.** 100.235 (1) (b) of the statutes is amended to read:

6 100.235 (1) (b) “Contractor” has the meaning given for “vegetable contractor”  
7 under s. ~~100.03 (1) (f)~~ 126.55 (14).

8 **SECTION 2415.** 100.235 (1) (em) of the statutes is renumbered 100.235 (1) (dm)  
9 and amended to read:

10 100.235 (1) (dm) “Registration License year” has the meaning given under s.  
11 ~~100.03 (1) (y)~~ 126.55 (10m).

12 **SECTION 2416.** 100.235 (2) of the statutes is amended to read:

13 100.235 (2) CONTRACTOR MAY NOT PAY PRODUCER LESS THAN CONTRACTOR'S COST TO  
14 GROW. If a contractor and the contractor's affiliates and subsidiaries collectively grow  
15 more than 10% of the acreage of any vegetable species grown and procured by the  
16 contractor in any ~~registration~~ license year, the contractor shall pay a producer, for  
17 vegetables of that species tendered or delivered under a vegetable procurement  
18 contract, a price not less than the contractor's cost to grow that vegetable species in  
19 the same growing region. For vegetables contracted on a tonnage basis and for  
20 open-market tonnage purchased, acreage under this subsection shall be determined  
21 using the state average yield per acre during the preceding ~~registration~~ license year.

22 **SECTION 2417.** 100.235 (3) of the statutes is repealed.

23 **SECTION 2418.** 100.235 (4) of the statutes is amended to read:

1           100.235 (4) COST TO GROW; REPORT TO DEPARTMENT UPON REQUEST. If the  
2 department determines that a contractor and the contractor's affiliates and  
3 subsidiaries will collectively grow more than 10% of the acreage of any vegetable  
4 species grown and procured by the contractor during a registration license year, the  
5 department may require the contractor to file a statement of the contractor's cost to  
6 grow that vegetable species. The contractor shall file the report with the department  
7 within 30 days after the department makes its request, unless the department  
8 grants an extension of time. The department may permit the contractor to report  
9 different costs to grow for different growing regions if the contractor can define the  
10 growing regions to the department's satisfaction, and can show to the department's  
11 satisfaction that the contractor's costs to grow are substantially different between  
12 the growing regions.

13           **SECTION 2420.** 100.26 (5) of the statutes is amended to read:

14           100.26 (5) Any person violating ~~s. 100.06 or any order or regulation of the~~  
15 ~~department thereunder, or s. 100.18 (9),~~ shall be fined not less than \$100 nor more  
16 than \$1,000 or imprisoned for not more than 2 years or both. Each day of violation  
17 constitutes a separate offense.”.

18           **1152.** Page 890, line 16: after that line insert:

19           “**SECTION 2429d.** 100.264 (2) (intro.) of the statutes is amended to read:

20           100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is  
21 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,  
22 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 ~~or~~ 100.46, or 100.52 (10)  
23 (b) or a rule promulgated under one of those sections, the person shall be subject to  
24 a supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by

1 the defendant, for which the violation was imposed, was perpetrated against an  
2 elderly person or disabled person and if the court finds that any of the following  
3 factors is present.”.

4 **1153.** Page 890, line 16: after that line insert:

5 “SECTION 2430L. 100.30 (5r) of the statutes is created to read:

6 100.30 (5r) PRIVATE CAUSE OF ACTION; SALE OF TOBACCO PRODUCTS. Any person  
7 who is injured or threatened with injury as a result of a sale or purchase of cigarettes  
8 or other tobacco products in violation of this section may bring an action against the  
9 person who violated this section for temporary or permanent injunctive relief or an  
10 action against the person for 3 times the amount of any monetary loss sustained or  
11 an amount equal to \$2,000, whichever is greater, multiplied by each day of continued  
12 violation, together with costs, including accounting fees and reasonable attorney  
13 fees, notwithstanding s. 814.04 (1). An association of cigarette wholesalers may  
14 bring the action on behalf of the person injured or threatened with injury and be  
15 entitled to the same relief as the person injured or threatened with injury.”.

16 **1154.** Page 890, line 25: after that line insert:

17 “SECTION 2435. 100.52 (title) of the statutes is created to read:

18 **100.52 (title) Telephone solicitations.**

19 SECTION 2436. 100.52 (1) (title) of the statutes is created to read:

20 100.52 (1) (title) DEFINITIONS.

21 SECTION 2437b. 100.52 (1) (a) of the statutes is created to read:

22 100.52 (1) (a) “Affiliate,” when used in relation to any person, means another  
23 person who owns or controls, is owned or controlled by, or is under common  
24 ownership or control with such person.

1           **SECTION 2438b.** 100.52 (1) (b) of the statutes is created to read:

2           100.52 (1) (b) “Basic local exchange service” has the meaning in s. 196.01 (1g).

3           **SECTION 2439b.** 100.52 (1) (c) of the statutes is created to read:

4           100.52 (1) (c) “Nonprofit organization” means a corporation, association, or  
5 organization described in section 501 (c) (3), (4), (5), or (19) of the Internal Revenue  
6 Code that is exempt from taxation under section 501 (a) of the Internal Revenue  
7 Code.

8           **SECTION 2440b.** 100.52 (1) (d) of the statutes is created to read:

9           100.52 (1) (d) “Nonresidential customer” means a person, other than a  
10 residential customer, who is furnished with telecommunications service by a  
11 telecommunications utility.

12           **SECTION 2440d.** 100.52 (1) (e) of the statutes is created to read:

13           100.52 (1) (e) “Nonsolicitation directory” means the directory established in  
14 rules promulgated by the department under sub. (2) (b).

15           **SECTION 2440f.** 100.52 (1) (f) of the statutes is created to read:

16           100.52 (1) (f) “Residential customer” means an individual who is furnished  
17 with basic local exchange service by a telecommunications utility, but does not  
18 include an individual who operates a business at his or her residence.

19           **SECTION 2440h.** 100.52 (1) (g) of the statutes is created to read:

20           100.52 (1) (g) “Telecommunications service” has the meaning given in s. 196.01  
21 (9m).

22           **SECTION 2440j.** 100.52 (1) (h) of the statutes is created to read:

23           100.52 (1) (h) “Telecommunications utility” has the meaning given in s. 196.01  
24 (10).

25           **SECTION 2440L.** 100.52 (1) (j) of the statutes is created to read:



1           100.52 (1) (j) “Telephone solicitor” means a person, other than a nonprofit  
2 organization or an employee or contractor of a nonprofit organization, that employs  
3 or contracts with an individual to make a telephone solicitation.

4           **SECTION 2440n.** 100.52 (2) of the statutes is created to read:

5           100.52 (2) NONSOLICITATION DIRECTORY LISTING. (a) Upon a request by a  
6 residential customer, the department shall include in the nonsolicitation directory  
7 a listing indicating that the residential customer does not want to receive any  
8 telephone solicitation made on behalf of a telephone solicitor.

9           (b) The department shall promulgate rules for establishing, maintaining, and  
10 semiannually updating a directory that includes listings of residential customers  
11 who do not wish to receive telephone solicitations made on behalf of telephone  
12 solicitors. The rules promulgated under this paragraph shall establish requirements  
13 and procedures for a residential customer to request a listing in the directory. The  
14 rules shall also require a residential customer who requests a listing in the directory  
15 to notify the department on a biennial basis if the residential customer wishes to  
16 continue to be included in the directory. The department shall eliminate a  
17 residential customer from the directory if the customer does not make the biennial  
18 notification.

19           (c) Except for copies of the nonsolicitation directory that are provided to  
20 registered telephone solicitors under par. (d), the nonsolicitation directory is not  
21 subject to inspection, copying, or receipt under s. 19.35 (1) and may not be released  
22 by the department.

23           (d) The department shall, on a semiannual basis, make the nonsolicitation  
24 directory available by electronic transmission only to telephone solicitors who are  
25 registered under sub. (3). Upon the request of a telephone solicitor registered under

1 sub. (3), the department shall also provide a printed copy of the nonsolicitation  
2 directory to the telephone solicitor. A telephone solicitor who receives a copy of the  
3 directory, or to whom the directory is made available by electronic transmission,  
4 under this paragraph may not solicit or accept from any person, directly or indirectly,  
5 anything of value in exchange for providing the person with any information  
6 included in the copy.

7 **SECTION 2441b.** 100.52 (3) of the statutes is created to read:

8 100.52 (3) REGISTRATION OF TELEPHONE SOLICITORS. (a) The department shall  
9 promulgate rules that require any telephone solicitor who requires an employee or  
10 contractor to make a telephone solicitation to a residential customer in this state to  
11 register with the department, obtain a registration number from the department,  
12 and pay a registration fee to the department. The amount of the registration fee shall  
13 be based on the cost of establishing the nonsolicitation directory, and the amount that  
14 an individual telephone solicitor is required to pay shall be based on the number of  
15 telephone lines used by the telephone solicitor to make telephone solicitations. The  
16 rules shall also require a telephone solicitor that registers with the department to  
17 pay an annual registration renewal fee to the department. The amount of the  
18 registration renewal fee shall be based on the cost of maintaining the nonsolicitation  
19 directory.

20 (b) The department shall promulgate rules that require an individual who  
21 makes a telephone solicitation on behalf of a telephone solicitor to identify at the  
22 beginning of the telephone conversation each of the following:

23 1. The telephone solicitor.

24 2. If different than the telephone solicitor, the person selling the property,  
25 goods, or services, or receiving the contribution, donation, grant, or pledge of money,

1 credit, property, or other thing of any kind, that is the reason for the telephone  
2 solicitation.

3 **SECTION 2442b.** 100.52 (4) (title) of the statutes is created to read:

4 100.52 (4) (title) TELEPHONE SOLICITOR REQUIREMENTS.

5 **SECTION 2442d.** 100.52 (4) (a) 2. and 3. of the statutes are created to read:

6 100.52 (4) (a) 2. Make a telephone solicitation to a residential customer if the  
7 nonsolicitation directory that is provided or made available to the telephone solicitor  
8 under sub. (2) (d) includes a listing for the residential customer.

9 3. Make a telephone solicitation to a nonresidential customer if the  
10 nonresidential customer has provided notice by mail to the telephone solicitor that  
11 the nonresidential customer does not wish to receive telephone solicitations.

12 **SECTION 2442f.** 100.52 (4) (b) of the statutes is created to read:

13 100.52 (4) (b) A telephone solicitor may not do any of the following:

14 1. Require an employee or contractor to make a telephone solicitation to a  
15 person in this state unless the telephone solicitor is registered with the department  
16 under the rules promulgated under sub. (3) (a).

17 2. Require an employee or contractor to make a telephone solicitation that  
18 violates par. (a).

19 **SECTION 2442h.** 100.52 (4) (c) of the statutes is created to read:

20 100.52 (4) (c) A telephone solicitor or employee or contractor of a telephone  
21 solicitor that makes a telephone solicitation to a nonresidential customer shall, upon  
22 the request of the nonresidential customer, provide the mailing address for notifying  
23 the telephone solicitor that the nonresidential customer does not wish to receive  
24 telephone solicitations.

25 **SECTION 2443b.** 100.52 (5) of the statutes is created to read:

1           **100.52 (5) NONPROFIT ORGANIZATION REQUIREMENTS.** A nonprofit organization or  
2 an employee or contractor of a nonprofit organization may not make a telephone  
3 solicitation to a residential customer if the residential customer has provided notice  
4 by telephone, mail, or facsimile transmission to the nonprofit organization that the  
5 residential customer does not wish to receive telephone solicitations. A nonprofit  
6 organization may not require an employee or contractor to make a telephone  
7 solicitation that violates this subsection.

8           **SECTION 2444b.** 100.52 (6) of the statutes is created to read:

9           **100.52 (6) EXCEPTIONS.** Subsections (4) (a) 2. and 3. and (5) do not apply to a  
10 telephone solicitation that satisfies any of the following:

11           (a) The telephone solicitation is made to a recipient in response to the  
12 recipient's express written request for the telephone solicitation.

13           (b) The telephone solicitation is made to a recipient who is a current client of  
14 the person selling the property, goods, or services, or receiving the contribution,  
15 donation, grant, or pledge of money, credit, property, or other thing of any kind, that  
16 is the reason for the telephone solicitation. This paragraph does not apply if the  
17 recipient is a current client of an affiliate of such a person, but is not a current client  
18 of such a person.

19           **SECTION 2445b.** 100.52 (7) of the statutes is created to read:

20           **100.52 (7) TERRITORIAL APPLICATION.** This section applies to any interstate  
21 telephone solicitation received by a person in this state and to any intrastate  
22 telephone solicitation.

23           **SECTION 2446b.** 100.52 (8) of the statutes is created to read:

1           100.52 **(8)** PRIVATE CAUSE OF ACTION. Any person who suffers damages as the  
2 result of another person violating this section may bring an action against the person  
3 who violated this section to recover the amount of those damages.

4           **SECTION 2446d.** 100.52 (9) of the statutes is created to read:

5           100.52 **(9)** ENFORCEMENT. The department shall investigate violations of this  
6 section and may bring an action for temporary or permanent injunctive or other relief  
7 for any violation of this section.

8           **SECTION 2446f.** 100.52 (10) of the statutes is created to read:

9           100.52 **(10)** PENALTIES. (a) Except as provided in par. (b), a person who violates  
10 this section may be required to forfeit not less than \$100 nor more than \$500 for each  
11 violation.

12           (b) A telephone solicitor that violates sub. (4) or a nonprofit organization that  
13 violates sub. (5) may be required to forfeit not less than \$1,000 nor more than \$10,000  
14 for each violation.”.

15           **1155.** Page 890, line 25: after that line insert:

16           **“SECTION 2447x.** 101.02 (15) (a) of the statutes is amended to read:

17           101.02 **(15)** (a) The department has such supervision of every employment,  
18 place of employment and public building in this state as is necessary adequately to  
19 enforce and administer all laws and all lawful orders requiring such employment,  
20 place of employment or public building to be safe, and requiring the protection of the  
21 life, health, safety and welfare of every employe in such employment or place of  
22 employment and every frequenter of such place of employment, and the safety of the  
23 public or tenants in any such public building. This Except for the purposes of  
24 enforcing and administering s. 101.22, this paragraph does not apply to occupational

1 safety and health issues covered by standards established and enforced by the  
2 federal occupational safety and health administration.”.

3 **1156.** Page 890, line 25: after that line insert:

4 “**SECTION 2446r.** 101.01 (11) of the statutes is amended to read:

5 101.01 (11) “Place of employment” includes every place, whether indoors or out  
6 or underground and the premises appurtenant thereto where either temporarily or  
7 permanently any industry, trade, or business is carried on, or where any process or  
8 operation, directly or indirectly related to any industry, trade, or business, is carried  
9 on, and where any person is, directly or indirectly, employed by another for direct or  
10 indirect gain or profit, but does not include any place where persons are employed  
11 in private domestic service which does not involve the use of mechanical power or in  
12 farming. “Farming” includes those activities specified in s. 102.04 (3), ~~and also~~  
13 ~~includes;~~ the transportation of farm products, supplies, or equipment directly to the  
14 farm by the operator of said the farm or employees for use thereon, if such activities  
15 are directly or indirectly for the purpose of producing commodities for market, or as  
16 an accessory to such production; and the operation of a horse boarding facility or  
17 horse training facility that does not contain an area for the public to view a horse  
18 show and that is first operated on or after August 1, 2000. When used with relation  
19 to building codes, “place of employment” does not include an adult family home, as  
20 defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed  
21 building used as a community-based residential facility, as defined in s. 50.01 (1g),  
22 which serves 20 or fewer residents who are not related to the operator or  
23 administrator.

1           **SECTION 2446rb.** 101.01 (11) of the statutes, as affected by 2001 Wisconsin Act  
2 .... (this act), is amended to read:

3           101.01 **(11)** “Place of employment” includes every place, whether indoors or out  
4 or underground and the premises appurtenant thereto where either temporarily or  
5 permanently any industry, trade, or business is carried on, or where any process or  
6 operation, directly or indirectly related to any industry, trade, or business, is carried  
7 on, and where any person is, directly or indirectly, employed by another for direct or  
8 indirect gain or profit, but does not include any place where persons are employed  
9 in private domestic service which does not involve the use of mechanical power or in  
10 farming. “Farming” includes those activities specified in s. 102.04 (3); and also  
11 includes the transportation of farm products, supplies, or equipment directly to the  
12 farm by the operator of the farm or employees for use thereon, if such activities are  
13 directly or indirectly for the purpose of producing commodities for market, or as an  
14 accessory to such production; ~~and the operation of a horse boarding facility or horse~~  
15 ~~training facility that does not contain an area for the public to view a horse show and~~  
16 ~~that is first operated on or after August 1, 2000.~~ When used with relation to building  
17 codes, “place of employment” does not include an adult family home, as defined in s.  
18 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building  
19 used as a community-based residential facility, as defined in s. 50.01 (1g), which  
20 serves 20 or fewer residents who are not related to the operator or administrator.

21           **SECTION 2447d.** 101.01 (12) of the statutes is amended to read:

22           101.01 **(12)** “Public building” means any structure, including exterior parts of  
23 such building, such as a porch, exterior platform, or steps providing means of ingress  
24 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,  
25 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation

1 to building codes, “public building” does not include a horse boarding facility or horse  
2 training facility that does not contain an area for the public to view a horse show, the  
3 initial construction of which was begun on or after August 1, 2000, or a previously  
4 constructed building used as a community–based residential facility as defined in s.  
5 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or  
6 administrator or an adult family home, as defined in s. 50.01 (1).

7 **SECTION 2447db.** 101.01 (12) of the statutes, as affected by 2001 Wisconsin Act  
8 .... (this act), is amended to read:

9 101.01 (12) “Public building” means any structure, including exterior parts of  
10 such building, such as a porch, exterior platform, or steps providing means of ingress  
11 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,  
12 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation  
13 to building codes, “public building” does not include ~~a horse boarding facility or horse~~  
14 ~~training facility that does not contain an area for the public to view a horse show, the~~  
15 ~~initial construction of which was begun on or after August 1, 2000, or a previously~~  
16 constructed building used as a community–based residential facility as defined in s.  
17 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or  
18 administrator or an adult family home, as defined in s. 50.01 (1).”.

19 **1157.** Page 891, line 4: after that line insert:

20 “**SECTION 2449d.** 101.10 (2) of the statutes, as created by 2001 Wisconsin Act  
21 3, is amended to read:

22 101.10 (2) RULES. The department shall promulgate rules that prescribe  
23 reasonable standards relating to the safe storage and handling of anhydrous  
24 ammonia. The rules shall prescribe standards for the design, construction, repair,



1 alteration, location, installation, inspection, and operation of anhydrous ammonia  
2 equipment. The Except as otherwise provided in this subsection, the rules  
3 promulgated under this subsection do not apply to ammonia manufacturing plants,  
4 refrigeration plants where ammonia is used solely as a refrigerant, facilities where  
5 ammonia is used in pollution control devices or is manufactured, electric generating  
6 or cogenerating facilities where ammonia is used as a refrigerant, and ammonia  
7 transportation pipelines. If ammonia is used on the premises of a facility or plant  
8 described under this subsection for a purpose or in a manner that is not related to  
9 the applicable exemption from the rules promulgated under this subsection, the  
10 exemption does not apply to that use.”.

11 **1158.** Page 898, line 25: after that line insert:

12 “**SECTION 2490b.** 101.19 (1) (ig) of the statutes is created to read:

13 101.19 (1) (ig) Authorizing crane operator certification programs under s.  
14 101.22 (2).

15 **SECTION 2490f.** 101.22 of the statutes is created to read:

16 **101.22 Crane operators. (1) DEFINITION.** In this section, “crane” means a  
17 power-operated hoisting machine that is used in construction, demolition, or  
18 excavation work, that has a power-operated winch and load line, and that has a  
19 power-operated boom that moves laterally by the rotation of the machine on a  
20 carrier. “Crane” does not include a forklift, a digger derrick truck, a bucket truck,  
21 a boom truck used for sign erection, or a machine with a movable bridge carrying a  
22 movable or fixed hoisting mechanism and traveling on an overhead, fixed, runway  
23 structure.

1           **(2) CERTIFICATION.** (a) *Certification required.* Except as provided in sub. (5),  
2 no individual may operate a crane with a lifting capacity of 15 tons or more in this  
3 state without a valid crane operator certificate, received from a crane operator  
4 certification program authorized by the department under sub. (3).

5           (b) *Employer liability.* No employer may permit an employee to perform work  
6 in violation of par. (a).

7           (c) *Contractor and subcontractor liability.* No person who is under a contract  
8 to construct an improvement to land may permit an agent of the person, or an  
9 independent contractor under contract with the person, to perform work on the  
10 improvement in violation of par. (a).

11           **(3) CERTIFICATION PROGRAMS.** (a) *Generally.* Except as provided in sub. (4), the  
12 department shall administer a program under which the department authorizes  
13 crane operator certification programs to grant certificates that satisfy sub. (2) (a).

14           (b) *Required components of certification programs.* The department may  
15 authorize a crane operator certification program only if all of the following are  
16 satisfied:

17           1. The program requires an individual who is applying for a certificate to  
18 satisfactorily complete a written examination regarding safe crane operation.

19           2. The program requires an individual who is applying for a certificate to meet  
20 physical standards necessary for safe crane operation, consistent with any national  
21 standard that the department determines is appropriate.

22           3. The program requires an individual who is applying for a certificate to  
23 satisfactorily complete a practical examination regarding safe crane operation,  
24 unless the individual is applying for recertification and provides sufficient evidence

1 that the individual has safely completed at least 1,000 hours of crane operation  
2 during the 5-year period before the date of the application for recertification.

3 4. The program is consistent with any applicable certification and  
4 recertification requirements established by the federal occupational safety and  
5 health administration and, to the extent feasible, the National Commission for the  
6 Certification of Crane Operators.

7 5. The program issues a crane operator certificate that has a term of 5 years.

8 (c) *Rules.* The department shall promulgate rules to administer the program  
9 established under par. (a).

10 (d) *List.* The department shall maintain a list of crane operator certification  
11 programs authorized by the department.

12 **(4) FEDERAL APPROVAL.** The department shall submit to the federal secretary  
13 of labor a plan for the certification of crane operators under this section, if required  
14 to do so under 29 USC 667 (b), and shall request the federal secretary of labor to  
15 approve the plan. The plan submitted by the department shall be consistent with  
16 all of the provisions of this section. If no approval is required under 29 USC 667 (b)  
17 or if an approval that is consistent with all of the provisions of this section is granted  
18 and in effect, the department shall implement the program under this section. If  
19 approval is required under 29 USC 667 (b), the department may not implement the  
20 program under this section unless an approval that is consistent with all of the  
21 provisions of this section is granted and in effect.

22 **(5) EXCEPTIONS.** (a) *Lack of federal approval.* Subsection (2) (a) does not apply  
23 if approval of the department's plan for the certification of crane operators is required  
24 under 29 USC 667 (b) but is not granted and in effect.

25 (b) *Other exceptions.* Subsection (2) (a) does not apply to any of the following:

1           1. An individual who is receiving training as a crane operator, if the individual  
2 is under the direct supervision of a crane operator who holds a valid crane operator  
3 certificate, received from a crane operator certification program authorized by the  
4 department under sub. (3).

5           2. An individual who is a member of a uniformed service, as defined in s. 6.22  
6 (1) (c), or who is a member of the U.S. merchant marine, if the individual is  
7 performing work for the uniformed service of which the individual is a member or for  
8 the U.S. merchant marine, respectively.

9           3. An individual who is operating a crane for personal use on a premises that  
10 is owned or leased by the individual.

11           4. An individual who is operating a crane in an attempt to remedy an  
12 emergency.

13           5. An individual who is an employee or subcontractor of a public utility, as  
14 defined in s. 196.01 (5), a cooperative association organized under ch. 185 for the  
15 purpose of producing or furnishing heat, light, power, or water to its members only,  
16 a telecommunications carrier, as defined in s. 196.01 (8m), a commercial mobile radio  
17 service provider, as defined in s. 196.01 (2g), or an alternative telecommunications  
18 utility under s. 196.01 (1d) (f), and who is operating a crane within the scope of his  
19 or her employment or contract.

20           6. An individual who is operating a crane in the construction, operation, or  
21 maintenance of an electric substation.

22           7. An individual who is affected by a collective bargaining agreement that  
23 contains provisions that are inconsistent with sub. (2) (a).

24           **(6) PENALTIES.** Any person who violates sub. (2) may be fined not more than  
25 \$500 or imprisoned for not more than 3 months or both.”.

1           **1159.** Page 901, line 22: after that line insert:

2           “**SECTION 2539c.** 101.9203 (1) of the statutes is amended to read:

3           101.9203 (1) The Except as provided in subs. (3) and (4), the owner of a  
4           manufactured home situated in this state or intended to be situated in this state  
5           shall make application for certificate of title under s. 101.9209 for the manufactured  
6           home if the owner has newly acquired the manufactured home.

7           **SECTION 2539d.** 101.9203 (4) of the statutes is created to read:

8           101.9203 (4) The owner of a manufactured home that is situated in this state  
9           or intended to be situated in this state is not required to make application for a  
10          certificate of title under s. 101.9209 if the owner of the manufactured home intends,  
11          upon acquiring the manufactured home, to permanently affix the manufactured  
12          home to land that the owner of the manufactured home owns.”.

13          **1160.** Page 902, line 5: after that line insert:

14          “**SECTION 2539n.** 101.9209 (1) (a) of the statutes is amended to read:

15          101.9209 (1) (a) If an owner transfers an interest in a manufactured home,  
16          other than by the creation of a security interest, the owner shall, at the time of the  
17          delivery of the manufactured home, execute an assignment and warranty of title to  
18          the transferee in the space provided therefor on the certificate, and cause the  
19          certificate to be mailed or delivered to the transferee. This paragraph does not apply  
20          if the owner has no certificate of title as a result of the exemption under s. 101.9203  
21          (4).

22          **SECTION 2539nc.** 101.9209 (2) of the statutes is amended to read:

23          101.9209 (2) Promptly Except as otherwise provided in this subsection,  
24          promptly after delivery to him or her of the manufactured home, the transferee shall

1 execute the application for a new certificate of title in the space provided therefor on  
2 the certificate or as the department prescribes, and cause the certificate and  
3 application to be mailed or delivered to the department. This subsection does not  
4 apply to a transferee who is exempt from making application for a certificate of title  
5 under s. 101.9203 (4).

6 **SECTION 2539nf.** 101.9209 (3) of the statutes is amended to read:

7 101.9209 (3) A transfer by an owner is not effective until the applicable  
8 provisions of this section have been complied with. An owner who has delivered  
9 possession of the manufactured home to the transferee and has complied with the  
10 provisions of this section requiring action by him or her is not liable as owner for any  
11 damages thereafter resulting from use of the mobile home.

12 **SECTION 2539nh.** 101.9209 (5) (a) and (b) of the statutes are amended to read:

13 101.9209 (5) (a) Any transferee of a ~~mobile~~ manufactured home who fails to  
14 make application for a new certificate of title immediately upon transfer to him or  
15 her of a manufactured home as required under sub. (2) may be required to forfeit not  
16 more than \$200.

17 (b) Any transferee of a manufactured home who, with intent to defraud, fails  
18 to make application for a new certificate of title immediately upon transfer to him  
19 or her of a manufactured home as required under sub. (2) may be fined not more than  
20 \$1,000 or imprisoned for not more than 30 days or both.

21 **SECTION 2539nj.** 101.921 (1) (a) of the statutes is amended to read:

22 101.921 (1) (a) Except as provided in par. (b), if a manufactured home dealer  
23 acquires a manufactured home and holds it for resale or accepts a manufactured  
24 home for sale on consignment, the manufactured home dealer may not submit to the  
25 department the certificate of title or application for certificate of title naming the

1 manufactured home dealer as owner of the manufactured home. Upon transferring  
2 the manufactured home to another person, the manufactured home dealer shall  
3 immediately give the transferee, on a form prescribed by the department, a receipt  
4 for all title, security interest and sales tax moneys paid to the manufactured home  
5 dealer for transmittal to the department when required. The Unless the  
6 manufactured home has no certificate of title as a result of the exemption under s.  
7 101.9203 (4), the manufactured home dealer shall promptly execute the assignment  
8 and warranty of title, showing the name and address of the transferee and of any  
9 secured party holding a security interest created or reserved at the time of the resale  
10 or sale on consignment, in the spaces provided therefor on the certificate or as the  
11 department prescribes. Within 7 business days following the sale or transfer, the  
12 manufactured home dealer shall mail or deliver the certificate or application for  
13 certificate to the department with the transferee's application for a new certificate,  
14 unless the transferee is exempt from making application for a certificate of title  
15 under s. 101.9203 (4). A nonresident who purchases a manufactured home from a  
16 manufactured home dealer in this state may not, unless otherwise authorized by rule  
17 of the department, apply for a certificate of title issued for the manufactured home  
18 in this state unless the manufactured home dealer determines that a certificate of  
19 title is necessary to protect the interests of a secured party. The manufactured home  
20 dealer is responsible for determining whether a certificate of title and perfection of  
21 security interest is required. The manufactured home dealer is liable for any  
22 damages incurred by the department or any secured party for the manufactured  
23 home dealer's failure to perfect a security interest that the manufactured home  
24 dealer had knowledge of at the time of sale.

25 **SECTION 2539nL.** 101.9211 (1) of the statutes is amended to read:

1           101.9211 (1) If the interest of an owner in a manufactured home passes to  
2 another other than by voluntary transfer, the transferee shall, except as provided in  
3 sub. (2), promptly mail or deliver to the department the last certificate of title, if  
4 available, and the any documents required by the department to legally effect such  
5 transfer, ~~and~~. The transferee shall also promptly mail or deliver to the department  
6 an application for a new certificate in the form that the department prescribes,  
7 unless the transferee is exempt from making application for a certificate of title  
8 under s. 101.9203 (4).

9           **SECTION 2539nn.** 101.9211 (2) of the statutes is amended to read:

10           101.9211 (2) If the interest of the owner is terminated or the manufactured  
11 home is sold under a security agreement by a secured party named in the certificate  
12 of title, the transferee shall promptly mail or deliver to the department the last  
13 certificate of title, unless there is no certificate of title as a result of the exemption  
14 under s. 101.9203 (4), an application for a new certificate in the form that the  
15 department prescribes, unless the transferee is exempt from making application for  
16 a certificate of title under s. 101.9203 (4), and a statement made by or on behalf of  
17 the secured party that the manufactured home was repossessed and that the interest  
18 of the owner was lawfully terminated or sold under the terms of the security  
19 agreement.

20           **SECTION 2539np.** 101.9211 (4) (a) 2. of the statutes is amended to read:

21           101.9211 (4) (a) 2. The title executed by such administrator, executor, guardian  
22 or trustee, except that this subdivision does not apply if there is no certificate of title  
23 as a result of the exemption under s. 101.9203 (4).

24           **SECTION 2539nr.** 101.9211 (4) (b) 1. (intro.) of the statutes is amended to read:



1           101.9211 (4) (b) 1. (intro.) The Except as provided under subd. 1m., the  
2 department shall transfer the decedent's interest in any manufactured home to his  
3 or her surviving spouse upon receipt of the title executed by the surviving spouse and  
4 a statement by the spouse that states all of the following:

5           **SECTION 2539nt.** 101.9211 (4) (b) 1m. of the statutes is created to read:

6           101.9211 (4) (b) 1m. The department may not require a surviving spouse to  
7 provide an executed title to a manufactured home under subd. 1. if the manufactured  
8 home has no certificate of title as a result of the exemption under s. 101.9203 (4).

9           **SECTION 2539nv.** 101.9211 (4) (b) 2. of the statutes is amended to read:

10           101.9211 (4) (b) 2. The transfer of a manufactured home under this paragraph  
11 shall not affect any liens upon the manufactured home.

12           **SECTION 2539nw.** 101.9212 (1) and (2) of the statutes are amended to read:

13           101.9212 (1) The Except as otherwise provided in this subsection, the  
14 department, upon receipt of a properly assigned certificate of title, with an  
15 application for a new certificate of title, the required fee and any other transfer  
16 documents required by law, to support the transfer, shall issue a new certificate of  
17 title in the name of the transferee as owner. The department may not require a  
18 person to provide a properly assigned certificate of title if the manufactured home  
19 for which the new certificate of title is requested has no certificate of title as a result  
20 of the exemption under s. 101.9203 (4).

21           **SECTION 2539ny.** 101.9218 (2) of the statutes is amended to read:

22           101.9218 (2) FIXTURES EXCLUDED. Notwithstanding ss. 101.921 to 101.9217, the  
23 method provided in ss. 101.921 to 101.9217 of perfecting and giving notice of security  
24 interests does not apply to a manufactured home that is a fixture to real estate or to

1 a manufactured home that the owner intends, upon acquiring, to permanently affix  
2 to land that the owner of the manufactured home owns.”.

3 **1161.** Page 902, line 17: delete lines 17 to 21.

4 **1162.** Page 903, line 4: delete lines 4 to 17.

5 **1163.** Page 904, line 24: after that line insert:

6 “**SECTION 2558i.** 103.49 (3) (ag) of the statutes is created to read:

7 103.49 (3) (ag) In defining under par. (a) the trades or occupations that are  
8 commonly employed on projects that are subject to this section, the department:

9 1. May not define swimming pool installer as a separate trade or occupation for  
10 purposes of determining the prevailing wage rates for the trades or occupations that  
11 are commonly employed in the construction of swimming pools.

12 2. Shall define metal building assembler as a separate trade or occupation for  
13 purposes of determining the prevailing wage rates for that trade or occupation and  
14 shall include among the typical duties of the trade or occupation reroofing and  
15 repairing existing prefabricated, packaged metal buildings and constructing  
16 prefabricated, packaged metal additions to existing prefabricated, packaged metal  
17 buildings.”.

18 **1164.** Page 907, line 14: after that line insert:

19 “**SECTION 2559k.** 103.67 (2) (j) of the statutes is amended to read:

20 103.67 (2) (j) Minors under 14 years of age may be employed as participants  
21 in a restitution project under s. 938.245 (2) (a) 5., 938.32 (1t) (a), 938.34 (5),<sub>2</sub> or 938.345  
22 ~~or~~, in a supervised work program or other community service work under s. 938.245  
23 (2) (a) 6., 938.32 (1t) (b), 938.34 (5g), 938.343 (3),<sub>1</sub> or 938.345, or in the community  
24 service component of a youth report center program under s. 938.245 (2) (a) 9m..

1 938.32 (1p), 938.34 (7j), 938.342 (1d) (c) or (1g) (k), 938.343 (3m), 938.344 (2g) (a) 5.,  
2 938.345, or 938.355 (6) (d) 5. or (6m) (a) 4.”.

3 **1165.** Page 908, line 1: delete lines 1 to 15.

4 **1166.** Page 908, line 22: delete “13.171” and substitute “13.172”.

5 **1167.** Page 912, line 2: after that line insert:

6 “**SECTION 2585t.** 106.215 (7) (am) of the statutes is amended to read:

7 106.215 (7) (am) *Human services activities; appropriations.* Moneys  
8 appropriated under s. 20.445 (6) ~~(b)~~, (j) and (m) may be utilized for human services  
9 activities as authorized under those appropriations.”.

10 **1168.** Page 912, line 2: after that line insert:

11 “**SECTION 2586r.** 106.215 (7) (c) of the statutes is repealed.”.

12 **1169.** Page 912, line 11: after that line insert:

13 “**SECTION 2599m.** 110.07 (1) (a) 1. of the statutes is amended to read:

14 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and  
15 chs. 166, 194, 218, 341 to 349, and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b),  
16 167.10 (3) (a), 167.31 (2) (b) to (d), and 287.81 and ch. 350 where applicable to  
17 highways, or orders or rules issued pursuant thereto.

18 **SECTION 2599mg.** 110.07 (1) (b) of the statutes is amended to read:

19 110.07 (1) (b) All municipal judges, judges, district attorneys, and law  
20 enforcement officers shall assist in enforcing this chapter, ss. 167.10 (3) (a), 167.31  
21 (2) (b) to (d), and 287.81 and chs. 194, 218, and 341 to 351, and orders or rules issued  
22 pursuant thereto and shall report to the department the disposition of every uniform  
23 traffic citation issued for cases involving those chapters.”.

24 **1170.** Page 912, line 20: after that line insert:

1           **“SECTION 2609j.** 111.70 (1) (j) of the statutes is amended to read:

2           111.70 (1) (j) “Municipal employer” means any city, county, village, town,  
3 metropolitan sewerage district, school district, family care district, or any other  
4 political subdivision of the state, or instrumentality of one or more political  
5 subdivisions of the state, that engages the services of an employee and includes any  
6 person acting on behalf of a municipal employer within the scope of the person’s  
7 authority, express or implied, but specifically does not include a local cultural arts  
8 district created under subch. V of ch. 229.”.

9           **1171.** Page 912, line 20: after that line insert:

10          **“SECTION 2606m.** 111.335 (1) (cv) of the statutes is created to read:

11          111.335 (1) (cv) Notwithstanding s. 111.322, it is not employment  
12 discrimination because of conviction record to refuse to employ in a position in the  
13 classified service, in a position described in s. 230.08 (2) (k), or as a corps enrollee with  
14 the Wisconsin conservation corps under s. 106.215 (1) (c) a person who has been  
15 convicted under 50 USC, Appendix, section 462 for refusing to register with the  
16 selective service system and who has not been pardoned.”.

17          **1172.** Page 912, line 20: after that line insert:

18          **“SECTION 2607c.** 111.70 (1) (nc) 1. d. of the statutes is created to read:

19          111.70 (1) (nc) 1. d. A proposal to maintain all conditions of employment as the  
20 conditions existed on the 90th day prior to the expiration of the previous collective  
21 bargaining agreement between the parties or the 90th day prior to commencement  
22 of negotiations if there is no previous collective bargaining agreement between the  
23 parties.

24          **SECTION 2607h.** 111.70 (1) (nc) 1. e. of the statutes is created to read:

1           111.70 (1) (nc) 1. e. A proposal to maintain any provision relating to a subject  
2 of collective bargaining on which the municipal employer was not required to bargain  
3 that existed in the previous collective bargaining agreement between the parties or  
4 that existed on the 90th day prior to the expiration of the previous collective  
5 bargaining agreement between the parties.

6           **SECTION 2607p.** 111.70 (4) (cm) 5s. of the statutes is amended to read:

7           111.70 (4) (cm) 5s. ‘Issues subject to arbitration.’ In a collective bargaining unit  
8 consisting of school district professional employees, the municipal employer or the  
9 labor organization may petition the commission to determine whether the municipal  
10 employer has submitted a timely qualified economic offer. The commission shall  
11 appoint an investigator for that purpose. If the investigator, using the methodology  
12 prescribed under subd. 8t., finds that the municipal employer has submitted a timely  
13 qualified economic offer, the investigator shall determine whether a deadlock exists  
14 between the parties with respect to all economic issues. If the municipal employer  
15 submits a timely qualified economic offer applicable to any period beginning on or  
16 after July 1, 1993, no economic issues are subject to interest arbitration under subd.  
17 6. for that period, except that only the impact of contracting out or subcontracting  
18 work that would otherwise be performed by municipal employees in the collective  
19 bargaining unit is subject to interest arbitration under subd. 6. In such a collective  
20 bargaining unit, economic issues concerning the wages, hours or conditions of  
21 employment of the school district professional employees in the unit for any period  
22 prior to July 1, 1993, are subject to interest arbitration under subd. 6. for that period.  
23 In such a collective bargaining unit, noneconomic issues applicable to any period on  
24 or after July 1, 1993, are subject to interest arbitration after the parties have  
25 reached agreement and stipulate to agreement on all economic issues concerning the

1 wages, hours or conditions of employment of the school district professional  
2 employees in the unit for that period. In such a collective bargaining unit, if the  
3 commission's investigator finds that the municipal employer has submitted a timely  
4 qualified economic offer and that a deadlock exists between the parties with respect  
5 to all economic issues, the municipal employer may implement the qualified  
6 economic offer. On the 90th day prior to expiration of the period included within the  
7 qualified economic offer, if no agreement exists on that day, the parties are deemed  
8 to have stipulated to the inclusion in a new or revised collective bargaining  
9 agreement of all provisions of any predecessor collective bargaining agreement  
10 concerning economic issues, or of all provisions of any existing collective bargaining  
11 agreement concerning economic issues if the parties have reopened negotiations  
12 under an existing agreement, as modified by the terms of the qualified economic offer  
13 and as otherwise modified by the parties. In such a collective bargaining unit, on and  
14 after that 90th day, a municipal employer that refuses to bargain collectively with  
15 respect to the terms of that stipulation, applicable to the 90-day period prior to  
16 expiration of the period included within the qualified economic offer, does not violate  
17 sub. (3) (a) 4. Any such unilateral implementation after August 11, 1993, during the  
18 90-day period prior to expiration of the period included within a qualified economic  
19 offer, operates as a full, final and complete settlement of all economic issues between  
20 the parties for the period included within the qualified economic offer. The failure  
21 of a labor organization to recognize the validity of such a lawful qualified economic  
22 offer does not affect the obligation of the municipal employer to submit economic  
23 issues to arbitration under subd. 6. If the investigator determines that the municipal  
24 employer has not submitted a timely qualified economic offer, either the municipal

1 employer or the labor organization may petition for arbitration under subd. 6. to  
2 resolve any dispute relating to economic issues.

3 **SECTION 2607t.** 111.70 (4) (cm) 8t. of the statutes is created to read:

4 111.70 (4) (cm) 8t. ‘Methodology for determining qualified economic offers.’ The  
5 commission shall prescribe by rule a methodology to be used in determining whether  
6 a collective bargaining proposal submitted by a municipal employer to a labor  
7 organization constitutes a qualified economic offer and whether such an offer is  
8 timely.”.

9 **1173.** Page 913, line 2: after that line insert:

10 “**SECTION 2615f.** 111.93 (3) of the statutes is amended to read:

11 111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),  
12 230.35 (2d), 230.35 (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement  
13 exists between the employer and a labor organization representing employees in a  
14 collective bargaining unit, the provisions of that agreement shall supersede the  
15 provisions of civil service and other applicable statutes, as well as rules and policies  
16 of the board of regents of the University of Wisconsin System, related to wages, fringe  
17 benefits, hours, and conditions of employment whether or not the matters contained  
18 in those statutes, rules, and policies are set forth in the collective bargaining  
19 agreement.”.

20 **1174.** Page 913, line 2: after that line insert:

21 “**SECTION 2615ag.** 111.81 (7) (f) of the statutes is created to read:

22 111.81 (7) (f) Instructional staff employed by the board of regents of the  
23 University of Wisconsin System who provide services for a charter school established  
24 by contract under s. 118.40 (2r) (cm).

1           **SECTION 2615b.** 111.81 (9m) of the statutes is created to read:

2           111.81 **(9m)** “Instructional staff” has the meaning given in rules promulgated  
3 by the department of public instruction under s. 121.02 (1) (a) 2.

4           **SECTION 2615bm.** 111.815 (1) of the statutes is amended to read:

5           111.815 **(1)** In the furtherance of this subchapter, the state shall be considered  
6 as a single employer and employment relations policies and practices throughout the  
7 state service shall be as consistent as practicable. The department shall negotiate  
8 and administer collective bargaining agreements. To coordinate the employer  
9 position in the negotiation of agreements, the department shall maintain close  
10 liaison with the legislature relative to the negotiation of agreements and the fiscal  
11 ramifications thereof. Except with respect to the collective bargaining units  
12 specified in s. 111.825 (1m) and (2) (f), the department is responsible for the employer  
13 functions of the executive branch under this subchapter, and shall coordinate its  
14 collective bargaining activities with operating state agencies on matters of agency  
15 concern. The legislative branch shall act upon those portions of tentative  
16 agreements negotiated by the department which require legislative action. With  
17 respect to the collective bargaining units specified in s. 111.825 (1m), the University  
18 of Wisconsin Hospitals and Clinics Board is responsible for the employer functions  
19 under this subchapter. With respect to the collective bargaining unit specified in s.  
20 111.825 (2) (f), the governing board of the charter school established by contract  
21 under s. 118.40 (2r) (cm) 1. is responsible for the employer functions under this  
22 subchapter.

23           **SECTION 2615h.** 111.815 (2) of the statutes is amended to read:

24           111.815 **(2)** In the furtherance of the policy under s. 111.80 (4), the secretary  
25 of the department shall establish a collective bargaining capability within the



1 department outside of the division of merit recruitment and selection and shall,  
2 together with the appointing authorities or their representatives, represent the state  
3 in its responsibility as an employer under this subchapter except with respect to  
4 negotiations in the collective bargaining units specified in s. 111.825 (1m) and (2) (f).  
5 The secretary of the department shall establish and maintain, wherever practicable,  
6 consistent employment relations policies and practices throughout the state service.

7 **SECTION 2615j.** 111.825 (2) (f) of the statutes is created to read:

8 111.825 (2) (f) Instructional staff employed by the board of regents of the  
9 University of Wisconsin System who provide services for a charter school established  
10 by contract under s. 118.40 (2r) (cm).

11 **SECTION 2615L.** 111.84 (2) (c) of the statutes is amended to read:

12 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91  
13 (1) with the duly authorized officer or agent of the employer which is the recognized  
14 or certified exclusive collective bargaining representative of employees specified in  
15 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified  
16 exclusive collective bargaining representative of employees specified in s. 111.81 (7)  
17 (b) ~~or (c)~~ to (f) in an appropriate collective bargaining unit. Such refusal to bargain  
18 shall include, but not be limited to, the refusal to execute a collective bargaining  
19 agreement previously orally agreed upon.

20 **SECTION 2615n.** 111.91 (4) of the statutes is amended to read:

21 111.91 (4) The secretary of the department, in connection with the development  
22 of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),  
23 shall endeavor to obtain tentative agreements with each recognized or certified labor  
24 organization representing employees or supervisors of employees specified in s.  
25 111.81 (7) (a) and with each certified labor organization representing employees

1 specified in s. 111.81 (7) (b) ~~or (c)~~ to (e) which do not contain any provision for the  
2 payment to any employee of a cumulative or noncumulative amount of compensation  
3 in recognition of or based on the period of time an employee has been employed by  
4 the state.

5 **SECTION 2615p.** 111.92 (1) (a) of the statutes is amended to read:

6 111.92 (1) (a) Any tentative agreement reached between the department,  
7 acting for the state, and any labor organization representing a collective bargaining  
8 unit specified in s. 111.825 (1) or (2) (a) to (e) shall, after official ratification by the  
9 labor organization, be submitted by the department to the joint committee on  
10 employment relations, which shall hold a public hearing before determining its  
11 approval or disapproval. If the committee approves the tentative agreement, it shall  
12 introduce in a bill or companion bills, to be put on the calendar or referred to the  
13 appropriate scheduling committee of each house, that portion of the tentative  
14 agreement which requires legislative action for implementation, such as salary and  
15 wage adjustments, changes in fringe benefits, and any proposed amendments,  
16 deletions or additions to existing law. Such bill or companion bills are not subject to  
17 ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit  
18 suitable portions of the tentative agreement to appropriate legislative committees  
19 for advisory recommendations on the proposed terms. The committee shall  
20 accompany the introduction of such proposed legislation with a message that informs  
21 the legislature of the committee's concurrence with the matters under consideration  
22 and which recommends the passage of such legislation without change. If the joint  
23 committee on employment relations does not approve the tentative agreement, it  
24 shall be returned to the parties for renegotiation. If the legislature does not adopt  
25 without change that portion of the tentative agreement introduced by the joint

1 committee on employment relations, the tentative agreement shall be returned to  
2 the parties for renegotiation.

3 **SECTION 2615r.** 111.92 (1) (c) of the statutes is created to read:

4 111.92 (1) (c) Any tentative agreement reached between the governing board  
5 of the charter school established by contract under s. 118.40 (2r) (cm), acting for the  
6 state, and any labor organization representing a collective bargaining unit specified  
7 in s. 111.825 (2) (f) shall, after official ratification by the labor organization and  
8 approval by the chancellor of the University of Wisconsin–Parkside, be executed by  
9 the parties.

10 **SECTION 2615t.** 111.93 (2) of the statutes is amended to read:

11 111.93 (2) All civil service and other applicable statutes concerning wages,  
12 fringe benefits, hours and conditions of employment apply to employees specified in  
13 s. 111.81 (7) (a) who are not included in collective bargaining units for which a  
14 representative is recognized or certified and to employees specified in s. 111.81 (7)  
15 (b) ~~or (e)~~ to (f) who are not included in a collective bargaining unit for which a  
16 representative is certified.”.

17 **1175.** Page 913, line 10: after that line insert:

18 “**SECTION 2623g.** 115.28 (30) (title), (a), and (b) (intro.) of the statutes are  
19 amended to read:

20 115.28 (30) (title) ~~VOCATIONAL CAREER AND TECHNICAL~~ CAREER AND TECHNICAL STUDENT ORGANIZATIONS.  
21 (a) Give priority to assisting school boards to operate ~~vocational~~ career and technical  
22 student organizations ~~for pupils pursuing related instruction and related career and~~  
23 technical education programs.

1 (b) (intro.) Provide in the department administrative leadership for career and  
2 technical student organizations and the following ~~vocational-education consultants~~  
3 ~~and administrative, leadership and vocational~~ career and technical student  
4 organization educational consultants:

5 **SECTION 2623i.** 115.28 (30) (b) 3. of the statutes is amended to read:

6 115.28 (30) (b) 3. Two full-time consultants in technical technology education.

7 **SECTION 2623k.** 115.28 (30) (b) 4. of the statutes is amended to read:

8 115.28 (30) (b) 4. Two full-time consultants in family and consumer sciences  
9 education.

10 **SECTION 2623m.** 115.28 (30) (b) 5. of the statutes is amended to read:

11 115.28 (30) (b) 5. ~~One~~ Two full-time consultant ~~and one half-time consultant~~  
12 consultants in marketing education.

13 **SECTION 2623p.** 115.28 (30) (b) 6. of the statutes is created to read:

14 115.28 (30) (b) 6. One full-time consultant in health science education.

15 **SECTION 2623r.** 115.28 (30) (d) of the statutes is amended to read:

16 115.28 (30) (d) Provide in the department, ~~within the integrated and applied~~  
17 ~~curricula team,~~ a vocational career and technical education and vocational career  
18 and technical student organizations ~~subteam~~ team consisting of those educational  
19 consultants specified in par. (b).”.

20 **1176.** Page 914, line 21: after that line insert:

21 “**SECTION 2625w.** 115.28 (47) of the statutes is created to read:

22 115.28 (47) GRANT TO BELOIT COLLEGE. Annually award the amount  
23 appropriated under s. 20.255 (2) (kj) to Beloit College to educate children and adults  
24 in southern Wisconsin about Native American cultures.”.

1           **1177.** Page 914, line 21: after that line insert:

2           “**SECTION 2630g.** 115.343 (title) and (1) of the statutes are amended to read:

3           **115.343** (title) **Wisconsin morning school day milk program.** (1) The  
4 department shall establish a ~~morning~~ school day milk program. A school  
5 participating in the program shall offer each eligible child ~~a~~ one half-pint of  
6 Wisconsin-produced whole milk, 2% milk, 1.5% milk, one percent milk, 0.5% milk,  
7 skim milk or chocolate milk on each day in which school is in session. If a child is  
8 allergic to milk or has metabolic disorders or other conditions which prohibit him or  
9 her from drinking milk, the child shall be offered juice as a substitute. Any school  
10 that participates in the program is encouraged to consider bids from local milk  
11 suppliers. The school shall keep all information related to the identity of the pupils  
12 who receive a beverage under the program confidential. In this subsection,  
13 “Wisconsin-produced” means that all or part of the raw milk used by the milk  
14 processor was produced in this state.

15           **SECTION 2630h.** 115.343 (2) (c) of the statutes is created to read:

16           115.343 (2) (c) The child does not receive the beverage during the school’s  
17 breakfast or lunch period.”.

18           **1178.** Page 914, line 21: after that line insert:

19           “**SECTION 2635m.** 115.28 (49) of the statutes is created to read:

20           115.28 (49) CHARTER SCHOOL REPORT. Annually report to the legislature, in the  
21 manner provided under s. 13.172 (2), on the status of existing charter schools, the  
22 number of petitions for new charter schools, and school board and departmental  
23 action on petitions for new charter schools.”.

24           **1179.** Page 914, line 21: after that line insert:

1           **“SECTION 2638m.** 115.28 (50) of the statutes is created to read:

2           115.28 **(50)** SPECIAL EDUCATION STUDY. Distribute a summary of study under s.  
3 36.11 (49) to each school district.”.

4           **1180.** Page 914, line 21: after that line insert:

5           **“SECTION 2635L.** 115.28 (48) of the statutes is created to read:

6           115.28 **(48)** VETERANS. Encourage school boards to invite armed forces veterans  
7 to school to discuss their experiences as veterans.”.

8           **1181.** Page 914, line 21: after that line insert:

9           **“SECTION 2630m.** 115.31 (1) (b) of the statutes is amended to read:

10           115.31 **(1)** (b) “Educational agency” means a school district, cooperative  
11 educational service agency, state correctional institution under s. 302.01, secured  
12 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,  
13 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually  
14 Impaired, the Wisconsin School Educational Services Program for the Deaf and Hard  
15 of Hearing, the Mendota mental health institute, the Winnebago mental health  
16 institute, a state center for the developmentally disabled, a private school, or a  
17 private, nonprofit, nonsectarian agency under contract with a school board under s.  
18 118.153 (3) (c).”.

19           **1182.** Page 914, line 22: delete the material beginning with that line and  
20 ending with page 915, line 2, and substitute:

21           **“SECTION 2641m.** 115.38 (2) of the statutes is amended to read:

22           115.38 **(2)** ~~By January 1, 1993, and annually thereafter~~ Annually by January  
23 1, each school board shall distribute to the parent or guardian of each pupil enrolled  
24 in the school district, including pupils enrolled in charter schools located in the school

1 district, or give to each pupil to bring home to his or her parent or guardian, a school  
2 and school district performance report that includes the information specified by the  
3 state superintendent under sub. (1). The report shall also include a comparison of  
4 the school district's performance under sub. (1) (a) and (b) with the performance of  
5 other school districts in the same athletic conference under sub. (1) (a) and (b).”.

6 **1183.** Page 916, line 1: after that line insert:

7 “**SECTION 2657m.** 115.435 (1) (c) of the statutes is amended to read:

8 115.435 (1) (c) At least ~~65%~~ 80% of the real property in the school district is  
9 exempt from taxation under s. 70.11, taxed as forest croplands under subch. I of ch.  
10 77, owned by or held in trust for a federally recognized American Indian tribe, or  
11 owned by the federal government.”.

12 **1184.** Page 916, line 1: after that line insert:

13 “**SECTION 2666m.** 115.817 (5) (b) 1. of the statutes is amended to read:

14 115.817 (5) (b) 1. At the close of each fiscal year, the board shall employ a  
15 licensed certified public accountant licensed or certified under ch. 442 to audit its  
16 accounts and certify the audit. The cost of the audit shall be paid from board funds.”.

17 **1185.** Page 916, line 1: after that line insert:

18 “**SECTION 2660m.** Subchapter III (title) of chapter 115 [precedes 115.51] of the  
19 statutes is amended to read:

20 **CHAPTER 115**

21 **SUBCHAPTER III**

22 **STATE SCHOOL WISCONSIN**

23 **EDUCATIONAL SERVICES PROGRAM**

24 **FOR THE DEAF AND HARD OF HEARING**

1                                   AND STATE WISCONSIN CENTER  
2   FOR THE BLIND AND  
3   VISUALLY IMPAIRED

4           **SECTION 2660r.** 115.51 (2) of the statutes is repealed and recreated to read:

5           115.51 (2) “Hearing impaired” has the meaning given in the rules promulgated  
6 by the state superintendent to define “hearing impairments” under s. 115.76 (5) (a)  
7 2.

8           **SECTION 2660t.** 115.52 of the statutes is repealed and recreated to read:

9           **115.52 Wisconsin Educational Services Program for the Deaf and Hard**  
10 **of Hearing. (1) DEFINITION.** In this section, “program” means the Wisconsin  
11 Educational Services Program for the Deaf and Hard of Hearing.

12           **(1m) PURPOSE.** The purpose of the program is to serve as a statewide  
13 educational resource relating to hearing impairments to benefit all Wisconsin  
14 children who are hearing impaired.

15           **(2) GOVERNANCE.** The state superintendent shall maintain and govern the  
16 program’s facilities. The state superintendent shall appoint an individual who has  
17 training and experience in educating pupils who are hearing impaired to serve as the  
18 director of the program.

19           **(3) SERVICES.** The program shall provide services that benefit children  
20 throughout the state who are hearing impaired.

21           (a) *School.* 1. ‘Residents 3 to 20 years old.’ The program shall operate a school  
22 at which any resident of this state 3 to 20 years old who is hearing impaired, and for  
23 the duration of a school term any resident of this state who is hearing impaired and  
24 becomes 21 years old during that school term, shall be received and taught free of  
25 charge if the individualized education program for the resident under s. 115.787 and



1 the educational placement under s. 115.79 specify the school operated by the  
2 program as the appropriate placement.

3 2. ‘Residents 21 years old or older.’ The state superintendent may admit to the  
4 school operated by the program a resident of the state who is hearing impaired and  
5 is 21 years of age or older prior to the beginning of a school term upon the payment  
6 of fees fixed by the state superintendent and upon the recommendation of the  
7 secretary of health and family services, the director of the technical college system,  
8 or the director of the program.

9 3. ‘Nonresidents.’ A nonresident of this state, who is hearing impaired, who  
10 either is 3 to 20 years old or becomes 21 years old during a school term, whose  
11 individualized education program under 20 USC 1414 (d) and educational placement  
12 specify the school operated by the program as the appropriate placement, and who  
13 is capable of receiving instruction may be received at the school upon payment in  
14 advance of the fees fixed by the state superintendent, but no nonresident may be  
15 received to the exclusion of a resident pupil.

16 4. ‘Pupil use of residential facilities.’ Except as provided in sub. (4), the director  
17 of the program shall make the residential facilities of the program available to all  
18 pupils received at the school operated by the program.

19 5. ‘School term.’ The state superintendent shall fix the period of the school term  
20 at the school operated by the program at not less than 38 weeks, prescribe the school  
21 sessions, and confer diplomas upon meritorious pupils who have completed the  
22 prescribed curriculum. Pursuant to a pupil’s individualized education program  
23 under s. 115.787, a pupil may be placed at the school for less than a school term.

24 6. ‘Transportation.’ The program may provide transportation for resident  
25 pupils at the school operated by the program.

1 (b) *Other statewide services.* The program may do any of the following:

2 1. Provide evaluation services to assist local educational agencies, cooperative  
3 educational service agencies, county children with disabilities education boards,  
4 private schools, and others.

5 2. Provide technical assistance and consultation services to local educational  
6 agencies, cooperative educational service agencies, county children with disabilities  
7 education boards, private schools, and others.

8 3. Develop and disseminate curriculum and instructional materials.

9 4. Provide in-service and other training to teachers and other staff serving  
10 pupils who are hearing impaired.

11 5. Provide training, technical assistance, and consultation services for parents  
12 of children who are hearing impaired and for professionals who work with children  
13 who are hearing impaired.

14 6. Provide access to educational materials to children who are hearing  
15 impaired.

16 7. Loan books and other materials from the library described in par. (c) 2.

17 8. Serve as a clearinghouse for information about children who are hearing  
18 impaired.

19 9. Teach American sign language, and teach other subjects using American  
20 sign language, through the use of distance education technology.

21 10. Rent or lease technological materials and assistive technology devices, as  
22 defined in s. 115.76 (1), to local educational agencies, cooperative educational service  
23 agencies, county children with disabilities education boards, and private schools.

24 11. Facilitate the preparation of teachers of pupils who are hearing impaired  
25 by providing assistance to teacher preparation programs.

1           12. Provide other statewide services that relate to the education of children who  
2 are hearing impaired.

3           (c) *Additional services.* 1. ‘Birth-to-3 services.’ The program may provide  
4 instruction or services, or both, for children who are under the age of 3 and are  
5 hearing impaired and their parents. The instruction or services are subject to the  
6 approval of, and shall comply with requirements established by, the department.

7           2. ‘Library.’ Educational media and materials acquired by the program  
8 constitute a circulating collection for persons who are hearing impaired. The  
9 collection shall be kept at the program’s facility and be under the supervision of its  
10 director. All school age children of the state who are hearing impaired may use the  
11 media and materials upon compliance with criteria established by the director of the  
12 program and approved by the state superintendent.

13           3. ‘Summer programs.’ The program shall provide summer programs each year  
14 for children who are hearing impaired.

15           4. ‘Independent living skills.’ With the approval of the state superintendent,  
16 the program may allow individuals to receive instruction in and practice  
17 independent living skills in state-owned housing at the program’s facility in  
18 Delavan.

19           (d) *Provision of services.* In addition to providing services at the program’s  
20 facility in Delavan, the program may provide services at any location in the state and  
21 may operate regional satellite facilities throughout the state to provide services.

22           **(4) NONDISCRIMINATION.** All pupils in the program may equally and freely enjoy  
23 the benefits and privileges of the program, have the use of the library and books of  
24 instruction, and receive board, lodging, and linens, without discrimination, except  
25 that the director of the program may determine that board, lodging, and linens may

1 not be provided to an individual because appropriate services are not available for  
2 that individual at the program's residential facilities.

3 (5) CHARGES. The state superintendent may charge for meals, living quarters,  
4 laundry, and other services furnished to employees of the program and their families.  
5 The state superintendent may charge for services furnished to visitors to the  
6 program's facilities and participants in training programs and institutes.

7 (6) LEASING OF SPACE. The state superintendent may lease space at the  
8 program's facilities in Delavan that is not required by the program to any person if  
9 the state superintendent determines that the use will not be inconsistent with the  
10 operation of the program.

11 (7) AUDIT. In the 2004–05 fiscal year, the legislative audit bureau shall perform  
12 a performance evaluation audit of the program. The bureau shall submit copies of  
13 the audit report to the chief clerk of each house of the legislature for distribution to  
14 the appropriate standing committees under s. 13.172 (3) by June 30, 2005.

15 **SECTION 2661m.** 115.53 (2) of the statutes is amended to read:

16 115.53 (2) Arrange for vocational, trade or academic training for any pupil in  
17 either the school operated by the Wisconsin Center for the Blind and Visually  
18 Impaired or the Wisconsin School Educational Services Program for the Deaf and  
19 Hard of Hearing qualified to take such training advantageously, in either a public  
20 school or technical college or a private business establishment in Janesville or  
21 Delavan. The public school and the technical college shall be paid the regular tuition  
22 for full-time attendance and proportionally for part-time attendance by the school  
23 district responsible for the provision of a free appropriate public education under  
24 subch. V.

25 **SECTION 2661p.** 115.53 (3) (a) of the statutes is amended to read:

1           115.53 (3) (a) Arrange for otological or ophthalmic examination of any pupil or  
2 prospective pupil of the Wisconsin School Educational Services Program for the Deaf  
3 and Hard of Hearing. The examination shall be paid for from the appropriation in  
4 s. 20.255 (1) (b), (gh) or (gs).

5           **SECTION 2661r.** 115.53 (4) of the statutes is amended to read:

6           115.53 (4) Apply to the board of directors of the University of Wisconsin  
7 Hospitals and Clinics Authority for admission to the University of Wisconsin  
8 Hospitals and Clinics of any pupil at the school operated by the Wisconsin School  
9 Educational Services Program for the Deaf and Hard of Hearing or the school  
10 operated by the Wisconsin Center for the Blind and Visually Impaired.

11           (a) The application shall be accompanied by the report of a physician appointed  
12 by the superintendent director of the Wisconsin School Educational Services  
13 Program for the Deaf and Hard of Hearing or the director of the Wisconsin Center  
14 for the Blind and Visually Impaired and shall be in the same form as reports of other  
15 physicians for admission of patients to such hospital.

16           (b) The net cost of hospital treatment shall be at the rate established under s.  
17 233.40 (1) and shall be paid from the appropriation under s. 20.255 (1) (b), (gh) or (gs)  
18 if the patient is a pupil at the school operated by the Wisconsin School Educational  
19 Services Program for the Deaf and Hard of Hearing or from the appropriation under  
20 s. 20.255 (1) (b), (gh), (gL) or (gs) if the patient is a pupil at the school operated by the  
21 Wisconsin Center for the Blind and Visually Impaired. The state superintendent  
22 likewise may authorize payment for the expense of transporting patients to and from  
23 the hospital. The state superintendent shall make payments for the treatment to the  
24 University of Wisconsin Hospitals and Clinics Authority. Funds collected by the

1 state superintendent on account of the hospitalization shall be credited to the  
2 appropriation under s. 20.255 (1) (gh) for the school or center concerned.

3 **SECTION 2661t.** 115.53 (5) of the statutes is amended to read:

4 115.53 (5) Arrange for visits by members of the staff of either the Wisconsin  
5 School Educational Services Program for the Deaf and Hard of Hearing or the  
6 Wisconsin Center for the Blind and Visually Impaired to other public schools or to  
7 families of deaf children who are hearing impaired or children who are visually  
8 impaired, whenever it appears to the state superintendent that such visits will be  
9 of advantage to such children.

10 **SECTION 2662g.** 115.54 of the statutes is amended to read:

11 **115.54 Compulsory education.** If it appears, by affidavit, to any circuit  
12 judge that any deaf child who is either hearing impaired or ~~child who is~~ visually  
13 impaired and who is between the ages of 6 and 21 is deprived of a suitable education  
14 by the failure of the person having the care and custody of the child to provide a  
15 suitable education, the judge shall order the person to bring the child before the  
16 judge. If the material allegations of the affidavit are denied, the judge shall subpoena  
17 witnesses and hear testimony. If the allegations are admitted or established, the  
18 judge may order the child sent to the school operated by the Wisconsin School  
19 Educational Services Program for the Deaf and Hard of Hearing, the school operated  
20 by the Wisconsin Center for the Blind and Visually Impaired or to some class or other  
21 school for instruction, but the order may not make a direct charge for the class or  
22 school against any county.”.

23 **1186.** Page 916, line 17: delete the material beginning with that line and  
24 ending with page 917, line 22.

1           **1187.** Page 917, line 22: after that line insert:

2           “**SECTION 2673m.** 118.035 of the statutes is created to read:

3           **118.035 School uniforms. (1)** In this section, “school” means a public school  
4 and includes a charter school other than a charter school under s. 118.40 (2r).

5           **(2)** A school board may adopt a policy that requires all pupils enrolled in school  
6 in the school district, or all pupils enrolled in one or more schools in the school  
7 district, to wear a uniform while in school or while under the supervision of a school  
8 authority.

9           **(3)** If a school board adopts a policy under sub. (2), it shall do all of the following:

10           (a) Establish a method whereby the parent or guardian of a pupil enrolled in  
11 a school in which the policy is in effect may exempt his or her child from complying  
12 with the policy.

13           (b) Ensure that no pupil is penalized academically or otherwise discriminated  
14 against because the pupil’s parent or guardian has chosen to exempt the pupil from  
15 complying with the policy.

16           (c) Notify each parent or guardian of a pupil enrolled in a school in which the  
17 policy will be implemented of the policy at least 3 months before the school board  
18 implements the policy.

19           (d) Assist economically disadvantaged pupils to obtain the uniforms.

20           **(4)** The requirements under sub. (3) do not apply to any school board that has  
21 in effect on the effective date of this subsection .... [revisor inserts date], a school  
22 uniform policy for pupils enrolled in a school in the school district and has had such  
23 a policy in effect continuously since that date.

1           **(5)** By July 1, 2005, the department shall submit a report to the appropriate  
2 standing committees of the legislature under s. 13.172 (3). The report shall address  
3 all of the following issues relating to the imposition of school uniforms by school  
4 boards:

5           (a) Methods of encouraging the involvement of the parents or guardians of  
6 pupils enrolled in a school district in a school board’s decision to require school  
7 uniforms.

8           (b) The ability of pupils to obtain the uniforms.

9           (c) The effect of the imposition of the requirement on crime in the school,  
10 including weapons possession, assault, battery, and vandalism, and on pupil  
11 suspensions and expulsions.

12           **(6)** Nothing in this section affects the authority of a school board to require  
13 pupils to wear uniforms for extracurricular activities, and the provisions of sub. (3)  
14 do not apply to such a requirement.”.

15           **1188.** Page 917, line 22: after that line insert:

16           “**SECTION 2670m.** 118.019 (2) (intro.) of the statutes is amended to read:

17           118.019 **(2)** SUBJECTS. (intro.) A school board may provide an instructional  
18 program in human growth and development in grades kindergarten to 12. If  
19 provided, the program shall offer information and instruction appropriate to each  
20 grade level and the age and level of maturity of the pupils. The Except as provided  
21 in sub. (2m), the program may include instruction in any of the following areas:

22           **SECTION 2670p.** 118.019 (2) (e) of the statutes is amended to read:

23           118.019 **(2)** (e) Human sexuality; reproduction; family planning, as defined in  
24 s. 253.07 (1) (a), including natural family planning; human immunodeficiency virus



1 and acquired immunodeficiency syndrome; prenatal development; childbirth;  
2 adoption; available prenatal and postnatal support; and male and female  
3 responsibility.

4 **SECTION 2670q.** 118.019 (2m) of the statutes is created to read:

5 118.019 (2m) MARRIAGE AND PARENTAL RESPONSIBILITY. If a school board provides  
6 instruction in any of the areas under sub. (2) (e), the school board shall also provide  
7 instruction in marriage and parental responsibility.”.

8 **1189.** Page 917, line 22: after that line insert:

9 “**SECTION 2671m.** 118.02 (2) of the statutes is amended to read:

10 118.02 (2) February 12, Abraham Lincoln’s birthday.

11 **SECTION 2671n.** 118.02 (4) of the statutes is amended to read:

12 118.02 (4) February 22, George Washington’s birthday.

13 **SECTION 2671p.** 118.02 (12) of the statutes is amended to read:

14 118.02 (12) October 12, Christopher Columbus’ birthday.

15 **SECTION 2671q.** 118.02 (13) of the statutes is amended to read:

16 118.02 (13) November 11, Veterans Day.

17 **SECTION 2671r.** 118.02 (17) of the statutes is created to read:

18 118.02 (17) April 19, Patriots’ Day.”.

19 **1190.** Page 917, line 22: after that line insert:

20 “**SECTION 2673p.** 118.045 (3) of the statutes is amended to read:

21 118.045 (3) A school board may commence the school term before September  
22 1 in any school year if it ~~holds a public hearing on the issue and adopts a resolution~~  
23 ~~to that effect in that school year~~ the school board requests the department to allow  
24 it to commence the school term before September 1 and the school board includes

1 reasons with its request. The department may grant a request only if it determines  
2 that there are extraordinary reasons for granting it. The department shall  
3 promulgate rules to implement and administer this subsection.”.

4 **1191.** Page 917, line 22: after that line insert:

5 “SECTION 2674d. 118.06 (title) of the statutes is amended to read:

6 **118.06 (title) Flag and, pledge of allegiance, and national anthem.**

7 SECTION 2674j. 118.06 (2) of the statutes is amended to read:

8 118.06 (2) Every public ~~and private~~ school shall offer the pledge of allegiance  
9 or the national anthem in grades one to 8 ~~at the beginning of 12 each~~ school at least  
10 ~~one day per week.~~ Every private school shall offer the pledge of allegiance or the  
11 national anthem in grades one to 12 each school day unless the governing body of the  
12 private school determines that the requirement conflicts with the school’s religious  
13 doctrines. No pupil may be compelled, against the pupil’s objections or those of the  
14 pupil’s parents or guardian, to recite the pledge or to sing the anthem.”.

15 **1192.** Page 917, line 22: after that line insert:

16 “SECTION 2669m. 118.025 of the statutes is amended to read:

17 **118.025 Arbor day observance.** A school principal may request one free tree  
18 provided from state forest nurseries by the department of ~~natural resources~~ forestry  
19 under s. 28.06 for each 4th grade pupil in the school for planting in conjunction with  
20 an annual observance and celebration of arbor day.”.

21 **1193.** Page 917, line 24: after “**examinations**” insert “**and evaluations**”.

22 **1194.** Page 918, line 2: delete lines 2 to 10 and substitute “licensed under ch.  
23 449 or evaluated by a physician licensed under ch. 448.”.

24 **1195.** Page 918, line 12: after “examination” insert “or evaluation”.

1           **1196.** Page 918, line 18: after “examinations” insert “or evaluations”.

2           **1197.** Page 918, line 19: after that line insert:

3           “**SECTION 2695e.** 118.29 (2) (a) 2r. of the statutes is created to read:

4           118.29 (2) (a) 2r. Except for glucagon administered under subd. 2., may  
5 administer glucagon to any pupil who appears to be experiencing a severe  
6 hypoglycemic event if, as soon as practicable, the school bus operator, employee, or  
7 volunteer reports the event to an emergency medical service provider.

8           **SECTION 2695m.** 118.29 (2) (a) 3. of the statutes is amended to read:

9           118.29 (2) (a) 3. Is immune from civil liability for his or her acts or omissions  
10 in administering a drug or prescription drug to a pupil under subd. 1., 2. ~~or~~, 2m., or  
11 2r. unless the act or omission constitutes a high degree of negligence. This  
12 subdivision does not apply to health care professionals.”.

13           **1198.** Page 918, line 19: after that line insert:

14           “**SECTION 2679t.** 118.163 (1m) (c) of the statutes is created to read:

15           118.163 (1m) (c) An order for the person to report to a youth report center after  
16 school, in the evening, on weekends, on other nonschool days, or at any other time  
17 that the person is not under immediate adult supervision, for participation in the  
18 social, behavioral, academic, community service, and other programming of the  
19 center as described in s. 938.342 (1d) (c).

20           **SECTION 2679u.** 118.163 (2) (L) of the statutes is created to read:

21           118.163 (2) (L) An order for the person to report to a youth report center after  
22 school, in the evening, on weekends, on other nonschool days, or at any other time  
23 that the person is not under immediate adult supervision, for participation in the

1 social, behavioral, academic, community service, and other programming of the  
2 center as described in s. 938.342 (1g) (k).”.

3 **1199.** Page 918, line 19: after “examinations” insert “or evaluations”.

4 **1200.** Page 919, line 20: after that line insert:

5 “**SECTION 2703m.** 118.30 (1m) (d) of the statutes is amended to read:

6 118.30 (1m) (d) If the school board operates high school grades, beginning in  
7 the ~~2002–03~~ 2004–05 school year administer the high school graduation  
8 examination adopted by the school board under sub. (1g) (b) to all pupils enrolled in  
9 the school district, including pupils enrolled in charter schools located in the school  
10 district, in the 11th and 12th grades. The school board shall administer the  
11 examination at least twice each school year and may administer the examination  
12 only to pupils enrolled in the 11th and 12th grades.”.

13 **1201.** Page 920, line 19: after that line insert:

14 “**SECTION 2709m.** 118.30 (2) (f) of the statutes is created to read:

15 118.30 (2) (f) Each school board, and each operator of a charter school under  
16 s. 118.40 (2r), shall ensure that no pupil uses a calculator while taking the 4th grade  
17 examination under sub. (1m) or (1r).”.

18 **1202.** Page 920, line 19: after that line insert:

19 “**SECTION 2725m.** 118.38 (1) (a) 8. of the statutes is created to read:

20 118.38 (1) (a) 8. The commencement of the school term under s. 118.045.”.

21 **1203.** Page 920, line 19: after that line insert:

22 “**SECTION 2715p.** 118.40 (2r) (a) of the statutes is repealed and recreated to  
23 read:

1           118.40 (2r) (a) In this subsection, “instructional staff” has the meaning given  
2 in the rules promulgated by the department under s. 121.02 (1) (a) 2.

3           **SECTION 2715q.** 118.40 (2r) (b) of the statutes is renumbered 118.40 (2r) (b) 1.  
4 (intro.) and amended to read:

5           118.40 (2r) (b) 1. (intro.) ~~The common council of the city of Milwaukee, the~~  
6 ~~chancellor of the University of Wisconsin–Milwaukee and the Milwaukee area~~  
7 ~~technical college district board~~ All of the following entities may establish by charter  
8 and operate a charter school or, on behalf of their respective entities, may initiate a  
9 contract with an individual or group to operate a school as a charter school.:

10           2. A charter shall include all of the provisions specified under sub. (1m) (b) 3.  
11 to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1.  
12 to 14. and shall specify the effect of the establishment of the charter school on the  
13 liability of the contracting entity under this paragraph. The contract may include  
14 other provisions agreed to by the parties. The chancellor of the University of  
15 Wisconsin–Milwaukee or of the University of Wisconsin–Parkside may not establish  
16 or enter into a contract for the establishment of a charter school under this  
17 paragraph without the approval of the board of regents of the University of  
18 Wisconsin System.

19           **SECTION 2715qg.** 118.40 (2r) (b) 1. a. to d. of the statutes are created to read:

20           118.40 (2r) (b) 1. a. The common council of the city of Milwaukee.

21           b. The chancellor of the University of Wisconsin–Milwaukee.

22           c. On a pilot basis, the chancellor of the University of Wisconsin–Parkside.

23           d. The Milwaukee area technical college district board.

24           **SECTION 2715qL.** 118.40 (2r) (b) 3. of the statutes is created to read:

1           118.40 (2r) (b) 3. If the chancellor of the University of Wisconsin–Parkside  
2 contracts for the establishment of a charter school, the contract shall also provide  
3 that the charter school must be operated by a governing board and that the  
4 chancellor or his or her designee must be a member of the governing board. In  
5 addition, if the contract provides that the instructional staff of the charter school  
6 shall consist of employees of the board of regents of the University of Wisconsin  
7 System, the contract shall also include provisions that do all of the following:

8           a. Delegate to the governing board of the charter school the board of regents’  
9 authority to establish and adjust all compensation and fringe benefits of  
10 instructional staff, subject to the terms of any collective bargaining agreement under  
11 subch. V of ch. 111 that covers the instructional staff. In the absence of a collective  
12 bargaining agreement, the governing board may establish and adjust all  
13 compensation and fringe benefits of the instructional staff only with the approval of  
14 the chancellor of the University of Wisconsin–Parkside.

15           b. Authorize the governing board of the charter school to perform specified  
16 duties for the board of regents with respect to the instructional staff. This  
17 authorization may include duties related to supervising the instructional staff,  
18 taking disciplinary actions with respect to the instructional staff, recommending  
19 new hires or layoffs, collective bargaining, claims, complaints, or benefits and  
20 records administration.

21           **SECTION 2715r.** 118.40 (2r) (bm) of the statutes is created to read:

22           118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor  
23 of the University of Wisconsin–Milwaukee, and the Milwaukee area technical college  
24 district board may only establish or enter into a contract for the establishment of a  
25 charter school located in the school district operating under ch. 119. The chancellor

1 of the University of Wisconsin–Parkside may only establish or enter into a contract  
2 for the establishment of a charter school located in a unified school district that is  
3 located in the county in which the University of Wisconsin–Parkside is situated or  
4 in an adjacent county.

5 **SECTION 2715rg.** 118.40 (2r) (c) of the statutes is renumbered 118.40 (2r) (c) 2.,  
6 and 118.40 (2r) (c) 2. (intro.), as renumbered, is amended to read:

7 118.40 (2r) (c) 2. (intro.) ~~An entity under par. (b) may not establish or enter into~~  
8 ~~a contract for the establishment of a charter school located outside of the school~~  
9 ~~district operating under ch. 119.~~ A pupil residing within the school district operating  
10 under ch. 119 may attend a charter school established in the school district operating  
11 under ch. 119 under this subsection only if one of the following applies:

12 **SECTION 2715ri.** 118.40 (2r) (c) 1. of the statutes is created to read:

13 118.40 (2r) (c) 1. Only pupils who reside in the school district in which a charter  
14 school established under this subsection is located may attend the charter school.

15 **SECTION 2715sk.** 118.40 (2r) (cm) of the statutes is created to read:

16 118.40 (2r) (cm) The chancellor of the University of Wisconsin–Parkside may  
17 establish or enter into a contract for the establishment of only one charter school  
18 under this subsection, which may not operate high school grades and which may not  
19 accommodate more than 400 pupils.

20 **SECTION 2715sm.** 118.40 (2r) (e) of the statutes is renumbered 118.40 (2r) (e)  
21 1. and amended to read:

22 118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the  
23 department shall pay to the operator of the charter school an amount equal to the  
24 sum of the amount paid per pupil under this ~~paragraph~~ subdivision in the previous  
25 school year and the amount of revenue increase per pupil allowed under subch. VII

1 of ch. 121 in the current school year, multiplied by the number of pupils attending  
2 the charter school. The department shall pay 25% of the total amount in September,  
3 25% in December, 25% in February, and 25% in June. The department shall send the  
4 check to the operator of the charter school.

5 **SECTION 2715sn.** 118.40 (2r) (e) 2. of the statutes is created to read:

6 118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin–Parkside  
7 establishes or contracts for the establishment of a charter school under this  
8 subsection, in March the department shall pay to the unified school district in which  
9 the charter school is located, from the appropriation under s. 20.255 (2) (fm), an  
10 amount equal to the amount of school aid per pupil to which the unified school district  
11 is eligible in the current school year multiplied by the number of pupils attending the  
12 charter school who were previously enrolled in the unified school district.

13 **SECTION 2715sp.** 118.40 (2r) (f) of the statutes is created to read:

14 118.40 (2r) (f) If the chancellor of the University of Wisconsin–Parkside  
15 establishes or contracts for the establishment of a charter school under this  
16 subsection, biennially the chancellor shall submit a report to the legislature under  
17 s. 13.172 (2). The report shall include information on the academic performance of  
18 the pupils who attend the charter school and on the success of the governance  
19 structure of the charter school.

20 **SECTION 2715t.** 118.40 (7) (am) 2. of the statutes is amended to read:

21 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private  
22 school located in the school district operating under ch. 119 that is converted to a  
23 charter school is not an instrumentality of the any school district ~~operating under ch.~~  
24 ~~119 and the no~~ school board of that school district may not employ any personnel for  
25 the charter school. If the chancellor of the University of Wisconsin–Parkside



1 contracts for the establishment of a charter school under sub. (2r), the board of  
2 regents of the University of Wisconsin System may employ instructional staff for the  
3 charter school.”.

4 **1204.** Page 920, line 19: after that line insert:

5 “SECTION 2707m. 118.30 (1r) (d) of the statutes is amended to read:

6 118.30 (1r) (d) If the charter school operates high school grades, beginning in  
7 the ~~2002–03~~ 2004–05 school year, administer the high school graduation  
8 examination adopted by the operator of the charter school under sub. (1g) (b) to all  
9 pupils enrolled in the 11th and 12th grades in the charter school. The operator of the  
10 charter school shall administer the examination at least twice each school year and  
11 may administer the examination only to pupils enrolled in the 11th and 12th  
12 grades.”.

13 **1205.** Page 920, line 19: after that line insert:

14 “SECTION 2718m. 118.33 (1) (f) of the statutes is amended to read:

15 118.33 (1) (f) 1. By September 1, ~~2002~~ 2004, each school board operating high  
16 school grades shall develop a written policy specifying criteria for granting a high  
17 school diploma that are in addition to the requirements under par. (a). The criteria  
18 shall include the pupil’s score on the examination administered under s. 118.30 (1m)  
19 (d), the pupil’s academic performance and the recommendations of teachers. Except  
20 as provided in subd. 2., the criteria apply to pupils enrolled in charter schools located  
21 in the school district.

22 2. By September 1, ~~2002~~ 2004, each operator of a charter school under s. 118.40  
23 (2r) that operates high school grades shall develop a policy specifying criteria for  
24 granting a high school diploma. The criteria shall include the pupil’s score on the

1 examination administered under s. 118.30 (1r) (d), the pupil's academic performance  
2 and the recommendations of teachers.

3 3. Beginning September 1, 2003 2005, neither a school board nor an operator  
4 of a charter school under s. 118.40 (2r) may grant a high school diploma to any pupil  
5 unless the pupil has satisfied the criteria specified in the school board's or charter  
6 school's policy under subd. 1. or 2.”.

7 **1206.** Page 920, line 19: after that line insert:

8 “**SECTION 2712m.** 118.30 (3) of the statutes is renumbered 118.30 (3) (a) and  
9 amended to read:

10 118.30 (3) (a) The state superintendent shall ~~make available upon request,~~  
11 allow a person to view an examination required to be administered under this section  
12 if the person submits to the state superintendent a written request to do so within  
13 90 days after the date of administration, ~~any of the~~ examination required to be  
14 administered under this section. This subsection paragraph does not apply while the  
15 an examination is being developed or validated.

16 **SECTION 2714m.** 118.30 (3) (b) of the statutes is created to read:

17 118.30 (3) (b) The state superintendent shall promulgate rules establishing  
18 procedures to administer par. (a). To the extent feasible, the rules shall protect the  
19 security and confidentiality of the examinations required to be administered under  
20 this section.”.

21 **1207.** Page 923, line 7: after that line insert:

22 “**SECTION 2744m.** 119.04 (1) of the statutes is amended to read:

23 119.04 (1) Subchapters IV, V, and VII of ch. 115, ch. 121, and ss. 66.0235 (3) (c),  
24 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38

1 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to  
2 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,  
3 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291,  
4 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(26)~~ (27), 120.125,  
5 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), and (37), 120.14, and  
6 120.25 are applicable to a 1st class city school district and board.”.

7 **1208.** Page 923, line 7: after that line insert:

8 “**SECTION 2752r.** 119.23 (4m) of the statutes is amended to read:

9 119.23 **(4m)** ~~Beginning in the 1999–2000 school year, in~~ In addition to the  
10 payment under sub. (4) the state superintendent shall pay to the parent or guardian  
11 of each pupil enrolled in a private school under this section, in the manner described  
12 in sub. (4) (c), an amount determined by multiplying 40% of the payment under sub.  
13 (4) by the quotient determined by dividing the summer choice average daily  
14 membership equivalent of the private school by the total number of pupils for whom  
15 payments are being made under sub. (4).”.

16 **1209.** Page 923, line 7: after that line insert:

17 “**SECTION 2748i.** 119.23 (2) (a) 3. of the statutes is amended to read:

18 119.23 **(2)** (a) 3. The private school notified the state superintendent of its  
19 intent to participate in the program under this section by ~~May~~ February 1 of the  
20 previous school year. The notice shall specify the number of pupils participating in  
21 the program under this section for which the school has space.”.

22 **1210.** Page 923, line 7: after that line insert:

23 “**SECTION 2749m.** 119.23 (4) (bm) of the statutes is created to read:

1           119.23 (4) (bm) A pupil enrolled in a 4-year-old kindergarten program shall  
2 be counted under par. (b) as provided in s. 121.004 (7) (c) and (cm).”.

3           **1211.** Page 923, line 8: delete the material beginning with that line and  
4 ending with page 924, line 22.

5           **1212.** Page 924, line 22: after that line insert:

6           “**SECTION 2760m.** 120.12 (27) of the statutes is created to read:

7           120.12 (27) MINORITY CONTRACTING. If the school board adopts a policy that  
8 authorizes preferences or set-asides to minority businesses in the awarding of a  
9 public contract, as defined in s. 60.47 (1) (a), ensure that the policy requires that the  
10 minority business be certified by the department of commerce under s. 560.036 (2).”.

11           **1213.** Page 924, line 22: after that line insert:

12           “**SECTION 2760g.** 120.14 (3) of the statutes is amended to read:

13           120.14 (3) The annual meeting may authorize and direct an audit of the school  
14 district accounts by a licensed certified public accountant licensed or certified under  
15 ch. 442.

16           **SECTION 2760r.** 120.18 (1) (gm) of the statutes is amended to read:

17           120.18 (1) (gm) Payroll and related benefit costs for all school district  
18 employees in the previous school year. Costs for represented employees shall be  
19 based upon the costs of any collective bargaining agreements covering such  
20 employees for the previous school year. If, as of the time specified by the department  
21 for filing the report, the school district has not entered into a collective bargaining  
22 agreement for any portion of the previous school year with the recognized or certified  
23 representative of any of its employees and the school district and the representative  
24 have been required to submit final offers under s. 111.70 (4) (cm) 6., increased costs

1 limited to the lower of the school district’s offer or the representative’s offer shall be  
2 reflected in the report. The school district shall amend the annual report to reflect  
3 any change in such costs as a result of any award or settlement under s. 111.70 (4)  
4 (cm) 6. between the date of filing the report and October 1. Any such amendment  
5 shall be concurred in by the ~~licensed~~ certified public accountant licensed or certified  
6 under ch. 442 certifying the school district audit.”.

7 **1214.** Page 924, line 22: after that line insert:

8 “**SECTION 2760k.** 120.08 (1) (a) of the statutes is amended to read:

9 120.08 (1) (a) Common school districts shall hold an annual meeting on the 4th  
10 Monday in July at 8 p.m. and union high school districts shall hold an annual  
11 meeting on the 3rd Monday in July at 8 p.m. unless the electors at one annual  
12 meeting determine to thereafter hold the annual meeting on a different date or hour,  
13 or authorize the school board to establish a different date or hour. No annual meeting  
14 may be held before May 15 or after ~~September 30~~ October 31. The first school district  
15 meeting in a common or union high school district created under s. 117.08, 117.09,  
16 or 117.27 shall be considered an annual meeting.”.

17 **1215.** Page 925, line 3: after that line insert:

18 “**SECTION 2761d.** 121.004 (7) (c) 1. c. of the statutes is created to read:

19 121.004 (7) (c) 1. c. A pupil enrolled in a 4-year-old kindergarten program who  
20 is not a child with a disability, as defined in s. 115.76 (5), shall be counted as 0.3 pupil.

21 **SECTION 2761g.** 121.004 (7) (cm) of the statutes is amended to read:

22 121.004 (7) (cm) ~~A- Notwithstanding par. (c) (intro.) and 1. c., a pupil enrolled~~  
23 in a 4-year-old kindergarten program that provides the required number of hours  
24 of direct pupil instruction under s. 121.02 (1) (f) 2. ~~shall be counted as 0.6 pupil if the~~

1 program and that annually provides at least 87.5 additional hours of outreach  
2 activities shall be counted as 0.4 pupil if the child is not a child with a disability, as  
3 defined in s. 115.76 (5), and as 0.6 pupil if the pupil is a child with a disability.”.

4 **1216.** Page 925, line 10: after that line insert:

5 “**SECTION 2762d.** 121.02 (1) (a) 2. of the statutes is amended to read:

6 121.02 (1) (a) 2. Ensure that all instructional staff of charter schools located  
7 in the school district hold a license or permit to teach issued by the department. The  
8 state superintendent shall promulgate rules defining “instructional staff” for  
9 purposes of this subdivision ~~and s. 118.40 (2r) (d) 1.”.~~

10 **1217.** Page 925, line 14: after that line insert:

11 “**SECTION 2764m.** 121.05 (1) (a) 8. of the statutes is amended to read:

12 121.05 (1) (a) 8. Pupils enrolled in the school operated by the Wisconsin School  
13 Educational Services Program for the Deaf and Hard of Hearing or the school  
14 operated by the Wisconsin Center for the Blind and Visually Impaired under subch.  
15 III of ch. 115 for whom the school district is paying tuition under s. 115.53 (2)  
16 determined by multiplying the total number of periods in each day in which the  
17 pupils are enrolled in the local public school by the total number of days for which  
18 the pupils are enrolled in the local public school and dividing the product by 1,080.”.

19 **1218.** Page 925, line 14: after that line insert:

20 “**SECTION 2764m.** 121.07 (6) (a) (intro.) of the statutes is amended to read:

21 121.07 (6) (a) (intro.) “Shared cost” is the sum of the net cost of the general fund  
22 and the net cost of the debt service fund, except that “shared cost” excludes any costs,  
23 including attorney fees, incurred by a school district as a result of its participation  
24 in a lawsuit commenced against the state, beginning with such costs incurred in the

1 fiscal year in which the lawsuit is commenced, excludes any expenditures from a  
2 capital improvement fund created under s. 120.135, excludes any expenditures made  
3 as a result of the revenue limit increase under s. 121.91 (4) (L), and excludes the costs  
4 of transporting those transfer pupils for whom the school district operating under ch.  
5 119 does not receive intradistrict transfer aid under s. 121.85 (6) as a result of s.  
6 121.85 (6) (am). In this paragraph, “net cost of the debt service fund” includes all of  
7 the following amounts:”.

8 **1219.** Page 926, line 2: after that line insert:

9 “**SECTION 2767h.** 121.08 (4) (a) 2. of the statutes is amended to read:

10 121.08 (4) (a) 2. Divide the sum under subd. 1. by the total amount of state aid  
11 that all school districts are eligible to be paid from the appropriation under s. 20.255  
12 (2) (ac), calculated as if the reduction under par. (e) (b) had not occurred.

13 **SECTION 2767j.** 121.08 (4) (a) 3. of the statutes is amended to read:

14 121.08 (4) (a) 3. Multiply the amount of state aid that the school district is  
15 eligible to be paid from the appropriation under s. 20.255 (2) (ac), calculated as if the  
16 reduction under par. (e) (b) had not occurred, by the quotient under subd. 2.

17 **SECTION 2767k.** 121.08 (4) (b) of the statutes is amended to read:

18 121.08 (4) (b) The amount of state aid that the school district operating under  
19 ch. 119 is eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall also  
20 be reduced by 50% 45% of the amounts paid under s. 119.23 (4) and (4m) in the  
21 current school year.

22 **SECTION 2767L.** 121.08 (4) (c) of the statutes is repealed.

23 **SECTION 2767Lm.** 121.08 (4) (d) of the statutes is amended to read:

1           121.08 (4) (d) The state superintendent shall ensure that the total amount of  
2 aid reduction under pars. (a) to (c) and (b) lapses to the general fund.”.

3           **1220.** Page 928, line 7: delete “subd. 1. a.” and substitute “subd. 4. a.”.

4           **1221.** Page 928, line 17: after “(4)” insert “; less the amount of any revenue  
5 limit increase under s. 121.91 (4) (L)”.

6           **1222.** Page 928, line 22: delete “and”.

7           **1223.** Page 928, line 21: after “and,” insert “less the amount of any revenue  
8 limit increase under s. 121.91 (4) (j)”.

9           **1224.** Page 928, line 23: after “120.13 (19)” insert “, and less an amount equal  
10 to 45% of the amount estimated to be paid under s. 119.23 (4) and (4m)”.

11           **1225.** Page 929, line 1: delete lines 1 to 5 and substitute:

12           “121.15 (3m) (a) 2. “State school aids” means those aids appropriated under s.  
13 20.255 (1) (b) and (2), other than s. 20.255 (2) (am), (fm), (fu), (k), (kn), and (m), and  
14 under ss. 20.275 (1) (d), (es), (et) and (f) and 20.285 (1) (ee), (r) and (rc) and those aids  
15 appropriated under s. 20.275 (1) (s) that are used to provide grants or educational  
16 telecommunications access to school districts under s. 44.73.”.

17           **1226.** Page 929, line 5: after that line insert:

18           “**SECTION 2779s.** 121.54 (3) of the statutes is amended to read:

19           121.54 (3) TRANSPORTATION FOR CHILDREN WITH DISABILITIES. Every school board  
20 shall provide transportation for children with disabilities, as defined in s. 115.76 (5),  
21 to any public or private elementary or high school, to the school operated by the  
22 Wisconsin Center for the Blind and Visually Impaired or the school operated by the  
23 Wisconsin School Educational Services Program for the Deaf and Hard of Hearing  
24 or to any special education program for children with disabilities sponsored by a state



1 tax-supported institution of higher education, including a technical college,  
2 regardless of distance, if the request for such transportation is approved by the state  
3 superintendent. Approval shall be based on whether or not the child can walk to  
4 school with safety and comfort. Section 121.53 shall apply to transportation provided  
5 under this subsection.”.

6 **1227.** Page 930, line 8: after that line insert:

7 “SECTION 2788m. 121.90 (1) (f) of the statutes is created to read:

8 121.90 (1) (f) In determining a school district’s revenue limit for the 2002–03  
9 school year or for any school year thereafter, the department shall calculate the  
10 number of pupils enrolled in each school year prior to the 2002–03 school year under  
11 s. 121.004 (7) (c) (intro.), s. 121.004 (7) (c) 1. c., as created by 2001 Wisconsin Act ....  
12 (this act), and s. 121.004 (7) (cm), as affected by 2001 Wisconsin Act .... (this act).”.

13 **1228.** Page 931, line 3: delete lines 3 to 22.

14 **1229.** Page 932, line 23: after that line insert:

15 “SECTION 2798w. 121.91 (4) (k) of the statutes is created to read:

16 121.91 (4) (k) The limit otherwise applicable under sub. (2m) to a school district  
17 that is at least 275 square miles in area and in which the number of pupils enrolled  
18 in the 2000–01 school year was less than 450 is increased for the 2001–02 school year  
19 by the following amount:

20 1. If the number of pupils enrolled in the school district declined between the  
21 1996–97 school year and the 2000–01 school year, but the decline was less than 10%,  
22 \$100,000.

23 2. If the decline in the number of pupils enrolled between the 1996–97 school  
24 year and the 2000–01 school year was at least 10% but not more than 20%, \$175,000.

1           3. If the decline in the number of pupils enrolled between the 1996–97 school  
2 year and the 2000–01 school year was more than 20%, \$250,000.”.

3           **1230.** Page 932, line 23: after that line insert:

4           “**SECTION 2798g.** 121.91 (4) (j) of the statutes is created to read:

5           121.91 (4) (j) If a school board implemented an intradistrict pupil transfer  
6 program to reduce racial imbalance in the school district after June 30, 1993, but  
7 before the effective date of this paragraph .... [revisor inserts date], the limit  
8 otherwise applicable to the school district under sub. (2m) in the 2001–02, 2002–03,  
9 and 2003–04 school years is increased by an amount equal to one–third of the amount  
10 received in the 1994–95 school year under s. 121.85 as a result of implementing the  
11 program.”.

12           **1231.** Page 932, line 23: after that line insert:

13           “**SECTION 2798s.** 121.91 (4) (m) of the statutes is created to read:

14           121.91 (4) (m) 1. In this paragraph, “equalized valuation per member” means  
15 equalized valuation divided by membership, except as follows:

16           a. For a school district operating only high school grades, “equalized valuation  
17 per member” means equalized valuation divided by the result obtained by  
18 multiplying membership by 3.

19           b. For a school district operating only elementary grades, “equalized valuation  
20 per member” means equalized valuation divided by the result obtained by  
21 multiplying membership by 1.5.

22           2. The limit otherwise applicable to a school district under sub. (2m) in any  
23 school year is increased by the amount calculated as follows if the school board adopts  
24 a resolution approving the increase by a two–thirds vote of the members elect:

1 a. Multiply the statewide average allowable revenue per member in the  
2 previous school year by 0.78.

3 b. Divide the statewide average equalized valuation per member by the school  
4 district's equalized valuation per member or by \$120,000, whichever is greater.

5 c. Multiply the product under subd. 2. a. by the quotient under subd. 2. b.

6 d. Multiply the product under subd. 2. c. by the average of the number of pupils  
7 enrolled in the school district in the current and the 2 preceding school years.

8 3. The amount of the revenue limit adjustment approved under subd. 2. shall  
9 not be included in the base for determining the school district's revenue limit for the  
10 following school year.”.

11 **1232.** Page 932, line 23: after that line insert:

12 “SECTION 2798gc. 121.91 (4) (L) of the statutes is created to read:

13 121.91 (4) (L) The limit otherwise applicable to a school district under sub. (2m)  
14 in any school year is increased by an amount calculated as follows:

15 1. Multiply the number of pupils who are not children with disabilities, as  
16 defined in s. 115.76 (5), and who are enrolled in a 4-year-old kindergarten program  
17 in the school district in the current school year, counting each pupil as 1.0 pupil, by  
18 0.2.

19 2. Multiply the result under subd. 1. by the school district's allowable revenue  
20 per pupil in the current school year.”.

21 **1233.** Page 933, line 9: delete the material beginning with that line and  
22 ending with page 934, line 4.

23 **1234.** Page 934, line 13: delete “409.504” and substitute “409.610 (2)”.

24 **1235.** Page 934, line 14: after that line insert:

1           **“SECTION 2802m.** 125.06 (13) of the statutes is created to read:

2           **125.06 (13) WINE SAMPLING ON “CLASS A” PREMISES.** (a) The provision of wine  
3 taste samples of not more than 3 fluid ounces each, free of charge, by a “Class A”  
4 licensee to customers and visitors for consumption on the premises. No “Class A”  
5 licensee may provide more than 2 taste samples per day to any one person. This  
6 subsection applies only between the hours of 10 a.m. and 6 p.m. Notwithstanding  
7 s. 125.07 (1) (a) 1., no “Class A” licensee may provide taste samples under this  
8 subsection to any underage person. No “Class A” licensee may provide as taste  
9 samples under this subsection wine that the “Class A” licensee did not purchase from  
10 a wholesaler.

11           (b) Notwithstanding par. (a) and s. 125.10 (1), a municipality may prohibit the  
12 provision of wine under this subsection.”.

13           **1236.** Page 934, line 15: delete lines 15 to 20.

14           **1237.** Page 935, line 5: delete lines 5 to 12.

15           **1238.** Page 935, line 12: after that line insert:

16           **“SECTION 2805g.** 125.31 (1) (a) 2. of the statutes is amended to read:

17           **125.31 (1) (a) 2.** Notwithstanding ss. 125.29 (2) and 125.33 (1), a brewer may  
18 maintain and operate one place on brewery premises and one place on real estate  
19 owned by the brewer or a subsidiary or affiliate corporation or limited liability  
20 company for the sale of fermented malt beverages for which a Class “B” license is  
21 required for each place, but, except as provided in ~~subd.~~ subds. 3. and 4., not more  
22 than 2 such Class “B” licenses shall be issued to any brewer.

23           **SECTION 2805h.** 125.31 (1) (a) 4. of the statutes is created to read:

1           125.31 (1) (a) 4. Notwithstanding ss. 125.29 (2) and 125.33 (1), in addition to  
2 places authorized under subd. 2., a brewer may possess or hold an indirect interest  
3 in a Class “B” license for not more than 20 restaurants in each of which the sale of  
4 alcohol beverages accounts for less than 60% of the restaurant’s gross receipts if no  
5 fermented malt beverages manufactured by the brewer are offered for sale in any of  
6 these restaurants. No brewer may possess Class “B” licenses under both this  
7 subdivision and subd. 3.”.

8           **1239.** Page 936, line 2: delete “not withstanding” and substitute  
9 “notwithstanding”.

10           **1240.** Page 937, line 23: delete the material beginning with that line and  
11 ending with page 939, line 16.

12           **1241.** Page 939, line 16: after that line insert:

13           “**SECTION 2812se.** 125.51 (4) (br) 1. e. of the statutes is amended to read:

14           125.51 (4) (br) 1. e. Add one license per each increase of 500 population or  
15 ~~fraction thereof~~ to the population recorded under par. (bm).

16           **SECTION 2812sf.** 125.51 (4) (br) 1. f. of the statutes is created to read:

17           125.51 (4) (br) 1. f. Add one license if the municipality had issued a license  
18 under s. 125.51 (4) (br) 1. e., 1999 stats., based on a fraction of 500 population, but  
19 a municipality’s quota is only increased under this subd. 1. f. as long as the total  
20 number of licenses issued by the municipality equals the maximum number of  
21 licenses authorized, including under this subd. 1. f.

22           **SECTION 2812sg.** 125.51 (4) (br) 2. of the statutes is amended to read:

23           125.51 (4) (br) 2. Notwithstanding subd. 1., if the difference between the  
24 number of licenses determined under par. (b) 1g. and under par. (bm) 1. is 3 or fewer,

1 the number of reserve “Class B” licenses authorized to be issued by that municipality  
2 is the difference between the number of licenses determined under par. (b) 1g. and  
3 under par. (bm) 1., plus one per each increase of 500 population ~~or fraction thereof~~  
4 to the population recorded under par. (bm), plus one if the municipality had issued  
5 a license under s. 125.51 (4) (br) 2., 1999 stats., based on a fraction of 500 population  
6 but only as long as the total number of licenses issued by the municipality equals the  
7 maximum number of licenses authorized.”.

8 **1242.** Page 939, line 16: after that line insert:

9 “**SECTION 2813.** Chapter 126 of the statutes is created to read:

10 **CHAPTER 126**

11 **AGRICULTURAL PRODUCER SECURITY**

12 **SUBCHAPTER I**

13 **GENERAL**

14 **126.01 General definitions.** In this chapter:

15 **(1)** “Affiliate” means any of the following persons:

16 (a) An owner, major stockholder, partner, officer, director, member, employee,  
17 or agent of a contractor.

18 (b) A person owned, controlled, or operated by a person under par. (a).

19 **(2)** “Asset” means anything of value owned by a person.

20 **(3)** “Audited financial statement” means a financial statement on which an  
21 independent certified public accountant licensed or certified under ch. 442 has done  
22 all of the following:

1 (a) Stated that the financial statement presents fairly, in all material respects,  
2 the financial position of a contractor as of a specific date or for a specific period,  
3 according to one of the following:

4 1. Generally accepted accounting principles.

5 2. The historical cost basis method of accounting, if the financial statement is  
6 a sole proprietor's personal financial statement and the financial statement is  
7 prepared on a historical cost basis.

8 (b) Conducted an audit according to generally accepted auditing standards.

9 **(4)** "Balance sheet" means a statement of assets, liabilities, and equity on a  
10 specific date.

11 **(5)** "Contractor," unless otherwise qualified, means any of the following:

12 (a) A grain dealer, as defined in s. 126.10 (9).

13 (b) A grain warehouse keeper, as defined in s. 126.25 (9).

14 (c) A milk contractor, as defined in s. 126.40 (8).

15 (d) A vegetable contractor, as defined in s. 126.55 (14).

16 **(6)** "Current assets" means cash and other assets, including trade or  
17 investment items, that may be readily converted into cash in the ordinary course of  
18 business within one year after the date as of which the value of those assets is  
19 determined.

20 **(7)** "Current liabilities" means those liabilities that are due within one year  
21 after the date as of which the value of those liabilities is determined.

22 **(8)** "Department" means the department of agriculture, trade and consumer  
23 protection.

24 **(9)** "Equity" means the value of assets less the value of liabilities.

1           **(10)** “Equity statement” means a report of the change in equity from the  
2 beginning to the end of the accounting period covered by the report.

3           **(11)** “Fund” means the agricultural producer security fund established under  
4 s. 25.463.

5           **(12)** “Generally accepted accounting principles” means the accounting  
6 standards adopted by the Financial Accounting Standards Board, except that for a  
7 business entity organized and operating outside the United States “generally  
8 accepted accounting principles” includes generally accepted foreign accounting  
9 standards that are substantially equivalent to standards adopted by the Financial  
10 Accounting Standards Board.

11           **(13)** “Grain” means corn, wheat, soybeans, oats, barley, rye, buckwheat,  
12 sorghum, flax seed, milo, sunflower seed, and mixed grain, as defined in 7 CFR  
13 810.801, except that “grain” does not include any of the following:

14           (a) Sweet corn or other canning crops for processing.

15           (b) Seed corn, wheat, soybeans, oats, barley, rye, buckwheat, sorghum, flax  
16 seed, milo, sunflower seed, or mixed grain used or intended for use solely for planting  
17 purposes.

18           (c) Corn, wheat, soybeans, oats, barley, rye, buckwheat, sorghum, flax seed,  
19 milo, sunflower seed, or mixed grain that has been rolled, cracked, roasted, or  
20 otherwise processed.

21           **(14)** “Income statement” means a report of the financial results of business  
22 operations for a specific period.

23           **(15)** “Individual” means a natural person.

24           **(16)** “Interim financial statement” means a statement of financial condition  
25 prepared for a period shorter than a fiscal year.



1           **(17)** “Milk” has the meaning given in s. 97.22 (1) (e).

2           **(18)** “Person,” notwithstanding s. 990.01 (26), means an individual,  
3 corporation, cooperative, partnership, limited liability company, trust, state agency,  
4 as defined in s. 20.001 (1), local governmental unit, as defined in s. 66.0131 (1) (a),  
5 or other legal entity.

6           **(19)** “Producer,” unless otherwise qualified, means a grain producer, as defined  
7 in s. 126.10 (10), milk producer, as defined in s. 126.40 (10), or vegetable producer,  
8 as defined in s. 126.55 (16).

9           **(20)** “Reviewed financial statement” means a contractor’s financial statement,  
10 other than an audited financial statement, if all of the following apply:

11           (a) The contractor attests in writing, under oath, that the financial statement  
12 is complete and accurate.

13           (b) The financial statement is reviewed by an independent certified public  
14 accountant licensed or certified under ch. 442.

15           **(21)** “Security” means security filed or maintained under s. 126.16, 126.31,  
16 126.47, or 126.61.

17           **(22)** “Sole proprietor” means a contractor who is an individual.

18           **(23)** “Statement of cash flows” means a report of cash receipts and cash  
19 disbursements from operating, investing, and financing activities, including an  
20 explanation of changes in cash and cash equivalents for the accounting period  
21 covered by the report.

22           **(24)** “Vegetable” means any vegetable that is grown or sold for use in food  
23 processing, whether or not the vegetable is actually processed as food. “Vegetable”  
24 includes green beans, kidney beans, lima beans, romano beans, wax beans, beets,

1 cabbage, carrots, celery, cucumbers, onions, peas, potatoes, spinach, squash, and  
2 sweet corn, but does not include grain.

3 SUBCHAPTER II

4 AGRICULTURAL PRODUCER

5 SECURITY FUND

6 **126.05 Agricultural producer security fund.** (1) The fund is a public trust  
7 and shall be administered to secure payments to producers. Moneys deposited into  
8 the fund may be used only for the purposes of this chapter.

9 (2) The department shall deposit into the fund all fees, surcharges,  
10 assessments, reimbursements, and proceeds of surety bonds that the department  
11 collects under this chapter. The department shall keep a record by contractor and  
12 industry, of all deposits.

13 **126.06 Industry bonds.** (1) DEPARTMENT TO ACQUIRE BONDS. Using moneys  
14 appropriated under s. 20.115 (1) (v), the department shall acquire and maintain all  
15 of the following surety bonds:

16 (a) A surety bond that takes effect on May 1, 2002, to secure payment under  
17 s. 126.72 (2) of claims against contributing milk contractors, as defined in s. 126.40  
18 (1).

19 (b) A surety bond that takes effect on September 1, 2002, to secure payment  
20 under s. 126.72 (2) of claims against contributing grain dealers, as defined in s.  
21 126.10 (3), and contributing grain warehouse keepers, as defined in s. 126.25 (2).

22 (c) A surety bond that takes effect on February 1, 2002, to secure payment  
23 under s. 126.72 (2) of claims against contributing vegetable contractors, as defined  
24 in s. 126.55 (4).

25 (2) BOND TERMS. The department shall ensure all of the following:

1 (a) That the amount of each bond under sub. (1) is at least \$5,000,000 but not  
2 more than \$20,000,000.

3 (b) That the amount of each bond under sub. (1) renews annually.

4 (c) That each bond under sub. (1) is payable to the department for the benefit  
5 of the appropriate claimants under sub. (1).

6 (d) That each bond under sub. (1) is issued by a person who is authorized to  
7 operate a surety business in this state.

8 (dm) That no surety issues more than one of the 3 bonds under sub. (1).

9 (e) That no bond issued under sub. (1) may be canceled or modified unless one  
10 of the following applies:

11 1. The department agrees to the cancellation or modification.

12 2. The department receives written notice from the issuer in person or by  
13 certified mail at least one year before the proposed cancellation or modification.

14 (f) That the issuer of each bond under sub. (1) issues the bond in a form, and  
15 subject to any terms and conditions, that the department considers appropriate.

16 **(3) BOND PROCUREMENT.** The department shall procure the surety bonds under  
17 sub. (1) according to the procedures provided in subch. IV of ch. 16.

18 **126.07 Blanket bond. (1) DEPARTMENT TO ACQUIRE BOND.** Using moneys  
19 appropriated under s. 20.115 (1) (v), the department shall acquire and maintain a  
20 surety bond, that takes effect on February 1, 2002, to secure payment under s. 126.72  
21 (3) of claims against contributing contractors, as defined in s. 126.68 (1).

22 **(2) BOND TERMS.** The department shall ensure all of the following:

23 (a) That the amount of the bond under sub. (1) is at least \$20,000,000 but not  
24 more than \$40,000,000.

25 (b) That the amount of the bond under sub. (1) renews annually.

1 (c) That the bond under sub. (1) is payable to the department for the benefit of  
2 claimants described in sub. (1).

3 (d) That the bond under sub. (1) is jointly issued by at least 3 persons acting  
4 as cosureties on the bond and that each of the persons is authorized to operate a  
5 surety business in this state.

6 (e) That no issuer of the bond under sub. (1) may cancel or modify the bond, or  
7 withdraw as a cosurety, unless one of the following applies:

8 1. The department agrees to the cancellation, modification, or withdrawal.

9 2. The department receives written notice from the issuer that is delivered in  
10 person or by certified mail and is received at least one year before the proposed  
11 cancellation, modification, or withdrawal.

12 (f) That the issuers of the bond under sub. (1) issue the bond in a form, and  
13 subject to any terms and conditions, that the department considers appropriate.

14 **(3) BOND PROCUREMENT.** The department shall procure the surety bond under  
15 sub. (1) according to the procedures provided in subch. IV of ch. 16.

16 **126.08 Start-up loan to fund; repayment.** On January 1, 2002, \$2,000,000  
17 is transferred as a loan from the agrichemical management fund, to the agricultural  
18 producer security fund. The department shall repay this loan principal, plus interest  
19 compounded at 5% annually, from the agricultural producer security fund by July 1,  
20 2006. The department shall transfer at least \$250,000 from the agricultural  
21 producer security fund to the agrichemical management fund on July 1 of each year,  
22 beginning on July 1, 2003. The department may accelerate the loan repayment, at  
23 its discretion.

24 SUBCHAPTER III

25 GRAIN DEALERS

1           **126.10 Definitions.** In this subchapter:

2           **(1)** “Cash on delivery” means full cash payment for grain when the grain dealer  
3 takes custody or control of the grain.

4           **(2)** “Cash payment” means payment in any of the following forms:

5           (a) Currency.

6           (b) A cashier’s check or a check that a bank issues and certifies.

7           (c) A wire transfer.

8           (d) Simultaneous barter.

9           **(3)** “Contributing grain dealer” means a grain dealer who is licensed under s.  
10 126.11, who either has paid one or more quarterly installments under s. 126.15 (7)  
11 or is required to contribute to the fund, but the first quarterly installment under s.  
12 126.15 (7) is not yet due, and who is not disqualified from the fund under s. 126.14  
13 (2).

14           **(4)** “Current ratio” means the ratio of the value of current assets to the value  
15 of current liabilities, calculated according to s. 126.13 (6) (c) 1.

16           **(5)** “Debt to equity ratio” means the ratio of the value of liabilities to equity,  
17 calculated according to s. 126.13 (6) (c) 2.

18           **(6)** “Deferred payment contract” means a contract for the procurement of grain  
19 under which a grain dealer takes custody or control of producer grain more than 7  
20 days before paying for the grain in full. “Deferred payment contract” includes a  
21 deferred price contract.

22           **(7)** “Deferred price contract” means a contract for the procurement of grain  
23 under which a grain dealer takes custody or control of producer grain more than 7  
24 days before the price of that grain must be determined under the contract.

1           **(8)** “Disqualified grain dealer” means a grain dealer who is disqualified from  
2 the fund under s. 126.14 (2).

3           **(9)** “Grain dealer” means a person who buys producer grain or who markets  
4 producer grain as a producer agent. “Grain dealer” does not include any of the  
5 following:

6           (a) A person who merely brokers a contract between a grain producer and a  
7 grain dealer without becoming a party to the contract, taking control of grain, or  
8 accepting payment on behalf of the grain producer.

9           (b) A person who merely buys or sells grain on a board of trade or commodity  
10 exchange.

11           **(10)** “Grain producer” means a person who grows grain.

12           **(10m)** “License year” means the period beginning on September 1 and ending  
13 on the following August 31.

14           **(11)** “Procure grain” means to buy grain or acquire the right to market grain.

15           **(12)** “Procure producer grain in this state” means any of the following:

16           (a) To buy producer grain for receipt in this state.

17           (b) To acquire the right to market producer grain grown in this state.

18           **(13)** “Producer agent” means a person who acts on behalf of a grain producer  
19 to market or accept payment for the grain producer’s grain without taking title to  
20 that grain, including a person who uses a producer trust fund to market or accept  
21 payment for producer grain. “Producer agent” does not include any of the following:

22           (a) A person who merely brokers a contract between a grain producer and a  
23 grain dealer, without becoming a party to the contract, taking control of grain, or  
24 accepting payment on behalf of the grain producer.

1 (b) A person who merely holds or transports grain for a grain producer without  
2 marketing the grain or accepting payment on behalf of the grain producer.

3 (14) “Producer grain” means grain that is owned by or held in trust for one or  
4 more grain producers. “Producer grain” includes grain that a producer agent  
5 markets for a grain producer, without taking title to the grain.

6 **126.11 Grain dealers; licensing. (1) LICENSE REQUIRED.** Except as provided  
7 in sub. (2), no grain dealer may procure producer grain in this state without a current  
8 annual license from the department.

9 (2) EXEMPT GRAIN DEALERS. The following grain dealers are not required to hold  
10 a license under this section, but may volunteer to be licensed:

11 (a) A grain dealer who pays cash on delivery for all producer grain.

12 (b) A grain dealer who buys producer grain solely for the grain dealer’s own use  
13 as feed or seed and who spends less than \$400,000 per license year for that grain.

14 (2m) LICENSE TERMS. A license under this section expires on the August 31  
15 following its issuance. No person may transfer or assign a license issued under this  
16 section.

17 (3) LICENSE APPLICATION. A grain dealer shall apply for an annual license under  
18 this section in writing, on a form provided by the department. An applicant shall  
19 provide all of the following:

20 (a) The applicant’s legal name and any trade name under which the applicant  
21 proposes to operate as a grain dealer.

22 (b) A statement of whether the applicant is an individual, corporation,  
23 partnership, cooperative, limited liability company, trust, or other legal entity. If the  
24 applicant is a corporation or cooperative, the applicant shall identify each officer of

1 the corporation or cooperative. If the applicant is a partnership, the applicant shall  
2 identify each partner.

3 (c) The mailing address of the applicant's primary business location and the  
4 name of a responsible individual who may be contacted at that location.

5 (d) The street address of each business location from which the applicant  
6 operates in this state as a grain dealer and the name of a responsible individual who  
7 may be contacted at each location that is staffed.

8 (e) All license fees and surcharges required under sub. (4).

9 (f) The sworn and notarized statement required under sub. (9).

10 (g) A financial statement if required under s. 126.13 (1) and not yet filed.

11 (h) Other relevant information required by the department.

12 **(4) LICENSE FEES AND SURCHARGES.** A grain dealer applying for an annual license  
13 under this section shall pay the following fees and surcharges, unless the  
14 department specifies a different fee or surcharge amount by rule:

15 (a) A nonrefundable license processing fee of \$25.

16 (b) The following license fees based on the grain dealer's reported grain  
17 payments under sub. (9) (a), less any credit provided under sub. (6):

18 1. A fee of \$500, plus \$225 per business location in excess of one business  
19 location, if the amount under sub. (9) (a) is at least \$500,000.

20 2. A fee of \$200 if the amount under sub. (9) (a) is at least \$50,000 but less than  
21 \$500,000.

22 3. A fee of \$50 if the amount under sub. (9) (a) is less than \$50,000.

23 (c) A license fee of \$45 for each truck, in excess of one truck, that the grain dealer  
24 uses to haul grain in this state.



1 (d) A license surcharge of \$425 if the grain dealer files a financial statement  
2 under s. 126.13 (1) that is not an audited financial statement.

3 (e) A license surcharge of \$500 if the department determines that, within 365  
4 days before submitting the license application, the applicant operated as a grain  
5 dealer without a license in violation of sub. (1). The applicant shall also pay any  
6 license fees, license surcharges, and fund assessments that are still due for any  
7 license year in which the applicant violated sub. (1).

8 (f) A license surcharge of \$100 if during the preceding 12 months the applicant  
9 failed to file an annual financial statement required under s. 126.13 (1) (b) by the  
10 deadline specified in s. 126.13 (1) (c).

11 (g) A license surcharge of \$100 if a renewal applicant fails to renew a license  
12 by the license expiration date of August 31. This paragraph does not apply to a grain  
13 dealer who is exempt under sub. (2) and is voluntarily licensed.

14 **(4m)** EFFECT OF PAYMENT OF SURCHARGE. Payment under sub. (4) (e) does not  
15 relieve the applicant of any other civil or criminal liability that results from the  
16 violation of sub. (1), but does not constitute evidence of any law violation.

17 **(5)** LICENSE FOR PART OF YEAR; FEES. A person who applies for an annual grain  
18 dealer license after the beginning of a license year shall pay the full annual fee  
19 amounts required under sub. (4).

20 **(6)** FEE CREDITS. If the balance in the fund contributed by grain dealers exceeds  
21 \$2,000,000 on June 30 of any license year, the department shall credit 50% of the  
22 excess amount against fees charged under sub. (4) (b) to contributing grain dealers  
23 who file timely license renewal applications for the next license year. The  
24 department shall credit each contributing grain dealer on a prorated basis, in

1 proportion to the total fees that the grain dealer paid under sub. (4) (b) for the 4  
2 preceding license years.

3 **(7) FEE STATEMENT.** The department shall provide, with each license application  
4 form, a written statement of all license fees and surcharges required under sub. (4)  
5 or the formula for determining them. The department shall specify any fee credit for  
6 which the applicant may qualify under sub. (6).

7 **(8) NO LICENSE WITHOUT FULL PAYMENT.** The department may not issue an  
8 annual license under sub. (1) until the applicant pays all license fees and surcharges  
9 identified in the department's statement under sub. (7). The department shall  
10 refund a fee or surcharge paid under protest if upon review the department  
11 determines that the fee or surcharge is not applicable.

12 **(9) SWORN AND NOTARIZED STATEMENT.** As part of a license application under sub.  
13 (3), an applicant shall provide a sworn and notarized statement, signed by the  
14 applicant or an officer of the applicant, that reports all of the following:

15 (a) The total amount that the applicant paid, during the applicant's last  
16 completed fiscal year, for producer grain procured in this state. If the applicant has  
17 not yet operated as a grain dealer in this state, the applicant shall estimate the  
18 amount that the applicant will pay during the applicant's first complete fiscal year  
19 for producer grain procured in this state.

20 (b) The amount of the payments under par. (a) made under deferred payment  
21 contracts.

22 (c) Whether the applicant has had any obligations under deferred payment  
23 contracts, for grain procured in this state, at any time since the beginning of the  
24 applicant's last completed fiscal year.

1           **(10) ACTION GRANTING OR DENYING APPLICATION.** The department shall grant or  
2 deny an application under sub. (3) within 30 days after the department receives a  
3 complete application. If the department denies a license application, the department  
4 shall give the applicant a written notice stating the reason for the denial.

5           **(11) LICENSE DISPLAYED.** A grain dealer licensed under sub. (1) shall  
6 prominently display a copy of that license at the following locations:

7           (a) On each truck that the grain dealer uses to haul grain in this state.

8           (b) At each business location from which the grain dealer operates in this state.

9           **126.12 Grain dealers; insurance. (1) FIRE AND EXTENDED COVERAGE**  
10 **INSURANCE.** A grain dealer licensed, or required to be licensed, under s. 126.11 shall  
11 maintain fire and extended coverage insurance, issued by an insurance company  
12 authorized to do business in this state, that covers all grain in the custody of the grain  
13 dealer, whether owned by the grain dealer or held for others, at the full local market  
14 value of the grain.

15           **(2) INSURANCE CANCELLATION; REPLACEMENT.** Whenever an insurance policy  
16 under sub. (1) is canceled, the grain dealer shall replace the policy so that there is  
17 no lapse in coverage.

18           **(3) INSURANCE COVERAGE; MISREPRESENTATION.** No grain dealer may  
19 misrepresent any of the following to the department or to any grain producer or  
20 producer agent:

21           (a) That the grain dealer is insured.

22           (b) The nature, coverage, or material terms of the grain dealer's insurance  
23 policy.

24           **126.13 Grain dealers; financial statements. (1) REQUIRED ANNUAL**  
25 **FINANCIAL STATEMENT.** (a) A grain dealer shall file an annual financial statement with

1 the department, before the department first licenses the grain dealer under s. 126.11,  
2 if the grain dealer's license application reports any of the following:

3 1. More than \$500,000 in grain payments under s. 126.11 (9) (a).

4 2. Any deferred payment contract obligations under s. 126.11 (9) (c).

5 (b) A grain dealer licensed under s. 126.11 shall file an annual financial  
6 statement with the department during each license year if the grain dealer's license  
7 application for that year reports any of the following:

8 1. More than \$500,000 in grain payments under s. 126.11 (9) (a) unless the  
9 grain dealer is a contributing grain dealer who procures producer grain in this state  
10 solely as a producer agent.

11 2. Any deferred payment contract obligations under s. 126.11 (9) (c).

12 (c) A grain dealer shall file an annual financial statement under par. (b) by the  
13 15th day of the 4th month following the close of the grain dealer's fiscal year, except  
14 that the department may extend the filing deadline for up to 30 days if the grain  
15 dealer, or the accountant reviewing or auditing the financial statement, files a  
16 written extension request at least 10 days before the filing deadline.

17 (d) A grain dealer licensed under s. 126.11 may not incur any obligations under  
18 deferred payment contracts for grain procured in this state unless the contractor first  
19 notifies the department and files an annual financial statement with the  
20 department.

21 **(2) VOLUNTARY ANNUAL FINANCIAL STATEMENT.** A contributing grain dealer who  
22 is not required to file a financial statement under sub. (1) may file an annual  
23 financial statement with the department to qualify for a lower fund assessment  
24 under s. 126.15.

1           **(3) REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A grain dealer filing an  
2           annual financial statement under sub. (1) or (2) shall file an audited financial  
3           statement if any of the following applies:

4           1. The grain dealer's license application reports more than \$3,000,000 in  
5           payments under s. 126.11 (9) (a).

6           2. The grain dealer's last 2 license applications report more than \$2,000,000  
7           in payments under s. 126.11 (9) (a).

8           (b) If par. (a) does not apply, a grain dealer filing an annual financial statement  
9           under sub. (1) or (2) shall file either a reviewed financial statement or an audited  
10          financial statement.

11          **(4) ACCOUNTING PERIOD.** A grain dealer filing an annual financial statement  
12          under sub. (1) or (2) shall file a financial statement that covers the grain dealer's last  
13          completed fiscal year unless the grain dealer has been in business for less than one  
14          year.

15          **(4m) INTERIM FINANCIAL STATEMENT.** The department may, at any time, require  
16          a grain dealer licensed under s. 126.11 to file an interim financial statement with the  
17          department. The grain dealer shall provide, with the interim financial statement,  
18          the grain dealer's sworn and notarized statement that the financial statement is  
19          correct. An interim financial statement need not be a reviewed financial statement  
20          or an audited financial statement.

21          **(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** (a) Except as provided in par.  
22          (b), a grain dealer filing an annual financial statement under this section shall file  
23          a financial statement that is prepared according to generally accepted accounting  
24          principles.

1           (b) If a grain dealer is a sole proprietor and the grain dealer's financial  
2 statement is not audited, the grain dealer shall file a financial statement that is  
3 prepared on a historical cost basis.

4           **(6) FINANCIAL STATEMENT CONTENTS.** (a) Except as provided in par. (b), a grain  
5 dealer filing a financial statement under this section shall file a financial statement  
6 that consists of a balance sheet, income statement, equity statement, statement of  
7 cash flows, notes to those statements, and any other information required by the  
8 department. If the grain dealer is a sole proprietor, the grain dealer shall file his or  
9 her business and personal financial statements. A grain dealer shall disclose on the  
10 grain dealer's financial statement, separately and clearly, the grain dealer's unpaid  
11 obligations to grain producers and producer agents.

12           (b) If a grain dealer has been in business for less than one year, the grain dealer  
13 may file an annual financial statement under sub. (1) or (2) consisting of a balance  
14 sheet and notes.

15           (c) A grain dealer filing a financial statement under this section shall include  
16 in the financial statement, or in an attachment to the financial statement,  
17 calculations of all of the following:

18           1. The grain dealer's current ratio, excluding any assets required to be excluded  
19 under sub. (7).

20           2. The grain dealer's debt to equity ratio, excluding any assets required to be  
21 excluded under sub. (7).

22           **(7) ASSETS EXCLUDED.** A grain dealer may not include any of the following assets  
23 in the calculations under sub. (6) (c) unless the department specifically approves  
24 their inclusion:

1 (a) A nontrade note or account receivable from an officer, director, employee,  
2 partner, or stockholder, or from a member of the family of any of those individuals,  
3 unless the note or account receivable is secured by a first priority security interest  
4 in real or personal property.

5 (b) A note or account receivable from a parent organization, a subsidiary, or an  
6 affiliate, other than an employee.

7 (c) A note or account that has been receivable for more than one year, unless  
8 the grain dealer has established an offsetting reserve for uncollectible notes and  
9 accounts receivable.

10 **(9) ENTITY COVERED.** A person filing a financial statement under this section  
11 may not file, in lieu of that person's financial statement, the financial statement of  
12 the person's parent organization, subsidiary, predecessor, or successor.

13 **(10) DEPARTMENT REVIEW.** The department may analyze a financial statement  
14 submitted under this section and may reject a financial statement that fails to  
15 comply with this section.

16 **126.14 Contributing grain dealers; disqualification. (1) CONTRIBUTION**  
17 **REQUIRED.** A grain dealer who is required to be licensed under s. 126.11 (1) shall pay  
18 fund assessments under s. 126.15 unless the grain dealer is disqualified under sub.  
19 (2). A grain dealer who is voluntarily licensed under s. 126.11 may pay voluntary  
20 assessments under s. 126.15, unless the grain dealer is disqualified under sub. (2).

21 **(2) DISQUALIFIED GRAIN DEALER.** (a) A grain dealer who is required to file  
22 security under s. 126.16 (1) (a) is disqualified from the fund until the department  
23 determines that one of the conditions in s. 126.16 (8) (a) 1. and 2. is satisfied.

24 (b) A grain dealer is disqualified from the fund, and required to pay cash on  
25 delivery for producer grain, if any of the following occurs:

1           1. The department denies, suspends, or revokes the grain dealer's license.

2           2. The department issues a written notice disqualifying the grain dealer for  
3 cause, including failure to pay fund assessments under s. 126.15 when due or failure  
4 to file a financial statement under s. 126.13 when due.

5           3. The grain dealer fails to reimburse the department, within 60 days after the  
6 department issues a reimbursement demand under s. 126.73 (1), for the full amount  
7 that the department pays to claimants under s. 126.72 (1) because of that grain  
8 dealer's default.

9           4. The grain dealer fails to reimburse a bond surety, within 60 days after the  
10 bond surety issues a reimbursement demand under s. 126.73 (2), for the full amount  
11 that the surety pays to the department under s. 126.72 (2) or (3) for the benefit of  
12 claimants affected by that grain dealer's default.

13           **(3) PAYMENTS BY DISQUALIFIED GRAIN DEALER.** (a) The department may not return  
14 to a disqualified grain dealer any fund assessments that the grain dealer paid as a  
15 contributing grain dealer.

16           (b) A disqualified grain dealer remains liable for any unpaid fund installment  
17 under s. 126.15 that became due while the grain dealer was a contributing grain  
18 dealer. A disqualified grain dealer is not liable for any fund installment that becomes  
19 due after the grain dealer is disqualified under sub. (2).

20           **126.15 Contributing grain dealers; fund assessments. (1) GENERAL.** A  
21 contributing grain dealer shall pay an annual fund assessment for each license year.  
22 The assessment equals \$20 or the sum of the following, whichever is greater, unless  
23 the department by rule specifies a different assessment:

24           (a) The grain dealer's current ratio assessment. The current ratio assessment  
25 for a license year equals the grain dealer's current ratio assessment rate under sub.



1 (2) multiplied by the amount reported under s. 126.11 (9) (a) in the grain dealer's  
2 license application for that license year.

3 (b) The grain dealer's debt to equity ratio assessment. The debt to equity ratio  
4 assessment for a license year equals the grain dealer's debt to equity ratio  
5 assessment rate under sub. (4) multiplied by the amount reported under s. 126.11  
6 (9) (a) in the grain dealer's license application for that license year.

7 (c) The grain dealer's deferred payment assessment. The deferred payment  
8 assessment for a license year equals the grain dealer's deferred payment assessment  
9 rate under sub. (6) multiplied by the payment amount, if any, that the grain dealer  
10 reports under s. 126.11 (9) (b) in the grain dealer's license application for that license  
11 year.

12 **(2) CURRENT RATIO ASSESSMENT RATE.** A grain dealer's current ratio assessment  
13 rate is calculated, at the beginning of the license year, as follows:

14 (a) If the grain dealer has filed an annual financial statement under s. 126.13  
15 and that financial statement shows a current ratio of at least 1.25 to 1.0, the grain  
16 dealer's current ratio assessment rate equals the greater of zero or the current ratio  
17 assessment factor in sub. (3) (a) multiplied by the following amount:

- 18 1. Subtract one from the current ratio.
- 19 2. Divide the amount determined under subd. 1. by 3.
- 20 3. Multiply the amount determined under subd. 2. by negative one.
- 21 4. Raise the amount determined under subd. 3. to the 3rd power.
- 22 5. Subtract 0.75 from the current ratio.
- 23 6. Divide 0.65 by the amount determined under subd. 5.
- 24 7. Raise the amount determined under subd. 6. to the 5th power.

1           8. Add the amount determined under subd. 4. to the amount determined under  
2 subd. 7.

3           9. Add 2 to the amount determined under subd. 8.

4           (b) If the grain dealer has filed an annual financial statement under s. 126.13  
5 and that financial statement shows a current ratio of less than 1.25 to 1.0, but greater  
6 than 1.0 to 1.0, the grain dealer's current ratio assessment rate equals the current  
7 ratio assessment factor in sub. (3) (b) multiplied by the following amount:

8           1. Subtract one from the current ratio.

9           2. Divide the amount determined under subd. 1. by 3.

10          3. Multiply the amount determined under subd. 2. by negative one.

11          4. Raise the amount determined under subd. 3. to the 3rd power.

12          5. Subtract 0.75 from the current ratio.

13          6. Divide 0.65 by the amount determined under subd. 5.

14          7. Raise the amount determined under subd. 6. to the 5th power.

15          8. Add the amount determined under subd. 4. to the amount determined under  
16 subd. 7.

17          9. Add 2 to the amount determined under subd. 8.

18          (c) If the grain dealer has filed an annual financial statement under s. 126.13  
19 and that financial statement shows a current ratio of less than or equal to 1.0 to 1.0,  
20 the grain dealer's current ratio assessment rate equals the current ratio assessment  
21 factor in sub. (3) (b) multiplied by 120.81376.

22          (d) Except as provided in par. (e), if the grain dealer has not filed an annual  
23 financial statement under s. 126.13, the grain dealer's current ratio assessment rate  
24 equals the current ratio assessment factor in sub. (3) (b) multiplied by 5.71235.

1 (e) If the grain dealer has not filed an annual financial statement under s.  
2 126.13 and the grain dealer procures grain in this state solely as a producer agent,  
3 the grain dealer's current ratio assessment rate is 0.00025, except that, for the grain  
4 dealer's 5th or higher consecutive full license year of participation in the fund, the  
5 grain dealer's current ratio assessment rate is 0.000175.

6 **(3) CURRENT RATIO ASSESSMENT FACTOR.** (a) A grain dealer's current ratio  
7 assessment factor under sub. (2) (a) is 0.00003 except that, for the grain dealer's 5th  
8 or higher consecutive full license year as a contributing grain dealer, the grain  
9 dealer's current ratio assessment factor is zero.

10 (b) A grain dealer's current ratio assessment factor under sub. (2) (b) to (d) is  
11 0.000045 except that, for the grain dealer's 5th or higher consecutive full license year  
12 as a contributing grain dealer, the grain dealer's current ratio assessment factor is  
13 0.000036.

14 **(4) DEBT TO EQUITY ASSESSMENT RATE.** A grain dealer's debt to equity ratio  
15 assessment rate is calculated, at the beginning of the license year, as follows:

16 (a) If the grain dealer has filed an annual financial statement under s. 126.13  
17 and that financial statement shows positive equity and a debt to equity ratio of not  
18 more than 4.0 to 1.0, the grain dealer's debt to equity ratio assessment rate equals  
19 the greater of zero or the debt to equity ratio assessment factor in sub. (5) (a)  
20 multiplied by the following amount:

- 21 1. Subtract 4 from the debt to equity ratio.
- 22 2. Divide the amount determined under subd. 1. by 3.
- 23 3. Raise the amount determined under subd. 2. to the 3rd power.
- 24 4. Subtract 1.7 from the debt to equity ratio.
- 25 5. Divide the amount determined under subd. 4. by 1.75.

1           6. Raise the amount determined under subd. 5. to the 7th power.

2           7. Add the amount determined under subd. 3. to the amount determined under  
3 subd. 6.

4           8. Add 2 to the amount determined under subd. 7.

5           (b) If the grain dealer has filed an annual financial statement under s. 126.13  
6 and that financial statement shows a debt to equity ratio of greater than 4.0 to 1.0,  
7 but less than 5.0 to 1.0, the grain dealer's debt to equity ratio assessment rate equals  
8 the debt to equity ratio assessment factor in sub. (5) (b) multiplied by the following  
9 amount:

10           1. Subtract 4 from the debt to equity ratio.

11           2. Divide the amount determined under subd. 1. by 3.

12           3. Raise the amount determined under subd. 2. to the 3rd power.

13           4. Subtract 1.7 from the debt to equity ratio.

14           5. Divide the amount determined under subd. 4. by 1.75.

15           6. Raise the amount determined under subd. 5. to the 7th power.

16           7. Add the amount determined under subd. 3. to the amount determined under  
17 subd. 6.

18           8. Add 2 to the amount determined under subd. 7.

19           (c) If the grain dealer has filed an annual financial statement under s. 126.13  
20 and that financial statement shows negative equity or a debt to equity ratio of at least  
21 5.0 to 1.0, the grain dealer's debt to equity ratio assessment rate equals the debt to  
22 equity ratio assessment factor in sub. (5) (b) multiplied by 86.8244.

23           (d) Except as provided in par. (e), if the grain dealer has not filed an annual  
24 financial statement under s. 126.13, the grain dealer's debt to equity ratio

1 assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)  
2 multiplied by 8.77374.

3 (e) If the grain dealer has not filed an annual financial statement under s.  
4 126.13 and the grain dealer procures grain in this state solely as a producer agent,  
5 the grain dealer's debt to equity ratio assessment rate is 0.00025, except that it is  
6 0.000175 for the grain dealer's 5th or higher consecutive full license year of  
7 participation in the fund.

8 **(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR.** (a) A grain dealer's debt to equity  
9 ratio assessment factor under sub. (4) (a) is 0.0000125, except that it is zero for the  
10 grain dealer's 5th or higher consecutive full license year as a contributing grain  
11 dealer.

12 (b) A grain dealer's debt to equity ratio assessment factor under sub. (4) (b) to  
13 (d) is 0.00001875, except that it is 0.000015 for the grain dealer's 5th or higher  
14 consecutive full license year as a contributing grain dealer.

15 **(6) DEFERRED PAYMENT ASSESSMENT RATE.** A grain dealer's deferred payment  
16 assessment rate is 0.0035, except that it is 0.002 for the grain dealer's 5th or higher  
17 consecutive full license year as a contributing grain dealer.

18 **(7) QUARTERLY INSTALLMENTS.** (a) A contributing grain dealer shall pay the  
19 grain dealer's annual fund assessment in equal quarterly installments that are due  
20 as follows:

- 21 1. The first installment is due on October 1 of the license year.
- 22 2. The 2nd installment is due on January 1 of the license year.
- 23 3. The 3rd installment is due on April 1 of the license year.
- 24 4. The 4th installment is due on July 1 of the license year.

1 (b) A contributing grain dealer may prepay any of the quarterly installments  
2 under par. (a).

3 (c) A contributing grain dealer who applies for an annual license after the  
4 beginning of a license year shall pay the full annual fund assessment required under  
5 this section. The grain dealer shall pay, with the first quarterly installment that  
6 becomes due after the day on which the department issues the license, all of that  
7 year's quarterly installments that became due before that day.

8 (d) A contributing grain dealer who fails to pay the full amount of any quarterly  
9 installment when due shall pay, in addition to that installment, a late payment  
10 penalty of \$50 or 10% of the overdue installment amount, whichever is greater.

11 **(8) NOTICE OF ANNUAL ASSESSMENT AND QUARTERLY INSTALLMENTS.** When the  
12 department issues an annual license to a contributing grain dealer, the department  
13 shall notify the grain dealer of all of the following:

14 (a) The amount of the grain dealer's annual fund assessment under this  
15 section.

16 (b) The amount of each required quarterly installment under sub. (7) and the  
17 date by which the grain dealer must pay each installment.

18 (c) The penalty that applies under sub. (7) (d) if the grain dealer fails to pay any  
19 quarterly installment when due.

20 **126.16 Grain dealers; security. (1) SECURITY REQUIRED.** (a) A grain dealer  
21 shall file security with the department, and maintain that security until the  
22 department releases it under sub. (8) (a), if all of the following apply when the  
23 department first licenses the grain dealer under s. 126.11:

24 1. The grain dealer reports more than \$500,000 in grain payments under s.  
25 126.11 (9) (a).

1           2. The grain dealer files an annual financial statement under s. 126.13 (1) (a)  
2 and that financial statement shows negative equity.

3           (b) A grain dealer who reports any deferred payment contract obligations under  
4 s. 126.11 (9) (c) or 126.13 (1) (d) shall file security with the department, and maintain  
5 that security until the department releases it under sub. (8) (b), unless the grain  
6 dealer has positive equity and one of the following applies:

7           1. The grain dealer's annual financial statement under s. 126.13 covers a fiscal  
8 year ending on or before January 1, 2006, and shows a debt to equity ratio of not more  
9 than 5.0 to 1.0.

10          2. The grain dealer's annual financial statement under s. 126.13 covers a fiscal  
11 year ending after January 1, 2006, and shows a debt to equity ratio of not more than  
12 4.0 to 1.0.

13          **(2) SECURITY CONTINUED.** A grain dealer who filed security under ch. 127, 1999  
14 stats., before September 1, 2002, shall maintain that security until the department  
15 releases it under sub. (8) (c).

16          **(3) AMOUNT OF SECURITY.** A grain dealer who is required to file or maintain  
17 security under this section shall at all times maintain security that is at least equal  
18 to the sum of the following:

19          (a) An amount equal to 35% of the grain dealer's average monthly payment for  
20 the 3 months, during the preceding 12 months, in which the grain dealer made the  
21 largest monthly payments for producer grain procured in this state, except that this  
22 amount is not required of a contributing grain dealer after December 1, 2002.

23          (b) The grain dealer's highest total, at any time during the preceding 12  
24 months, of unpaid obligations for producer grain procured in this state under  
25 deferred payment contracts.

1           **(4) FORM OF SECURITY.** The department shall review, and determine whether  
2 to approve, security filed or maintained under this section. The department may  
3 approve only the following types of security:

4           (a) Currency.

5           (b) A commercial surety bond if all of the following apply:

6           1. The surety bond is made payable to the department for the benefit of grain  
7 producers and producer agents.

8           2. The surety bond is issued by a person authorized to operate a surety business  
9 in this state.

10          3. The surety bond is issued as a continuous term bond that may be canceled  
11 only with the department's written agreement or upon 90 days' prior written notice  
12 served on the department in person or by certified mail.

13          4. The surety bond is issued in a form, and subject to any terms and conditions,  
14 that the department considers appropriate.

15          (c) A certificate of deposit or money market certificate if all of the following  
16 apply:

17          1. The certificate is issued or endorsed to the department for the benefit of grain  
18 producers and producer agents who deliver grain to the grain dealer.

19          2. The certificate may not be canceled or redeemed without the department's  
20 written authorization.

21          3. No person may transfer or withdraw funds represented by the certificate  
22 without the department's written permission.

23          4. The certificate renews automatically without any action by the department.

24          5. The certificate is issued in a form, and subject to any terms and conditions,  
25 that the department considers appropriate.



1 (d) An irrevocable bank letter of credit if all of the following apply:

2 1. The letter of credit is payable to the department for the benefit of grain  
3 producers and producer agents.

4 2. The letter of credit is issued on bank letterhead.

5 3. The letter of credit is issued for an initial period of at least one year.

6 4. The letter of credit renews automatically unless at least 90 days before the  
7 scheduled renewal date the issuing bank gives the department written notice, in  
8 person or by certified mail, that the letter of credit will not be renewed.

9 5. The letter of credit is issued in a form, and subject to any terms and  
10 conditions, that the department considers appropriate.

11 (e) Security filed under ch. 127, 1999 stats., before September 1, 2002, except  
12 that on January 1, 2003, the department shall withdraw its approval of any security  
13 that is not approvable under pars. (a) to (d).

14 **(5) DEPARTMENT CUSTODY OF SECURITY.** The department shall hold, in its custody,  
15 all security filed and maintained under this section. The department shall hold the  
16 security for the benefit of grain producers and producer agents who deliver grain to  
17 a grain dealer.

18 **(6) MONTHLY REPORTS.** A grain dealer who is required to file or maintain  
19 security under this section shall file monthly reports with the department. The grain  
20 dealer shall file a report on or before the 10th day of each month, in a form specified  
21 by the department. In a monthly report, a grain dealer shall provide information  
22 reasonably required by the department, including all of the following:

23 (a) The grain dealer's average monthly payment for the 3 months, during the  
24 preceding 12 months, in which the grain dealer made the largest monthly payments  
25 for producer grain procured in this state.

1           (b) The grain dealer’s highest total unpaid obligations, at any time during the  
2 preceding 12 months, for producer grain procured in this state under deferred  
3 payment contracts. If the amount owed on deferred price contracts has not yet been  
4 determined, the grain dealer shall estimate the amount based on contract terms and  
5 prevailing market prices on the last day of the previous month.

6           **(7) ADDITIONAL SECURITY.** (a) The department may, at any time, demand  
7 additional security from a grain dealer if any of the following applies:

8           1. The grain dealer’s existing security falls below the amount required under  
9 sub. (3) for any reason, including depreciation in the value of the security filed with  
10 the department, an increase in grain payments or grain prices, or the cancellation  
11 of any security filed with the department.

12           2. The grain dealer fails to provide required information that is relevant to a  
13 determination of security requirements.

14           (b) The department shall issue a demand under par. (a) in writing. The  
15 department shall indicate why the security is required, the amount of security  
16 required, and the deadline date for filing security. The department may not specify  
17 a deadline for filing security that is more than 30 days after the date on which the  
18 department issues its demand for security.

19           (c) A grain dealer may request a hearing, under ch. 227, on a demand for  
20 security under par. (b). A request for hearing does not automatically stay a security  
21 demand.

22           (d) If a grain dealer fails to comply with the department’s demand for security  
23 under this subsection, the grain dealer shall give written notice of that fact to all  
24 grain producers and producer agents from whom the grain dealer procures producer  
25 grain in this state. If the grain dealer fails to give accurate notice under this

1 paragraph within 5 days after the deadline for filing security under par. (b) has  
2 passed, the department shall promptly notify those grain producers and producer  
3 agents by publishing a class 3 notice under ch. 985. The department may also give  
4 individual notice to those grain producers or producer agents of whom the  
5 department is aware.

6 (e) If a grain dealer fails to comply with the department's demand for security  
7 under this subsection, the department may do any of the following:

8 1. Issue a summary order under s. 126.55 (2) that prohibits the grain dealer  
9 from procuring producer grain or requires the grain dealer to pay cash on delivery  
10 for all producer grain.

11 2. Suspend or revoke the grain dealer's license.

12 **(8) RELEASING SECURITY.** (a) The department may release security filed under  
13 sub. (1) (a), except for any amount of security that the grain dealer is required to file  
14 because sub. (1) (b) applies to the grain dealer, if any of the following applies:

15 1. The grain dealer reports, for at least 2 consecutive years, no more than  
16 \$500,000 in annual grain payments under s. 126.11 (9) (a) and the grain dealer pays  
17 the quarterly fund assessment that would have been required of the grain dealer if  
18 the grain dealer had been a contributing grain dealer on the most recent quarterly  
19 installment date under s. 126.15 (7).

20 2. The grain dealer's annual financial statement under s. 126.13 shows positive  
21 equity for at least 2 consecutive years and the grain dealer pays the quarterly fund  
22 assessment that would have been required of the grain dealer if the grain dealer had  
23 been a contributing grain dealer on the most recent quarterly installment date under  
24 s. 126.15 (7).

1 (b) The department may release security filed under sub. (1) (b), except for any  
2 amount of security that the grain dealer is required to file because sub. (1) (a) applies  
3 to the grain dealer, if any of the following applies:

4 1. The grain dealer has not had any deferred payment contract obligations  
5 since the beginning of the grain dealer's last completed fiscal year.

6 2. The grain dealer files 2 consecutive annual financial statements under s.  
7 126.13 showing that the grain dealer meets the applicable equity requirement and  
8 debt to equity ratio under sub. (1) (b).

9 (c) On December 1, 2002, the department may release security maintained  
10 under sub. (2), unless the grain dealer is required to file security under sub. (1).

11 (d) The department may release security to the extent that the security exceeds  
12 the amount required under sub. (3).

13 (e) The department may release security if the grain dealer files alternative  
14 security, of equivalent value, that the department approves.

15 (f) The department shall release security if the grain dealer is no longer in  
16 business and has paid all grain obligations in full.

17 **126.17 Grain dealers; records. (1) RECORDS AND ACCOUNTS; GENERAL.** A grain  
18 dealer shall keep records and accounts of all grain procured and all grain sold or  
19 marketed by the grain dealer. A grain dealer shall keep records that are complete,  
20 accurate, current, well-organized, and accessible, so that the grain dealer and the  
21 department can readily determine all of the following:

22 (a) The kinds and amounts of grain procured, the procurement dates, the  
23 procurement terms, and the persons from whom the grain dealer procured the grain.

1 (b) The kinds and amounts of grain sold or marketed, the sale or marketing  
2 dates, the sale or marketing terms, and the persons to whom the grain dealer sold  
3 or marketed the grain.

4 (c) The kinds and amounts of grain, received from others, that the grain dealer  
5 has used for feed, seed, milling, manufacturing, processing, or other purposes.

6 (d) The kinds and amounts of grain, received from others, that the grain dealer  
7 has on hand, including the kinds and amounts of grain owned by the grain dealer,  
8 and the kinds and amounts of grain held for others.

9 (e) The nature and amount of the grain dealer's obligations to grain producers  
10 and producer agents, including obligations under deferred payment contracts. The  
11 grain dealer shall keep a daily record of obligations under priced contracts and a  
12 separate daily record of obligations under deferred price contracts that have not yet  
13 been priced.

14 (f) The nature and amount of the grain dealer's obligations to depositors, as  
15 defined in s. 126.25 (5), under agreements for the storage of grain, if any.

16 (g) The grain dealer's accounts receivable from the sale or marketing of grain,  
17 including the names of the account debtors, the amount receivable from each account  
18 debtor, and the dates on which payment is due.

19 **(2) RECORDS OF GRAIN PROCURED.** A grain dealer shall keep records all of the  
20 following related to each shipment of grain procured by the grain dealer:

21 (a) The kind and weight of grain procured.

22 (b) The grade and quality of the grain if determined.

23 (c) The date on which the grain dealer procured the grain.

24 (d) The name and address of the person from whom the grain dealer procured  
25 the grain.

1 (e) Whether the grain dealer purchased the grain, holds it under an agreement  
2 for storage, or is marketing the grain as a producer agent.

3 (f) The terms of purchase, storage, or marketing.

4 (g) If the grain dealer procured the grain under a deferred payment contract,  
5 the terms of that contract.

6 **(3) RECORDS RETENTION; INSPECTION.** (a) A grain dealer shall keep copies of all  
7 of the following records for at least 6 years after the records are created:

8 1. Records required under this section and s. 126.18 (2).

9 2. Records that the grain dealer was required to keep, under ch. 127, 1999  
10 stats., and department rules, before September 1, 2002.

11 (b) A grain dealer shall make records required under this section available to  
12 the department for inspection and copying upon request.

13 **126.18 Grain dealers; receipts for grain. (1) REQUIREMENT.** Whenever a  
14 grain dealer receives grain from any person, the grain dealer shall immediately give  
15 that person a written receipt for the grain that includes all of the following:

16 (a) The name of the grain dealer and a statement indicating whether the grain  
17 dealer is a corporation.

18 (b) A permanent business address at which the holder of the receipt can readily  
19 contact the grain dealer.

20 (c) A statement identifying the document as a receipt for grain.

21 (d) The date on which the grain dealer received the grain.

22 (e) The kind of grain received.

23 (f) The net weight of grain received or, if the grain dealer receives the grain at  
24 the grain producer's farm, the approximate net weight of the grain.

25 (g) The grade and quality of the grain, if determined.

1 (h) A statement identifying the receipt as a purchase receipt, storage receipt,  
2 or receipt for grain marketed by the grain dealer as a producer agent.

3 (i) The grain dealer's promise to pay the total amount due for grain, less any  
4 discounts that may apply, within 7 calendar days after the date of receipt of the grain.  
5 This requirement does not apply if any of the following applies:

6 1. The grain dealer pays cash on delivery.

7 2. The grain dealer receives the grain under a deferred payment contract that  
8 complies with s. 126.19.

9 3. The receipt is clearly identified as a storage receipt.

10 **(1m)** EFFECT OF FAILURE TO IDENTIFY RECEIPT. A receipt not clearly identified  
11 under sub. (1) (h) is considered a purchase receipt except that, if the grain dealer also  
12 operates as a grain warehouse keeper, as defined in s. 126.25 (9), under the same  
13 name, a receipt not clearly identified is considered a storage receipt.

14 **(2)** GRAIN DEALER'S COPIES. A grain dealer shall keep copies of all receipts issued  
15 under sub. (1).

16 **126.19 Grain dealers; deferred payment contracts. (1)** CONTRACT IN  
17 WRITING. A grain dealer may not procure grain from any grain producer or producer  
18 agent under a deferred payment contract before the contract is reduced to writing  
19 and signed by the parties. The grain dealer shall provide a copy of the signed contract  
20 to the other party.

21 **(2)** CONTENTS OF CONTRACT. A grain dealer may not enter into a deferred  
22 payment contract unless the deferred payment contract includes all of the following:

23 (a) A unique contract identification number.

1 (b) The type, weight, grade, and quality of grain procured and a statement that  
2 price adjustments may apply if delivered grain varies in grade or quality from that  
3 identified in the contract.

4 (c) The price for the grain or, in a deferred price contract, the method and  
5 deadline by which the price will be determined.

6 (d) The date by which the grain dealer agrees to make full payment for the  
7 grain, which may not be more than 180 days after the date on which the contract price  
8 is established or more than 180 days after the date on which the grain dealer takes  
9 custody or control of the grain, whichever is later.

10 (dm) If the contract is a deferred price contract, a pricing deadline that is not  
11 more than one year after the date on which the grain dealer takes custody or control  
12 of the grain.

13 (e) The grain dealer's permanent business location.

14 (f) Other information required under this section.

15 **(3) PAYMENT AND PRICING DEADLINES.** (a) A grain dealer shall make full payment  
16 under a deferred payment contract by the deadline date specified in the contract.

17 (b) The parties may not extend a payment or pricing deadline under sub. (2)  
18 (d) or (dm), except that they may sign a new contract that extends either deadline  
19 or both deadlines for up to 180 days if the new contract refers to the contract number  
20 of the original contract.

21 **(4) REQUIRED NOTICE.** A grain dealer may not enter into a deferred payment  
22 contract unless the deferred payment contract clearly discloses that it is not a storage  
23 contract. Whenever a grain dealer buys grain from a grain producer under a deferred  
24 payment contract, the grain dealer shall include the following statement in  
25 capitalized, boldface print immediately above the contract signature line: "This is



1 not a storage contract. The grain dealer (buyer) becomes the owner of any grain that  
2 the producer (seller) delivers to the grain dealer under this contract. The producer  
3 relinquishes ownership and control of the grain, and becomes an unsecured creditor  
4 pending payment.”

5 (5) DEFERRED PAYMENT CONTRACT ASSESSMENT. From the amount that a grain  
6 dealer pays to a grain producer or producer agent under a deferred payment contract,  
7 the grain dealer shall deduct a deferred payment contract assessment. The  
8 assessment shall equal the total amount owed under the contract before the  
9 assessment is deducted, multiplied by the deferred payment assessment rate that  
10 applies under s. 126.15 (6) when the contract is made. The grain dealer shall disclose  
11 the assessment amount or, if the contract is a deferred price contract, the method by  
12 which the assessment amount will be determined, in the written contract under sub.  
13 (1).

14 **126.20 Grain dealers; business practices. (1) GRAIN WEIGHT, GRADE, AND**  
15 **QUALITY.** A grain dealer shall do all of the following when determining the weight,  
16 grade, or quality of grain:

17 (a) Accurately determine the weight, grade, or quality using accurate weighing,  
18 testing, or grading equipment.

19 (b) Accurately record the determined weight, grade, or quality.

20 (2) TIMELY PAYMENT TO PRODUCERS. A grain dealer shall pay for grain when  
21 payment is due. A grain dealer may not make payment by nonnegotiable check or  
22 note or by check drawn on an account containing insufficient funds.

23 (3) PERMANENT BUSINESS LOCATION. A grain dealer licensed under s. 126.11 shall  
24 do all of the following:

1 (a) Maintain a permanent business address at which grain producers may  
2 readily contact the grain dealer during business hours.

3 (b) On each day that the Chicago Board of Trade is open for trading, keep  
4 business hours that start no later than 9 a.m. and end no earlier than 2:30 p.m.

5 (c) Prominently post the grain dealer's business hours at each of the grain  
6 dealer's business locations in this state.

7 **(4) PROHIBITED PRACTICES.** No grain dealer may do any of the following:

8 (a) Misrepresent the weight, grade, or quality of grain received from or  
9 delivered to any person.

10 (b) Falsify any record or account, or conspire with any other person to falsify  
11 a record or account.

12 (c) Make any false or misleading representation to the department.

13 (d) If the grain dealer is licensed under s. 126.11, engage in any activity that  
14 is inconsistent with a representation made in the grain dealer's annual license  
15 application.

16 (e) Make any false or misleading representation to a grain producer or producer  
17 agent related to any matters regulated under this chapter.

18 (f) Fail to file the full amount of security required under s. 126.16 (7) by the date  
19 that the department specifies.

20 **126.21 Grain producer obligations. (1) DELIVERY PER CONTRACT.** No grain  
21 producer or producer agent who contracts to sell and deliver grain to a grain dealer  
22 at an agreed price may wrongfully refuse to deliver that grain according to the  
23 contract.

24 **(2) DISCLOSURE OF LIENS AND SECURITY INTERESTS.** A grain dealer procuring grain  
25 from a grain producer or producer agent may require the grain producer or producer

1 agent to disclose any liens or security interests that apply to the grain. The grain  
2 dealer may require the disclosure in writing. The grain dealer may require the grain  
3 producer or producer agent to specify the nature and amount of each lien or security  
4 interest and the identity of the person holding that lien or security interest. No grain  
5 producer may falsify or fraudulently withhold information required under this  
6 subsection in order to sell grain.

#### 7 SUBCHAPTER IV

#### 8 GRAIN WAREHOUSE KEEPERS

9 **126.25 Definitions.** In this subchapter:

10 **(1)** “Capacity” means the maximum amount of grain, measured in bushels,  
11 that can be stored in a grain warehouse. The capacity of a grain warehouse is  
12 determined by dividing the cubic volume of all bins, expressed in cubic feet, by 1.244  
13 cubic feet per bushel, and applying a pack factor that the department specifies by  
14 rule.

15 **(2)** “Contributing grain warehouse keeper” means a grain warehouse keeper  
16 who is licensed under s. 126.26, who either has paid one or more quarterly  
17 installments under s. 126.30 (6) or is required to contribute to the fund, but the first  
18 quarterly installment under s. 126.30 (6) is not yet due, and who is not disqualified  
19 under s. 126.29 (2).

20 **(3)** “Current ratio” means the ratio of the value of current assets to the value  
21 of current liabilities, calculated according to s. 126.28 (6) (c) 1.

22 **(4)** “Debt to equity ratio” means the ratio of the value of liabilities to equity,  
23 calculated according to s. 126.28 (6) (c) 2.

24 **(5)** “Depositor” means any of the following:

1 (a) A person who delivers grain to a grain warehouse keeper for storage,  
2 conditioning, shipping, or handling, without transferring ownership to the  
3 warehouse keeper.

4 (b) A person who owns or legally holds a warehouse receipt or other document  
5 that is issued by a grain warehouse keeper and that entitles the person to receive  
6 stored grain.

7 (6) “Disqualified grain warehouse keeper” means a grain warehouse keeper  
8 who is disqualified from the fund under s. 126.29 (2).

9 (8) “Grain warehouse” means a facility in this state that is used to receive,  
10 store, or condition grain for others or that is used in the shipment of grain for others,  
11 except that “grain warehouse” does not include a transport vehicle.

12 (9) “Grain warehouse keeper” means a person who operates one or more grain  
13 warehouses in this state to receive, store, condition, or ship grain for others, except  
14 that “grain warehouse keeper” does not include a person licensed under the United  
15 States Warehouse Act, 7 USC 241 to 271.

16 (9m) “License year” means the period beginning on September 1 and ending  
17 on the following August 31.

18 (11) “Warehouse receipt” means a receipt for grain, issued by a grain  
19 warehouse keeper, that is also a document of title under s. 401.201 (15).

20 **126.26 Grain warehouse keepers; licensing. (1) LICENSE REQUIRED.** (a)  
21 No grain warehouse keeper may hold at any time more than 50,000 bushels of grain  
22 for others without a current annual license from the department. A grain warehouse  
23 keeper who has grain warehouses with a combined capacity of more than 50,000  
24 bushels shall obtain a license unless the grain warehouse keeper proves to the

1 department that the grain warehouse keeper holds no more than 50,000 bushels of  
2 grain for others at any time.

3 (b) A license under par. (a) expires on the August 31 following its issuance. No  
4 person may transfer or assign a license issued under par. (a).

5 **(2) LICENSE APPLICATION.** A person shall apply for a grain warehouse keeper  
6 license in writing, on a form provided by the department. The applicant shall provide  
7 all of the following:

8 (a) The applicant's legal name and any trade name under which the applicant  
9 proposes to operate as a grain warehouse keeper.

10 (b) A statement of whether the applicant is an individual, corporation,  
11 partnership, cooperative, limited liability company, trust, or other legal entity. If the  
12 applicant is a corporation or cooperative, the applicant shall identify each officer of  
13 the corporation or cooperative. If the applicant is a partnership, the applicant shall  
14 identify each partner.

15 (c) The mailing address of the applicant's primary business location and the  
16 name of a responsible individual who may be contacted at that location.

17 (d) The street address and capacity of every grain warehouse that the applicant  
18 operates or proposes to operate in this state and the name of a responsible individual  
19 who may be contacted at each warehouse.

20 (e) The combined capacity of all grain warehouses identified under par. (d).

21 (f) All license fees and surcharges required under sub. (3).

22 (g) Proof that the applicant is insured as required under s. 126.27, unless the  
23 applicant has previously filed proof that remains current. The proof may consist of  
24 a certification provided by an insurance company licensed to do business in this  
25 state.

1 (h) A financial statement if required under s. 126.28 (1) and not yet filed.

2 (i) Other relevant information required by the department.

3 **(3) LICENSE FEES AND SURCHARGES.** A person applying for a grain warehouse  
4 keeper license shall pay the following fees and surcharges, unless the department  
5 specifies a different fee or surcharge amount by rule:

6 (a) A nonrefundable license processing fee of \$25 plus \$25 for each grain  
7 warehouse identified under sub. (2) (d). If a grain warehouse keeper operates 2 or  
8 more grain warehouses located within 0.5 mile of each other, the grain warehouse  
9 keeper may treat those grain warehouses as a single grain warehouse for purposes  
10 of this paragraph and par. (c).

11 (b) The following inspection fee, less any credit provided under sub. (5):

12 1. A fee of \$500 if the combined capacity of the applicant's grain warehouses  
13 is less than 150,000 bushels.

14 2. A fee of \$550 if the combined capacity of the applicant's grain warehouses  
15 is at least 150,000 bushels but less than 250,000 bushels.

16 3. A fee of \$600 if the combined capacity of the applicant's grain warehouses  
17 is at least 250,000 bushels but less than 500,000 bushels.

18 4. A fee of \$650 if the combined capacity of the applicant's grain warehouses  
19 is at least 500,000 bushels but less than 750,000 bushels.

20 5. A fee of \$700 if the combined capacity of the applicant's grain warehouses  
21 is at least 750,000 bushels but less than 1,000,000 bushels.

22 6. A fee of \$800 if the combined capacity of the applicant's grain warehouses  
23 is at least 1,000,000 bushels but less than 2,000,000 bushels.

24 7. A fee of \$900 if the combined capacity of the applicant's grain warehouses  
25 is at least 2,000,000 bushels but less than 3,000,000 bushels.

1           8. A fee of \$1,000 if the combined capacity of the applicant's grain warehouses  
2 is at least 3,000,000 bushels but less than 4,000,000 bushels.

3           9. A fee of \$1,100 if the combined capacity of the applicant's grain warehouses  
4 is 4,000,000 bushels or more.

5           (c) A supplementary inspection fee of \$275 for each grain warehouse that the  
6 applicant operates in excess of one grain warehouse.

7           (d) A license surcharge of \$500 if the department determines that, within 365  
8 days before submitting the license application, the applicant operated as a grain  
9 warehouse keeper without a license in violation of sub. (1). The applicant shall also  
10 pay any license fees, license surcharges, and fund assessments that are still due for  
11 the license year in which the applicant violated sub. (1).

12           (e) A license surcharge of \$100 if during the preceding 12 months the applicant  
13 failed to file an annual financial statement required under s. 126.28 (1) (b) by the  
14 applicable deadline.

15           (f) A license surcharge of \$100 if a renewal applicant fails to renew a license  
16 by the license expiration date of August 31.

17           **(3m)** EFFECT OF PAYMENT OF SURCHARGE. Payment under sub. (3) (d) does not  
18 relieve the applicant of any other civil or criminal liability that results from the  
19 violation of sub. (1), but does not constitute evidence of any law violation.

20           **(4)** LICENSE FOR PART OF YEAR; FEES. A person who applies for an annual grain  
21 warehouse keeper license after the beginning of a license year shall pay the full  
22 annual fee amounts required under sub. (3).

23           **(5)** FEE CREDIT. If the fund balance contributed by grain warehouse keepers  
24 exceeds \$300,000 on June 30 of any license year, the department shall credit 12.5%  
25 of the excess amount against fees charged under sub. (3) (b) to contributing grain

1 warehouse keepers who file timely license renewal applications for the next license  
2 year. The department shall credit each contributing grain warehouse keeper on a  
3 prorated basis, in proportion to the total fees that the warehouse keeper has paid  
4 under sub. (3) (b) for the 4 preceding license years.

5 **(6) FEE STATEMENT.** The department shall provide, with each license application  
6 form, a written statement of all license fees and surcharges required under sub. (3)  
7 or the formula for determining them. The department shall specify any fee credit for  
8 which the applicant may qualify under sub. (5).

9 **(7) NO LICENSE WITHOUT FULL PAYMENT.** The department may not grant a license  
10 under sub. (1) until the applicant pays all license fees and surcharges identified in  
11 the department's statement under sub. (6). The department shall refund a fee or  
12 surcharge paid under protest if upon review the department determines that the fee  
13 or surcharge is not applicable.

14 **(8) ACTION GRANTING OR DENYING APPLICATION.** The department shall grant or  
15 deny a license application under sub. (2) within 30 days after the department  
16 receives a complete application. If the department denies a license application, the  
17 department shall give the applicant a written notice stating the reasons for the  
18 denial.

19 **(9) LICENSE DISPLAYED.** A grain warehouse keeper who is required to hold a  
20 license under sub. (1) shall prominently display a copy of that license at each grain  
21 warehouse.

22 **(10) NOTIFICATION.** A licensed warehouse keeper shall notify the department,  
23 in writing, before the warehouse keeper adds a grain warehouse or changes the  
24 location or capacity of any grain warehouse. In the notice, the grain warehouse  
25 keeper shall specify any change in the combined capacity of grain warehouses



1 operated by the grain warehouse keeper resulting from the proposed addition or  
2 change.

3 **126.27 Grain warehouse keepers; insurance. (1) FIRE AND EXTENDED**  
4 **COVERAGE INSURANCE.** A grain warehouse keeper licensed under s. 126.26 (1) shall  
5 maintain fire and extended coverage insurance, issued by an insurance company  
6 authorized to do business in this state, that covers all grain in the custody of the grain  
7 warehouse keeper, whether owned by the grain warehouse keeper or held for others,  
8 at the full local market value of the grain.

9 **(2) INSURANCE CANCELLATION; REPLACEMENT.** (a) No person may cancel an  
10 insurance policy required under sub. (1) unless that person serves a written notice  
11 of the intended cancellation on the department at least 30 days before the  
12 cancellation takes effect.

13 (b) Whenever an insurance policy under sub. (1) is canceled, the grain  
14 warehouse keeper shall replace the policy so that there is no lapse in coverage.  
15 Within 20 days after a cancellation notice under par. (a) is served on the department,  
16 and at least 10 days before the cancellation takes effect, the grain warehouse keeper  
17 shall provide the department with proof of the replacement policy. The department  
18 may accept, as proof, a certification provided by an insurance company licensed to  
19 do business in this state.

20 **(3) INSURANCE DEDUCTIBLES.** An insurance policy does not comply with sub. (1)  
21 if it contains any deductible clause that limits the insurer's obligation to pay to each  
22 depositor the full value of the depositor's covered losses under the policy. The grain  
23 warehouse keeper may agree to indemnify the insurer for a portion of each depositor  
24 claim that the insurer pays under the policy if the agreement does not limit the

1 insurer's obligation to pay each depositor the full amount of the depositor's covered  
2 losses.

3 (4) INSURANCE DISCLOSURES. A grain warehouse keeper licensed under s. 126.26  
4 (1) shall disclose all of the following to a depositor if the depositor requests that  
5 information:

6 (a) The material terms of the grain warehouse keeper's fire and extended  
7 coverage insurance policy under sub. (1).

8 (b) Whether the grain warehouse keeper has liability insurance covering the  
9 grain warehouse keeper's grain operations, and the material terms of that liability  
10 insurance policy.

11 (5) INSURANCE COVERAGE; MISREPRESENTATION. No grain warehouse keeper may  
12 misrepresent any of the following to the department or a depositor:

13 (a) That the grain warehouse keeper is insured.

14 (b) The nature, coverage, or material terms of the grain warehouse keeper's  
15 insurance policy.

16 **126.28 Grain warehouse keepers; financial statements. (1) REQUIRED**  
17 ANNUAL FINANCIAL STATEMENT. (a) A grain warehouse keeper shall file an annual  
18 financial statement with the department before the department first licenses the  
19 warehouse keeper under s. 126.26 (1), if the warehouse keeper operates grain  
20 warehouses with a combined capacity of more than 300,000 bushels.

21 (b) A grain warehouse keeper licensed under s. 126.26 (1) shall file an annual  
22 financial statement with the department during each license year if the grain  
23 warehouse keeper operates warehouses with a combined capacity of more than  
24 300,000 bushels. The grain warehouse keeper shall file the annual financial  
25 statement by the 15th day of the 4th month following the close of the grain warehouse

1 keeper's fiscal year, except that the department may extend the annual filing  
2 deadline for up to 30 days if the grain warehouse keeper, or the accountant reviewing  
3 or auditing the financial statement, files a written extension request at least 10 days  
4 before the filing deadline.

5 **(2) VOLUNTARY ANNUAL FINANCIAL STATEMENT.** A contributing grain warehouse  
6 keeper who is not required to file an annual financial statement under sub. (1) may  
7 file an annual financial statement with the department in order to qualify for a lower  
8 fund assessment under s. 126.30.

9 **(3) REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A grain warehouse keeper  
10 filing an annual financial statement under sub. (1) or (2) shall file an audited  
11 financial statement if the warehouse keeper operates grain warehouses with a  
12 combined capacity of more than 500,000 bushels.

13 (b) If par. (a) does not apply, a grain warehouse keeper filing an annual financial  
14 statement under sub. (1) or (2) shall file either a reviewed financial statement or an  
15 audited financial statement.

16 **(4) ACCOUNTING PERIOD.** A grain warehouse keeper filing an annual financial  
17 statement under sub. (1) or (2) shall file a financial statement that covers the grain  
18 warehouse keeper's last completed fiscal year unless the grain warehouse keeper has  
19 been in business for less than one year.

20 **(4m) INTERIM FINANCIAL STATEMENT.** The department may, at any time, require  
21 a grain warehouse keeper licensed under s. 126.26 (1) to file an interim financial  
22 statement with the department. The grain warehouse keeper shall provide, with the  
23 interim financial statement, the warehouse keeper's sworn and notarized statement  
24 that the financial statement is correct. An interim financial statement need not be  
25 a reviewed financial statement or an audited financial statement.

1           **(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** (a) Except as provided in par.  
2 (b), a grain warehouse keeper filing an annual financial statement under this section  
3 shall file a financial statement that is prepared according to generally accepted  
4 accounting principles.

5           (b) If a grain warehouse keeper is a sole proprietor and the grain warehouse  
6 keeper's financial statement is not audited, the grain warehouse keeper shall file a  
7 financial statement that is prepared on a historical cost basis.

8           **(6) FINANCIAL STATEMENT CONTENTS.** (a) Except as provided in par. (b), a grain  
9 warehouse keeper filing a financial statement under this section shall file a financial  
10 statement that consists of a balance sheet, income statement, equity statement,  
11 statement of cash flows, notes to those statements, and any other information  
12 required by the department. A grain warehouse keeper who is a sole proprietor shall  
13 file his or her business and personal financial statements.

14           (b) If a grain warehouse keeper has been in business for less than one year, the  
15 grain warehouse keeper may file an annual financial statement under sub. (1) or (2)  
16 that consists of a balance sheet and notes.

17           (c) A grain warehouse keeper filing a financial statement under this section  
18 shall include in the financial statement, or in an attachment to the financial  
19 statement, calculations of all of the following:

20           1. The grain warehouse keeper's current ratio, excluding any assets required  
21 to be excluded under sub. (7).

22           2. The grain warehouse keeper's debt to equity ratio, excluding any assets  
23 required to be excluded under sub. (7).

1           **(7) ASSETS EXCLUDED.** A grain warehouse keeper may not include any of the  
2 following assets in calculating the ratios under sub. (6) (c), unless the department  
3 specifically approves their inclusion:

4           (a) A nontrade note or account receivable from an officer, director, employee,  
5 partner, or stockholder, or from a member of the family of any of those individuals,  
6 unless the note or account receivable is secured by a first priority security interest  
7 in real or personal property.

8           (b) A note or account receivable from a parent organization, a subsidiary, or an  
9 affiliate other than an employee.

10          (c) A note or account that has been receivable for more than one year, unless  
11 the grain warehouse keeper has established an equal offsetting reserve for  
12 uncollectible notes and accounts receivable.

13          **(9) ENTITY COVERED.** A person filing a financial statement under this section  
14 may not file, in lieu of that person's financial statement, the financial statement of  
15 the person's parent organization, subsidiary, predecessor, or successor.

16          **(10) DEPARTMENT REVIEW.** The department may analyze a financial statement  
17 submitted under this section and may reject a financial statement that fails to  
18 comply with this section.

19          **126.29 Contributing grain warehouse keepers; disqualification. (1)**  
20 CONTRIBUTION REQUIRED. A grain warehouse keeper licensed under s. 126.26 (1) shall  
21 pay fund assessments under s. 126.30 unless the grain warehouse keeper is  
22 disqualified under sub. (2).

23          **(2) DISQUALIFIED WAREHOUSE KEEPER.** (a) A grain warehouse keeper who is  
24 required to file security under s. 126.31 (1) is disqualified from the fund until the  
25 department releases that security under s. 126.31 (8) (a).

1 (b) A grain warehouse keeper is disqualified from the fund if the department  
2 denies, suspends, or revokes the grain warehouse keeper's license.

3 (3) PAYMENTS BY DISQUALIFIED GRAIN WAREHOUSE KEEPER. (a) The department  
4 may not return, to a disqualified grain warehouse keeper, any fund assessments that  
5 the warehouse keeper paid as a contributing grain warehouse keeper.

6 (b) A disqualified grain warehouse keeper remains liable for any unpaid fund  
7 installment under s. 126.30 that became due while the grain warehouse keeper was  
8 a contributing grain warehouse keeper. A disqualified grain warehouse keeper is not  
9 liable for any fund installment that becomes due after the grain warehouse keeper  
10 is disqualified under sub. (2).

11 **126.30 Grain warehouse keepers; fund assessments. (1) GENERAL.** A  
12 contributing grain warehouse keeper shall pay an annual fund assessment for each  
13 license year. The assessment equals \$20 or the sum of the following, whichever is  
14 greater, unless the department by rule specifies a different assessment:

15 (a) The grain warehouse keeper's current ratio assessment. The current ratio  
16 assessment for a license year is the amount, expressed as dollars, equal to the grain  
17 warehouse keeper's current ratio assessment rate under sub. (2) multiplied by the  
18 number of bushels that the grain warehouse keeper reports under s. 126.26 (2) (e)  
19 or (10).

20 (b) The warehouse keeper's debt to equity ratio assessment. The debt to equity  
21 ratio assessment for each license year is the amount, expressed as dollars, equal to  
22 the grain warehouse keeper's debt to equity ratio assessment rate under sub. (4)  
23 multiplied by the number of bushels that the warehouse keeper reports under s.  
24 126.26 (2) (e) or (10).

1           **(2) CURRENT RATIO ASSESSMENT RATE.** A grain warehouse keeper’s current ratio  
2 assessment rate is calculated, at the beginning of the license year, as follows:

3           (a) If the grain warehouse keeper has filed an annual financial statement  
4 under s. 126.28 and that financial statement shows a current ratio of at least 1.25  
5 to 1.0, the grain warehouse keeper’s current ratio assessment rate equals the greater  
6 of zero or the current ratio assessment factor in sub. (3) (a) multiplied by an amount  
7 determined as follows:

- 8           1. Subtract one from the current ratio.
- 9           2. Divide the amount determined under subd. 1. by 3.
- 10          3. Multiply the amount determined under subd. 2. by negative one.
- 11          4. Raise the amount determined under subd. 3. to the 3rd power.
- 12          5. Subtract 0.75 from the current ratio.
- 13          6. Divide 0.65 by the amount determined under subd. 5.
- 14          7. Raise the amount determined under subd. 6. to the 5th power.
- 15          8. Add the amount determined under subd. 4. to the amount determined under  
16 subd. 7.
- 17          9. Add 2 to the amount determined under subd. 8.

18           (b) If the grain warehouse keeper has filed an annual financial statement  
19 under s. 126.28 and that financial statement shows a current ratio of less than 1.25  
20 to 1.0, but greater than 1.0 to 1.0, the grain warehouse keeper’s current ratio  
21 assessment rate equals the current ratio assessment factor in sub. (3) (b) multiplied  
22 by the following amount:

- 23          1. Subtract one from the current ratio.
- 24          2. Divide the amount determined under subd. 1. by 3.
- 25          3. Multiply the amount determined under subd. 2. by negative one.

1           4. Raise the amount determined under subd. 3. to the 3rd power.

2           5. Subtract 0.75 from the current ratio.

3           6. Divide 0.65 by the amount determined under subd. 5.

4           7. Raise the amount determined under subd. 6. to the 5th power.

5           8. Add the amount determined under subd. 4. to the amount determined under  
6 subd. 7.

7           9. Add 2 to the amount determined under subd. 8.

8           (c) If the grain warehouse keeper has filed an annual financial statement under  
9 s. 126.28 and that financial statement shows a current ratio of less than or equal to  
10 1.0 to 1.0, the warehouse keeper's current ratio assessment rate equals the current  
11 ratio assessment factor in sub. (3) (b) multiplied by 120.81376.

12           (d) If the grain warehouse keeper has not filed an annual financial statement  
13 under s. 126.28, the warehouse keeper's current ratio assessment rate equals the  
14 current ratio assessment factor in sub. (3) (b) multiplied by 5.71235.

15           **(3) CURRENT RATIO ASSESSMENT FACTOR.** (a) A grain warehouse keeper's current  
16 ratio assessment factor under sub. (2) (a) is 0.00003 except that, for the grain  
17 warehouse keeper's 5th or higher consecutive full license year as a contributing grain  
18 warehouse keeper, the grain warehouse keeper's current ratio assessment factor is  
19 zero.

20           (b) A grain warehouse keeper's current ratio assessment factor under sub. (2)  
21 (b) to (d) is 0.000045 except that, for the grain warehouse keeper's 5th or higher  
22 consecutive full license year as a contributing grain warehouse keeper, the grain  
23 warehouse keeper's current ratio assessment factor is 0.000036.



1           **(4) DEBT TO EQUITY RATIO ASSESSMENT RATE.** A grain warehouse keeper's debt to  
2 equity ratio assessment rate is calculated, at the beginning of the license year, as  
3 follows:

4           (a) If the grain warehouse keeper has filed an annual financial statement  
5 under s. 126.28 and that financial statement shows positive equity and a debt to  
6 equity ratio of not more than 4.0 to 1.0, the grain warehouse keeper's debt to equity  
7 ratio assessment rate equals the greater of zero or the debt to equity ratio assessment  
8 factor in sub. (5) (a) multiplied by the following amount:

- 9           1. Subtract 4 from the debt to equity ratio.
- 10           2. Divide the amount determined under subd. 1. by 3.
- 11           3. Raise the amount determined under subd. 2. to the 3rd power.
- 12           4. Subtract 1.7 from the debt to equity ratio.
- 13           5. Divide the amount determined under subd. 4. by 1.75.
- 14           6. Raise the amount determined under subd. 5. to the 7th power.
- 15           7. Add the amount determined under subd. 3. to the amount determined under  
16 subd. 6.
- 17           8. Add 2 to the amount determined under subd. 7.

18           (b) If the grain warehouse keeper has filed an annual financial statement  
19 under s. 126.28 and that financial statement shows a debt to equity ratio of greater  
20 than 4.0 to 1.0 but less than 5.0 to 1.0, the grain warehouse keeper's debt to equity  
21 ratio assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)  
22 multiplied by the following amount:

- 23           1. Subtract 4 from the debt to equity ratio.
- 24           2. Divide the amount determined under subd. 1. by 3.
- 25           3. Raise the amount determined under subd. 2. to the 3rd power.

1           4. Subtract 1.7 from the debt to equity ratio.

2           5. Divide the amount determined under subd. 4. by 1.75.

3           6. Raise the amount determined under subd. 5. to the 7th power.

4           7. Add the amount determined under subd. 3. to the amount determined under  
5 subd. 6.

6           8. Add 2 to the amount determined under subd. 7.

7           (c) If the grain warehouse keeper has filed an annual financial statement under  
8 s. 126.28 and that financial statement shows negative equity or a debt to equity ratio  
9 of at least 5.0 to 1.0, the grain warehouse keeper's debt to equity ratio assessment  
10 rate equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by  
11 86.8244.

12           (d) If the grain warehouse keeper has not filed an annual financial statement  
13 under s. 126.28, the grain warehouse keeper's debt to equity ratio assessment rate  
14 equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 8.77374.

15           **(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR.** (a) A grain warehouse keeper's  
16 debt to equity ratio assessment factor under sub. (4) (a) is 0.0000125, except that it  
17 is zero for the grain warehouse keeper's 5th or higher consecutive full license year  
18 as a contributing grain warehouse keeper.

19           (b) A grain warehouse keeper's debt to equity ratio assessment factor under  
20 sub. (4) (b) to (d) is 0.00001875, except that it is 0.000015 for the grain warehouse  
21 keeper's 5th or higher consecutive full license year as a contributing grain warehouse  
22 keeper.

23           **(6) QUARTERLY INSTALLMENTS.** (a) A contributing grain warehouse keeper shall  
24 pay the grain warehouse keeper's annual fund assessment in equal quarterly  
25 installments that are due as follows:

1           1. The first installment is due on October 1 of the license year.

2           2. The 2nd installment is due on January 1 of the license year.

3           3. The 3rd installment is due on April 1 of the license year.

4           4. The 4th installment is due on July 1 of the license year.

5           (b) A contributing grain warehouse keeper may prepay any of the quarterly  
6 installments under par. (a).

7           (c) A contributing grain warehouse keeper who applies for an annual license  
8 after the beginning of a license year shall pay the full annual fund assessment  
9 required under this section. The grain warehouse keeper shall pay, with the first  
10 quarterly installment that becomes due after the day on which the department  
11 issues the license, all of the quarterly installments that were due before that day.

12           (d) A contributing grain warehouse keeper who fails to pay the full amount of  
13 any quarterly installment when due shall pay, in addition to that installment, a late  
14 payment penalty of \$50 or 10% of the overdue installment amount, whichever is  
15 greater.

16           **(7) NOTICE OF ANNUAL ASSESSMENT AND QUARTERLY INSTALLMENTS.** When the  
17 department issues an annual license to a contributing grain warehouse keeper, the  
18 department shall notify the grain warehouse keeper of all of the following:

19           (a) The amount of the grain warehouse keeper's annual fund assessment under  
20 this section.

21           (b) The amount of each required quarterly installment under sub. (6), and the  
22 date by which the grain warehouse keeper must pay each installment.

23           (c) The penalty that applies under sub. (6) (d) if the grain warehouse keeper  
24 fails to pay any quarterly installment when due.

1           **126.31 Grain warehouse keepers; security. (1) SECURITY REQUIRED.** A  
2 grain warehouse keeper shall file security with the department, and maintain that  
3 security until the department releases it under sub. (8), if all of the following apply  
4 when the department first licenses the grain warehouse keeper under s. 126.26 (1):

5           (a) The grain warehouse keeper operates grain warehouses with a combined  
6 capacity of more than 300,000 bushels.

7           (b) The grain warehouse keeper's annual financial statement under s. 126.28  
8 (1) (a) shows negative equity.

9           **(2) SECURITY CONTINUED.** A grain warehouse keeper who filed security under  
10 ch. 127, 1999 stats., before September 1, 2002, shall maintain that security until the  
11 department releases it under sub. (8).

12           **(3) AMOUNT OF SECURITY.** A grain warehouse keeper who is required to file or  
13 maintain security under this section shall at all times maintain security equal to at  
14 least 20% of the current local market value of grain that the grain warehouse keeper  
15 holds in this state for others.

16           **(4) FORM OF SECURITY.** The department shall review, and determine whether  
17 to approve, security filed or maintained under this section. The department may  
18 approve only the following types of security:

19           (a) Currency.

20           (b) A commercial surety bond if all of the following apply:

21           1. The surety bond is made payable to the department for the benefit of  
22 depositors.

23           2. The surety bond is issued by a person authorized to operate a surety business  
24 in this state.

1           3. The surety bond is issued as a continuous term bond that may be canceled  
2 only with the department's written agreement, or upon 90 days' prior written notice  
3 served on the department in person or by certified mail.

4           4. The surety bond is issued in a form, and subject to any terms and conditions,  
5 that the department considers appropriate.

6           (c) A certificate of deposit or money market certificate, if all of the following  
7 apply:

8           1. The certificate is issued or endorsed to the department for the benefit of  
9 depositors.

10          2. The certificate may not be canceled or redeemed without the department's  
11 written permission.

12          3. No person may transfer or withdraw funds represented by the certificate  
13 without the department's written permission.

14          4. The certificate renews automatically without any action by the department.

15          5. The certificate is issued in a form, and subject to any terms and conditions,  
16 that the department considers appropriate.

17          (d) An irrevocable bank letter of credit if all of the following apply:

18          1. The letter of credit is payable to the department for the benefit of depositors.

19          2. The letter of credit is issued on bank letterhead.

20          3. The letter of credit is issued for an initial period of at least one year.

21          4. The letter of credit renews automatically unless at least 90 days before the  
22 scheduled renewal date the issuing bank gives the department written notice, in  
23 person or by certified mail, that the letter of credit will not be renewed.

24          5. The letter of credit is issued in a form, and subject to any terms and  
25 conditions, that the department considers appropriate.

1 (e) Security filed under ch. 127, 1999 stats., before September 1, 2002, except  
2 that on January 1, 2003, the department shall withdraw its approval of any security  
3 that is not approvable under pars. (a) to (d).

4 (5) DEPARTMENT CUSTODY OF SECURITY. The department shall hold, in its custody,  
5 all security filed and maintained under this section. The department shall hold the  
6 security for the benefit of depositors.

7 (6) ADDITIONAL SECURITY. (a) The department may, at any time during a license  
8 year, demand additional security from a grain warehouse keeper if any of the  
9 following applies:

10 1. The grain warehouse keeper's existing security falls below the amount  
11 required under sub. (3) for any reason, including depreciation in the value of the  
12 security, increased obligations to depositors, or the cancellation of any security filed  
13 with the department.

14 2. The grain warehouse keeper fails to provide required information that is  
15 relevant to a determination of security requirements.

16 (b) The department shall issue a demand under par. (a) in writing. The  
17 department shall indicate why additional security is required, the amount of  
18 security required, and the deadline date for filing security. The department may not  
19 specify a deadline for filing security that is more than 30 days after the date on which  
20 the department issues its demand for security.

21 (c) A grain warehouse keeper may request a hearing, under ch. 227, on a  
22 demand for security under par. (b). A request for hearing does not automatically stay  
23 a security demand.

24 (d) If a grain warehouse keeper fails to comply with the department's demand  
25 for security under this subsection, the grain warehouse keeper shall give written

1 notice of that fact to all depositors. If the grain warehouse keeper fails to give  
2 accurate notice under this paragraph within 5 days after the deadline for filing  
3 security under par. (b) has passed, the department shall promptly notify depositors  
4 by publishing a class 3 notice under ch. 985. The department may also give  
5 individual notice to depositors of whom the department is aware.

6 (e) If a grain warehouse keeper fails to comply with the department's demand  
7 for security under this subsection, the department may do any of the following:

- 8 1. Issue an appropriate summary order under s. 126.85 (2).
- 9 2. Suspend or revoke the grain warehouse keeper's license.

10 **(7) MONTHLY REPORTS.** A grain warehouse keeper who is required to file or  
11 maintain security under this section shall file monthly reports with the department.  
12 The grain warehouse keeper shall file the report by the 10th day of each month, in  
13 a form specified by the department. In a monthly report, the grain warehouse keeper  
14 shall provide information reasonably required by the department, including the  
15 amount of each type of grain stored in each grain warehouse on the last day of the  
16 preceding month.

17 **(8) RELEASING SECURITY.** (a) The department may release security filed under  
18 sub. (1) if any of the following applies:

- 19 1. The grain warehouse keeper reports grain warehouse capacity under s.  
20 126.26 (2) (e) of less than 300,000 bushels for at least 2 consecutive license years and  
21 the grain warehouse keeper pays the quarterly fund assessment that would have  
22 been required of the grain warehouse keeper if the grain warehouse keeper had been  
23 a contributing grain warehouse keeper on the most recent quarterly installment date  
24 under s. 126.30 (6).

1           2. The grain warehouse keeper's annual financial statement under s. 126.28  
2 shows positive equity for at least 2 consecutive years and the grain warehouse keeper  
3 pays the quarterly fund assessment that would have been required of the grain  
4 warehouse keeper if the grain warehouse keeper had been a contributing grain  
5 warehouse keeper on the most recent quarterly installment date under s. 126.30 (6).

6           (b) On December 1, 2002, the department may release security maintained  
7 under sub. (2), unless the grain warehouse keeper is required to file security under  
8 sub. (1).

9           (c) The department may release security to the extent that the security exceeds  
10 the amount required under sub. (3).

11           (d) The department may release security if the grain warehouse keeper files  
12 alternative security, of equivalent value, that the department approves.

13           (e) The department shall release security if the grain warehouse keeper has  
14 gone out of business and has fulfilled all grain obligations to depositors.

15           **126.32 Grain warehouse keepers; records. (1) RECORDS AND ACCOUNTS;**  
16 GENERAL. A grain warehouse keeper shall maintain current, complete, and accurate  
17 records and accounts of all grain received into and withdrawn from each grain  
18 warehouse, including records required under subs. (2) and (3).

19           **(2) DAILY POSITION RECORDS.** A grain warehouse keeper shall keep daily position  
20 records for each type of grain, so that the grain warehouse keeper and the  
21 department can easily determine all of the following on a daily basis:

22           (a) The total amount of grain held by the warehouse keeper, including grain  
23 under pars. (b) and (c).

24           (b) The total amount of grain that the warehouse keeper holds for others.



1 (c) The total amount of grain held by the warehouse keeper of which the  
2 warehouse keeper claims ownership.

3 (d) The warehouse keeper's total grain obligations to depositors.

4 **(3) DEPOSITOR RECORDS.** A grain warehouse keeper shall keep for each  
5 depositor, in a form that the grain warehouse keeper and the department can easily  
6 retrieve, records of all of the following:

7 (a) The depositor's name and address.

8 (b) The kinds and amounts of grain that the grain warehouse keeper received  
9 from the depositor, the receipt dates, and the terms under which the grain warehouse  
10 keeper received the grain.

11 (c) The kinds and amounts of grain that the grain warehouse keeper has  
12 released to the depositor and the release dates.

13 (d) The kinds and amounts of grain that the grain warehouse keeper holds for  
14 the depositor. The grain warehouse keeper shall update this record on a daily basis.

15 **(4) ADJUSTING RECORDS.** (a) Whenever a grain warehouse keeper alters a record  
16 entry under sub. (2) or (3), the grain warehouse keeper shall clearly identify and  
17 explain the alteration so that the reason for the alteration is clear to a person  
18 reviewing the records.

19 (b) Except as provided in par. (c), a grain warehouse keeper may not alter a  
20 record entry under sub. (2) or (3) without the department's prior approval.

21 (c) A grain warehouse keeper may, without the department's prior approval,  
22 correct a record entry under sub. (2) or (3) for any of the following reasons:

23 1. To account for handling losses, if the warehouse keeper corrects for handling  
24 losses at least monthly.

1           2. To account for errors or omissions related to the receipt or withdrawal of  
2 grain, if the warehouse keeper has documentation to support the correction.

3           **(5) RECORDS RETENTION; AVAILABILITY.** (a) A grain warehouse keeper shall retain  
4 all of the following records for at least 6 years from the date of their creation:

5           1. Records required under this section and s. 126.33 (3).

6           2. Records that the grain warehouse keeper was required to keep under ch. 127,  
7 1999 stats., and department rules, before January 1, 2002.

8           (b) If a grain warehouse keeper keeps records under subs. (2) and (3) in  
9 computerized form, the grain warehouse keeper shall generate a hard copy printout  
10 for each business day unless the grain warehouse keeper retains the ability to  
11 retrieve and print that day's computerized record for at least 6 years.

12           (c) A grain warehouse keeper shall make records required under this section  
13 available to the department for inspection and copying upon request.

14           **(6) REVIEWING RECORDS.** (a) The department shall review the records that a  
15 grain warehouse keeper is required to keep under this section. The department shall  
16 review a grain warehouse keeper's records at least annually, except as provided in  
17 par. (b).

18           (b) The department shall review a grain warehouse keeper's records at least  
19 once every 2 years if the grain warehouse keeper files an annual financial statement  
20 under s. 126.28 and that annual financial statement shows a current ratio of at least  
21 2.0 to 1.0, positive equity, and a debt to equity ratio of not more than 2.0 to 1.0.

22           **126.33 Receipts for grain. (1) REQUIREMENT.** Immediately after a grain  
23 warehouse keeper receives grain from a depositor, the grain warehouse keeper shall  
24 give the depositor a warehouse receipt or other storage receipt that includes all of the  
25 following:

1 (a) The name and permanent address of the grain warehouse keeper, the  
2 location of the grain warehouse, and a statement indicating whether the grain  
3 warehouse keeper is a corporation.

4 (b) A statement identifying the document as a warehouse receipt or other  
5 storage receipt.

6 (c) The date on which the grain warehouse keeper received the grain.

7 (d) The kind of grain received.

8 (e) The net weight of grain received.

9 (f) The grade and quality of grain received, if determined.

10 (g) The word “negotiable” or “nonnegotiable,” conspicuously, if the document is  
11 issued as a warehouse receipt. If a grain warehouse keeper transfers  
12 depositor-owned grain to another warehouse keeper, the receiving grain warehouse  
13 keeper shall issue a receipt that conspicuously bears the word “nonnegotiable.”

14 (h) A statement indicating that the depositor must remove the grain from  
15 storage by a specified date that is not more than 3 years after the date of deposit. This  
16 requirement does not apply to any of the following:

17 1. A warehouse receipt.

18 2. A receipt for grain owned by the federal commodity credit corporation.

19 3. A receipt for grain pledged as collateral for a loan from the federal  
20 department of agriculture.

21 **(2) GRAIN OWNERSHIP.** If a person delivers grain to a recipient who is both a grain  
22 warehouse keeper and a grain dealer, as defined in s. 126.10 (9), the delivery is  
23 considered a deposit for storage unless it is clearly documented as a delivery of  
24 purchased grain. A receipt issued by such a recipient is considered a storage receipt  
25 unless it is clearly designated as a receipt for the delivery of purchased grain.

1           **(3) WAREHOUSE KEEPER'S COPY.** A grain warehouse keeper shall keep a copy of  
2 every warehouse receipt and other document that the grain warehouse keeper issues  
3 under sub. (1). The grain warehouse keeper shall retain a copy of each document for  
4 at least 6 years after the grain warehouse keeper issues the document and shall  
5 make copies available to the department for inspection and copying upon request.

6           **126.34 Grain warehouse keepers; business practices. (1) GRAIN WEIGHT,**  
7 **GRADE, AND QUALITY.** A grain warehouse keeper shall do all of the following when  
8 determining the weight, grade, or quality of grain:

9           (a) Accurately determine the weight, grade, or quality using accurate weighing,  
10 testing, or grading equipment.

11           (b) Accurately record the determined weight, grade, or quality.

12           **(2) CARE OF GRAIN; FACILITIES.** A grain warehouse keeper shall safeguard grain  
13 held for others and shall protect that grain from loss or abnormal deterioration. A  
14 grain warehouse keeper shall maintain adequate facilities and equipment for that  
15 purpose.

16           **(3) SUFFICIENT INVENTORY.** A grain warehouse keeper shall at all times maintain  
17 grain inventories sufficient in quantity and quality to meet all outstanding  
18 obligations to depositors.

19           **(4) RETURNING GRAIN TO DEPOSITORS.** (a) Except as provided in par. (b), a grain  
20 warehouse keeper shall deliver to a depositor, upon demand, the same grade and  
21 amount of grain as was deposited.

22           (b) If a grain warehouse keeper does not have enough grain of the appropriate  
23 grade to satisfy a depositor's demand under par. (a), the warehouse keeper may  
24 substitute any of the following with the agreement of the depositor:



1 s. 126.46 or is required to contribute to the fund, but the first quarterly installment  
2 under s. 126.46 (6) is not yet due, and who is not disqualified from the fund under  
3 s. 126.45 (3).

4 **(2)** “Current ratio” means the ratio of the value of current assets to the value  
5 of current liabilities, calculated according to s. 126.44 (8) (c) 1.

6 **(3)** “Dairy farm” has the meaning given in s. 97.22 (1) (a).

7 **(4)** “Dairy plant” has the meaning given in s. 97.20 (1) (a).

8 **(5)** “Dairy plant operator” means a person who holds or is required to hold a  
9 dairy plant license under s. 97.20.

10 **(6)** “Debt to equity ratio” means the ratio of the value of liabilities to equity,  
11 calculated according to s. 126.44 (8) (c) 2.

12 **(7)** “Disqualified milk contractor” means a milk contractor who is disqualified  
13 from the fund under s. 126.45 (3).

14 **(7m)** “License year” means the period beginning on May 1 and ending on the  
15 following April 30.

16 **(8)** “Milk contractor” means a person who buys producer milk or who markets  
17 producer milk as a producer agent. “Milk contractor” does not include any of the  
18 following:

19 (a) A person who merely brokers a contract between a milk producer and a milk  
20 contractor, without becoming a party to the contract, taking control of milk, or  
21 accepting payment on behalf of the milk producer.

22 (b) A person who merely buys or sells milk on a board of trade or commodity  
23 exchange.

1           **(9)** “Milk payroll obligation” means a milk contractor’s gross obligation to a  
2 milk producer or producer agent, whether paid or unpaid, for producer milk that the  
3 milk contractor procures in this state.

4           **(10)** “Milk producer” means a person who produces milk on a dairy farm.

5           **(11)** “Procure producer milk” means to buy producer milk or acquire the right  
6 to market producer milk.

7           **(12)** “Procure producer milk in this state” means any of the following:

8           (a) To buy producer milk for receipt in this state.

9           (b) To receive producer milk directly from a dairy farm in this state.

10          (c) To collect producer milk from a dairy farm in another state, for direct  
11 shipment to a dairy plant that the milk contractor operates in this state.

12          (d) To acquire the right to market producer milk that is produced in this state.

13          **(13)** “Producer agent” means a person who acts on behalf of a milk producer  
14 to market or accept payment for producer milk without taking title to that milk,  
15 including a person who uses a producer trust fund to market or accept payment for  
16 producer milk. “Producer agent” does not include any of the following:

17          (a) A person who merely brokers a contract between a milk producer and a milk  
18 contractor, without becoming a party to the contract, taking control of milk, or  
19 accepting payment on behalf of the milk producer.

20          (b) A person who merely holds or transports milk for a milk producer without  
21 marketing or accepting payment for milk on behalf of the milk producer.

22          **(14)** “Producer milk” means milk that is owned by or held in trust for one or  
23 more milk producers. “Producer milk” includes milk that a producer agent markets  
24 for a producer, without taking title to the milk.

1           **(15)** “Qualified producer agent” means a milk contractor who does all of the  
2 following:

3           (a) Procures milk in this state solely as a producer agent.

4           (b) Complies with the rules promulgated under s. 126.51.

5           **126.41 Milk contractors; licensing. (1) ANNUAL LICENSE.** (a) No milk  
6 contractor may do any of the following without a current annual license from the  
7 department:

8           1. Receive producer milk in this state.

9           2. Collect producer milk from a dairy farm in another state for direct shipment  
10 to a dairy plant that the milk contractor operates in this state.

11           3. Acquire the right to market, as a producer agent, producer milk produced in  
12 this state.

13           (b) A milk contractor who is not engaged in any activities under par. (a) may  
14 volunteer to be licensed if the milk contractor receives, outside this state, direct  
15 shipments of producer milk from dairy farms in this state.

16           (c) The department shall issue annual milk contractor licenses under pars. (a)  
17 and (b). A license expires on the April 30 following its issuance. No person may  
18 transfer or assign a license issued under par. (a) or (b).

19           **(2) LICENSE APPLICATION.** A milk contractor shall apply for a license under sub.  
20 (1) in writing, on a form provided by the department. An applicant shall provide all  
21 of the following:

22           (a) The applicant’s legal name and any trade name under which the applicant  
23 proposes to operate as a milk contractor. If the milk contractor is a dairy plant  
24 operator licensed under s. 97.20, the milk contractor shall use the same legal name  
25 in both license applications.



1           (b) A statement of whether the applicant is an individual, corporation,  
2           partnership, cooperative, limited liability company, trust, or other legal entity. If the  
3           applicant is a corporation or cooperative, the applicant shall identify each officer of  
4           the corporation or cooperative. If the applicant is a partnership, the applicant shall  
5           identify each partner.

6           (c) The mailing address of the applicant's primary business location and the  
7           name of a responsible individual who may be contacted at that location.

8           (d) The street address of each business location from which the applicant will  
9           operate under the license and the name of a responsible person who may be contacted  
10          at each location that is staffed.

11          (e) All license fees and surcharges required under sub. (3).

12          (f) The sworn and notarized statement required under sub. (6).

13          (g) A financial statement if required under s. 126.44 (1) and not yet filed.

14          (h) Other relevant information required by the department.

15          **(3) ANNUAL LICENSE FEES AND SURCHARGES.** A milk contractor applying for a  
16          license under sub. (1) shall include the following fees and surcharges with the license  
17          application, unless the department specifies a different fee or surcharge amount by  
18          rule:

19           (a) A nonrefundable license processing fee of \$25, regardless of whether  
20           application is made after the beginning of a license year.

21           (b) A license surcharge of \$500 if the department determines that, within 365  
22           days before submitting the license application, the applicant operated without a  
23           license in violation of sub. (1). The applicant shall also pay any license fees, license  
24           surcharges, and fund assessments that are still due for any license year in which the  
25           applicant violated sub. (1).

1 (c) A license surcharge of \$100 if during the preceding 12 months the applicant  
2 failed to file an annual financial statement required under s. 126.44 (1) (b) by the  
3 applicable deadline.

4 (d) A license surcharge of \$100 if a renewal applicant fails to renew a license  
5 by the license expiration date of April 30.

6 **(3m)** EFFECT OF PAYMENT OF SURCHARGE. Payment under sub. (3) (b) does not  
7 relieve the applicant of any other civil or criminal liability that results from the  
8 violation of sub. (1), but does not constitute evidence of any law violation.

9 **(4)** FEE STATEMENT. The department shall provide, with each license application  
10 form, a written statement of all license fees and surcharges required under sub. (3).

11 **(5)** NO LICENSE WITHOUT FULL PAYMENT. The department may not issue a license  
12 under sub. (1) until the applicant pays all license fees and surcharges identified in  
13 the department's statement under sub. (4). The department shall refund a fee or  
14 surcharge paid under protest if upon review the department determines that the fee  
15 or surcharge is not applicable.

16 **(6)** SWORN AND NOTARIZED STATEMENT. As part of a license application under sub.  
17 (2), an applicant shall provide a sworn and notarized statement, signed by the  
18 applicant or an authorized officer of the applicant, that reports all of the following  
19 information:

20 (a) The total milk payroll obligations that the applicant incurred during the  
21 applicant's last completed fiscal year. If the applicant has not yet operated as a milk  
22 contractor, the applicant shall estimate the total milk payroll obligations that the  
23 applicant will incur during the applicant's first complete fiscal year.

24 (b) The largest amount of unpaid milk payroll obligations that the milk  
25 contractor had at any time during the milk contractor's last completed fiscal year.

1 (c) The identity of any producer agents from whom the milk contractor procures  
2 producer milk.

3 (d) Other relevant information required by the department.

4 **(7) ACTION GRANTING OR DENYING APPLICATION.** The department shall grant or  
5 deny a license application under sub. (2) within 30 days after the department  
6 receives a complete application. If the department denies a license application, the  
7 department shall give the applicant written notice stating the reasons for the denial.

8 **(8) LICENSE DISPLAYED.** A milk contractor licensed under sub. (1) shall  
9 prominently display a true copy of that license at each business location from which  
10 the milk contractor operates in this state.

11 **(9) NOTIFICATION REQUIRED.** A milk contractor who files security under s. 126.47  
12 shall immediately notify the department if, at any time, the milk contractor's unpaid  
13 milk payroll obligations exceed the amount last reported under sub. (6) (b).

14 **126.42 Milk contractors; monthly license fee. (1) MONTHLY LICENSE FEE**  
15 **PAYMENT.** Except as provided under sub. (5) or (6), a milk contractor licensed under  
16 s. 126.41 (1) shall pay to the department, by the 25th day of each month, a monthly  
17 license fee of 0.15 cent for each 100 pounds of producer milk that the milk contractor  
18 procured in this state during the preceding month. The milk contractor shall submit,  
19 with the fee payment, a report stating the number of pounds of producer milk that  
20 the milk contractor procured in this state during the preceding month.

21 **(2) LATE PAYMENT SURCHARGE.** If a milk contractor fails to pay a monthly fee  
22 under sub. (1) when due, the milk contractor shall pay, in addition to that monthly  
23 fee, a surcharge equal to 20% of the monthly fee. The milk contractor shall pay the  
24 surcharge by the 25th day of the following month.

1           **(3) FEE CREDITS.** If the balance in the fund contributed by milk contractors  
2 exceeds \$4,000,000 on February 28 of any license year, the department shall credit  
3 50% of the excess amount against fees charged under sub. (1) to contributing milk  
4 contractors who file timely renewal applications for the next license year. The  
5 department shall credit each contributing milk contractor on a prorated basis, in  
6 proportion to the total fees that the milk contractor has paid under sub. (1) for the  
7 4 preceding license years. Each month that a contributing contractor who qualifies  
8 for a credit under this subsection pays fees under sub. (1), the department shall credit  
9 to the contributing milk contractor one-twelfth of the total annual credit determined  
10 under this subsection.

11           **(4) FEE STATEMENT.** Whenever the department issues an annual license to a  
12 milk contractor under s. 126.41 (1), the department shall give the milk contractor  
13 notice of the monthly fees required under this section. The department shall specify  
14 all of the following:

- 15           (a) The method for computing the monthly fee.
- 16           (b) The date by which the milk contractor must pay the fee each month.
- 17           (c) The late payment surcharge that may apply under sub. (2).
- 18           (d) The fee credit, if any, that applies under sub. (3).

19           **(5) PRODUCER AGENTS; EXEMPTION.** A producer agent is not required to pay the  
20 monthly fee under sub. (1) for producer milk that the producer agent markets to a  
21 milk contractor who is licensed under s. 126.41 (1) and who pays the monthly fee on  
22 the same milk.

23           **(6) FEE CHANGES.** The department may modify the license fees under sub. (1)  
24 by rule, as provided under s. 126.81 (2).

1           **126.43 Milk contractors; insurance. (1)** FIRE AND EXTENDED COVERAGE  
2 INSURANCE. A milk contractor licensed under s. 126.41 (1) shall maintain fire and  
3 extended coverage insurance that covers, at their full value, all milk and milk  
4 products in the possession, custody, or control of the milk contractor. If the milk  
5 contractor is required to be licensed under s. 126.41 (1) (a), the milk contractor shall  
6 maintain insurance issued by an insurance company authorized to do business in  
7 this state.

8           **(2)** INSURANCE CANCELLATION; REPLACEMENT. Whenever an insurance policy  
9 under sub. (1) is canceled, the milk contractor shall replace the policy so that there  
10 is no lapse in coverage.

11           **(3)** INSURANCE COVERAGE; MISREPRESENTATION. No milk contractor may  
12 misrepresent any of the following to the department or to any milk producer or  
13 producer agent:

14           (a) That the milk contractor is insured.

15           (b) The nature, coverage, or material terms of the milk contractor's insurance  
16 policy.

17           **126.44 Milk contractors; financial statements. (1)** REQUIRED ANNUAL  
18 FINANCIAL STATEMENT. (a) A milk contractor shall file an annual financial statement  
19 with the department before the department first licenses the milk contractor under  
20 s. 126.41 (1), unless the milk contractor reports no more than \$1,500,000 in annual  
21 milk payroll obligations under s. 126.41 (6) (a).

22           (b) Except as provided in par. (c), a milk contractor licensed under s. 126.41 (1)  
23 shall file an annual financial statement with the department during each license  
24 year. The milk contractor shall file the annual financial statement by the 15th day  
25 of the 4th month following the close of the milk contractor's fiscal year. The

1 department may extend the filing deadline for up to 30 days if the milk contractor,  
2 or the accountant preparing the financial statement, files a written extension  
3 request at least 10 days before the filing deadline.

4 (c) Paragraph (b) does not apply to any of the following:

5 1. A contributing milk contractor who reports no more than \$1,500,000 in  
6 annual milk payroll obligations under s. 126.41 (6) (a).

7 2. A contributing milk contractor who procures producer milk in this state  
8 solely as a producer agent.

9 **(2) VOLUNTARY ANNUAL FINANCIAL STATEMENT.** A milk contractor licensed under  
10 s. 126.41 (1) who is not required to file a financial statement under sub. (1) may file  
11 an annual financial statement with the department for any of the following reasons:

12 (a) To avoid being required to contribute to the fund under s. 126.45 (1) (a).

13 (b) To qualify for a lower fund assessment under s. 126.46.

14 **(3) QUARTERLY FINANCIAL STATEMENTS.** A milk contractor licensed under s.  
15 126.41 (1) who is not a contributing milk contractor shall file quarterly financial  
16 statements with the department for the first 3 quarters in each of the milk  
17 contractor's fiscal years. The milk contractor shall file each quarterly financial  
18 statement no later than 60 days after the end of the fiscal quarter to which the  
19 financial statement pertains. With each quarterly financial statement, the milk  
20 contractor shall include the milk contractor's sworn and notarized statement that  
21 the financial statement is correct.

22 **(5) REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A milk contractor filing an  
23 annual financial statement under sub. (1) or (2) shall file an audited financial  
24 statement if the milk contractor reports more than \$6,000,000 in annual milk payroll  
25 obligations under s. 126.41 (6) (a).

1           (b) If par. (a) does not apply, a milk contractor filing an annual financial  
2 statement under sub. (1) or (2) shall file either a reviewed financial statement or an  
3 audited financial statement.

4           **(6)** ACCOUNTING PERIOD. A milk contractor filing an annual financial statement  
5 under sub. (1) or (2) shall file a financial statement that covers the milk contractor's  
6 last completed fiscal year unless the milk contractor has been in business for less  
7 than one year.

8           **(6m)** INTERIM FINANCIAL STATEMENT. The department may, at any time, require  
9 a milk contractor licensed under s. 126.41 (1) to file an interim financial statement  
10 with the department. With the interim financial statement, the milk contractor shall  
11 provide the milk contractor's sworn and notarized statement that the financial  
12 statement is correct. An interim financial statement need not be a reviewed financial  
13 statement or an audited financial statement.

14           **(7)** GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. (a) Except as provided in par.  
15 (b), a milk contractor filing an annual financial statement under this section shall  
16 file a financial statement that is prepared according to generally accepted accounting  
17 principles.

18           (b) If a milk contractor is a sole proprietor and the milk contractor's financial  
19 statement is not audited, the milk contractor shall file a financial statement that is  
20 prepared on a historical cost basis.

21           **(8)** FINANCIAL STATEMENT CONTENTS. (a) Except as provided in par. (b), a milk  
22 contractor filing a financial statement under this section shall file a financial  
23 statement that consists of a balance sheet, income statement, equity statement,  
24 statement of cash flows, notes to those statements, and any other information

1 required by the department. If the milk contractor is a sole proprietor, the milk  
2 contractor shall file his or her business and personal financial statements.

3 (b) If a milk contractor has been in business for less than one year, the milk  
4 contractor may file an annual financial statement under sub. (1) or (2) consisting of  
5 a balance sheet and notes. A milk contractor may file a quarterly financial statement  
6 under sub. (3) consisting of a balance sheet and income statement.

7 (c) A milk contractor filing a financial statement under this section shall  
8 include in the financial statement, or in an attachment to the financial statement,  
9 calculations of all of the following:

10 1. The milk contractor's current ratio, excluding any assets required to be  
11 excluded under sub. (9).

12 2. The milk contractor's debt to equity ratio, excluding any assets required to  
13 be excluded under sub. (9).

14 **(9) ASSETS EXCLUDED.** A milk contractor may not include any of the following  
15 assets in the calculations under sub. (8) (c), unless the department specifically  
16 approves their inclusion:

17 (a) A nontrade note or account receivable from an officer, director, employee,  
18 partner, or stockholder, or from a member of the family of any of those individuals,  
19 unless the note or account receivable is secured by a first priority security interest  
20 in real or personal property.

21 (b) A note or account receivable from a parent organization, a subsidiary, or an  
22 affiliate other than an employee.

23 (c) A note or account that has been receivable for more than one year, unless  
24 the milk contractor has established an equal offsetting reserve for uncollectible notes  
25 and accounts receivable.



1           **(10) ENTITY COVERED.** A person filing a financial statement under this section  
2 may not file, in lieu of that person’s financial statement, the financial statement of  
3 the person’s parent organization, subsidiary, predecessor, or successor.

4           **(11) DEPARTMENT REVIEW.** The department may analyze a financial statement  
5 submitted under this section and may reject a financial statement that fails to  
6 comply with this section.

7           **126.45 Contributing milk contractors; disqualification. (1) REQUIRED**  
8 **CONTRIBUTORS.** (a) Except as provided in sub. (3), a licensed milk contractor shall pay  
9 fund assessments under s. 126.46 if the milk contractor does not file annual and  
10 quarterly financial statements under s. 126.44.

11           (b) Except as provided in sub. (3), a licensed milk contractor shall pay fund  
12 assessments under s. 126.46 if the milk contractor files an annual, quarterly, or  
13 interim financial statement under s. 126.44 that shows a current ratio of less than  
14 1.25 to 1.0, a debt to equity ratio of more than 2.0 to 1.0, or negative equity. The milk  
15 contractor shall continue to pay fund assessments until the milk contractor files 2  
16 consecutive annual financial statements under s. 126.44 that show a current ratio  
17 of at least 1.25 to 1.0, positive equity, and a debt to equity ratio of not more than 2.0  
18 to 1.0.

19           **(2) VOLUNTARY CONTRIBUTORS.** Except as provided in sub. (3), a licensed milk  
20 contractor who is not required to pay fund assessments under s. 126.46 may elect to  
21 do so.

22           **(3) DISQUALIFIED CONTRACTORS.** (a) A milk contractor who is required to file  
23 security under s. 126.47 (1) is disqualified from the fund until the department  
24 releases that security under s. 126.47 (7) (a). This paragraph does not apply, during

1 the period beginning on May 1, 2002, and ending on April 30, 2007, to a qualified  
2 producer agent who files security under s. 126.47 (3) (c).

3 (b) A milk contractor is disqualified from the fund if the department denies,  
4 suspends, or revokes the milk contractor's license.

5 (c) The department may, by written notice, disqualify a milk contractor for any  
6 of the following reasons:

7 1. Failure to pay fund assessments under s. 126.46 when due.

8 2. Failure to file a financial statement under s. 126.44 when due.

9 3. Failure to reimburse the department, within 60 days after the department  
10 issues a reimbursement demand under s. 126.73 (1), for the full amount that the  
11 department pays to claimants under s. 126.72 (1) because of that milk contractor's  
12 default.

13 4. Failure to reimburse a bond surety, within 60 days after the bond surety  
14 issues a reimbursement demand under s. 126.73 (2), for the full amount that the  
15 surety pays to the department under s. 126.72 (2) or (3) for the benefit of claimants  
16 affected by that milk contractor's default.

17 **(4) EFFECT OF DISQUALIFICATION.** (a) A milk contractor disqualified under sub.  
18 (3) (c) may not engage in any activities for which a license is required under s. 126.41  
19 (1) (a) if the milk contractor files an annual, quarterly, or interim financial statement  
20 under s. 126.44 that shows a current ratio of less than 1.25 to 1.0, a debt to equity  
21 ratio of more than 2.0 to 1.0, or negative equity.

22 (b) The department may not return, to a disqualified milk contractor, any fund  
23 assessments that the milk contractor paid as a contributing milk contractor.

24 (c) A disqualified milk contractor remains liable for any unpaid fund  
25 installment under s. 126.46 that became due while the milk contractor was a

1 contributing milk contractor. A disqualified milk contractor is not liable for any fund  
2 installment that becomes due after the milk contractor is disqualified under sub. (3).

3 **126.46 Contributing milk contractors; fund assessments. (1) GENERAL.**

4 A contributing milk contractor shall pay an annual fund assessment for each license  
5 year. The assessment equals \$20 or the sum of the following, whichever is greater,  
6 unless the department by rule specifies a different assessment:

7 (a) The milk contractor's current ratio assessment. The current ratio  
8 assessment for a license year equals the milk contractor's current ratio assessment  
9 rate under sub. (2) multiplied by the annual milk payroll obligations reported under  
10 s. 126.41 (6) (a) in the milk contractor's license application for that license year.

11 (b) The milk contractor's debt to equity ratio assessment. The debt to equity  
12 ratio assessment for a license year equals the milk contractor's debt to equity ratio  
13 assessment rate under sub. (4) multiplied by the annual milk payroll obligations  
14 reported under s. 126.41 (6) (a) in the milk contractor's license application for that  
15 license year.

16 **(2) CURRENT RATIO ASSESSMENT RATE.** A milk contractor's current ratio  
17 assessment rate is calculated, at the beginning of the license year, as follows:

18 (a) If the milk contractor has filed an annual financial statement under s.  
19 126.44 and that financial statement shows a current ratio of at least 1.25 to 1.0, the  
20 milk contractor's current ratio assessment rate equals the greater of zero or the  
21 current ratio assessment factor in sub. (3) (a) multiplied by the following amount:

- 22 1. Subtract 3 from the current ratio.
- 23 2. Divide the amount determined under subd. 1. by 6.
- 24 3. Multiply the amount determined under subd. 2. by negative one.
- 25 4. Raise the amount determined under subd. 3. to the 3rd power.

1           5. Divide 0.55 by the current ratio.

2           6. Raise the amount determined under subd. 5. to the 7th power.

3           7. Add the amount determined under subd. 4. to the amount determined under  
4 subd. 6.

5           8. Add 0.075 to the amount determined under subd. 7.

6           (b) If the milk contractor has filed an annual financial statement under s.  
7 126.44 and that financial statement shows a current ratio of less than 1.25 to 1.0, but  
8 greater than 1.05 to 1.0, the milk contractor's current ratio assessment rate equals  
9 the current ratio assessment factor in sub. (3) (b) multiplied by the following amount:

10           1. Subtract 3 from the current ratio.

11           2. Divide the amount determined under subd. 1. by 6.

12           3. Multiply the amount determined under subd. 2. by negative one.

13           4. Raise the amount determined under subd. 3. to the 3rd power.

14           5. Divide 0.55 by the current ratio.

15           6. Raise the amount determined under subd. 5. to the 7th power.

16           7. Add the amount determined under subd. 4. to the amount determined under  
17 subd. 6.

18           8. Add 0.075 to the amount determined under subd. 7.

19           (c) If the milk contractor has filed an annual financial statement under s.  
20 126.44 and that financial statement shows a current ratio of less than or equal to 1.05  
21 to 1.0, the milk contractor's current ratio assessment rate equals the current ratio  
22 assessment factor in sub. (3) (b) multiplied by 0.1201478.

23           (d) Except as provided in par. (e), if the milk contractor has not filed an annual  
24 financial statement under s. 126.44, the milk contractor's current ratio assessment  
25 rate equals the current ratio assessment factor in sub. (3) (b) multiplied by 0.103005.

1 (e) If the milk contractor has not filed an annual financial statement under s.  
2 126.44 and the milk contractor procures producer milk in this state solely as a  
3 producer agent, the milk contractor's current ratio assessment rate is 0.00025,  
4 except that, for the milk contractor's 5th or higher consecutive full license year of  
5 participation in the fund, the milk contractor's current ratio assessment rate is  
6 0.000175.

7 **(3) CURRENT RATIO ASSESSMENT FACTOR.** (a) A milk contractor's current ratio  
8 assessment factor under sub. (2) (a) is 0.001, except as follows:

9 1. For the milk contractor's 3rd consecutive full license year as a contributing  
10 milk contractor, the milk contractor's current ratio assessment factor is 0.0007.

11 2. For the milk contractor's 4th consecutive full license year as a contributing  
12 milk contractor, the milk contractor's current ratio assessment factor is 0.0003.

13 3. For the milk contractor's 5th or higher consecutive full license year as a  
14 contributing milk contractor, the milk contractor's current ratio assessment factor  
15 is zero.

16 (b) A milk contractor's current ratio assessment factor under sub. (2) (b) to (d)  
17 is 0.0015, except that, for the milk contractor's 5th or higher consecutive full license  
18 year of participation in the fund, the milk contractor's current ratio assessment  
19 factor is 0.000675.

20 **(4) DEBT TO EQUITY RATIO ASSESSMENT RATE.** A milk contractor's debt to equity  
21 ratio assessment rate is calculated, at the beginning of the license year, as follows:

22 (a) If the milk contractor has filed an annual financial statement under s.  
23 126.44 and that financial statement shows positive equity and a debt to equity ratio  
24 of not more than 2.0 to 1.0, the milk contractor's debt to equity ratio assessment rate

1 equals the greater of zero or the debt to equity ratio assessment factor in sub. (5) (a)  
2 multiplied by the following amount:

3 1. Subtract 2 from the debt to equity ratio.

4 2. Divide the amount determined under subd. 1. by 3.

5 3. Raise the amount determined under subd. 2. to the 9th power.

6 4. Divide the debt to equity ratio by 3.25.

7 5. Raise the amount determined under subd. 4. to the 5th power.

8 6. Add the amount determined under subd. 3. to the amount determined under  
9 subd. 5.

10 7. Add 0.025 to the amount determined under subd. 6.

11 (b) If the milk contractor files an annual financial statement under s. 126.44  
12 and that financial statement shows a debt to equity ratio of greater than 2.0 to 1.0  
13 but less than 3.1 to 1.0, the milk contractor's debt to equity ratio assessment rate  
14 equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by the  
15 following amount:

16 1. Subtract 2 from the debt to equity ratio.

17 2. Divide the amount determined under subd. 1. by 3.

18 3. Raise the amount determined under subd. 2. to the 9th power.

19 4. Divide the debt to equity ratio by 3.25.

20 5. Raise the amount determined under subd. 4. to the 5th power.

21 6. Add the amount determined under subd. 3. to the amount determined under  
22 subd. 5.

23 7. Add 0.025 to the amount determined under subd. 6.

24 (c) If the milk contractor has filed an annual financial statement under s.  
25 126.44 and that financial statement shows negative equity or a debt to equity ratio

1 of at least 3.1 to 1.0, the milk contractor's debt to equity ratio assessment rate equals  
2 the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 0.8146917.

3 (d) Except as provided in par. (e), if the milk contractor has not filed an annual  
4 financial statement under s. 126.44, the milk contractor's debt to equity ratio  
5 assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)  
6 multiplied by 0.11325375.

7 (e) If the milk contractor has not filed an annual financial statement under s.  
8 126.44 and the milk contractor procures producer milk in this state solely as a  
9 producer agent, the milk contractor's debt to equity ratio assessment rate is 0.00025,  
10 except that, for the milk contractor's 5th or higher consecutive full license year of  
11 participation in the fund, the milk contractor's debt to equity ratio assessment rate  
12 is 0.000175.

13 **(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR.** (a) A milk contractor's debt to  
14 equity ratio assessment factor under sub. (4) (a) is 0.0015, except as follows:

15 1. For the milk contractor's 3rd consecutive full license year as a contributing  
16 milk contractor, the milk contractor's current ratio assessment factor is 0.001.

17 2. For the milk contractor's 4th consecutive full license year as a contributing  
18 milk contractor, the milk contractor's current ratio assessment factor is 0.0005.

19 3. For the milk contractor's 5th or higher consecutive full license year as a  
20 contributing milk contractor, the milk contractor's current ratio assessment factor  
21 is zero.

22 (b) A milk contractor's debt to equity ratio assessment factor under sub. (4) (b)  
23 to (d) is 0.00225, except that, for the milk contractor's 5th or higher consecutive full  
24 license year as a contributing milk contractor, the milk contractor's debt to equity  
25 ratio assessment factor is 0.001.

1           **(6) QUARTERLY INSTALLMENTS.** (a) A contributing milk contractor shall pay the  
2 milk contractor’s annual fund assessment in equal quarterly installments that are  
3 due as follows:

- 4           1. The first installment is due on June 1 of the license year.
- 5           2. The 2nd installment is due on September 1 of the license year.
- 6           3. The 3rd installment is due on December 1 of the license year.
- 7           4. The 4th installment is due on March 1 of the license year.

8           (b) A contributing milk contractor may prepay any of the quarterly  
9 installments under par. (a).

10           (c) A contributing milk contractor who applies for an annual license after the  
11 beginning of a license year shall pay the full annual fund assessment required under  
12 this section. The milk contractor shall pay, with the first quarterly installment that  
13 becomes due after the day on which the department issues the license, all of the  
14 quarterly installments for that license year that were due before that day.

15           (d) If s. 126.45 (1) (b) requires a licensed milk contractor to become a  
16 contributing milk contractor during the license year, the milk contractor shall pay  
17 only those quarterly installments that become due after the requirement takes  
18 effect.

19           (e) A contributing milk contractor who fails to pay the full amount of any  
20 quarterly installment when due shall pay, in addition to that installment, a late  
21 payment penalty of \$50 or 10% of the overdue installment amount, whichever is  
22 greater.

23           **(7) NOTICE OF ANNUAL ASSESSMENT AND QUARTERLY INSTALLMENTS.** When the  
24 department issues an annual license to a contributing milk contractor, the  
25 department shall notify the milk contractor of all of the following:



1 (a) The amount of the milk contractor's annual fund assessment under this  
2 section.

3 (b) The amount of each required quarterly installment under sub. (6) and the  
4 date by which the milk contractor must pay each installment.

5 (c) The penalty that applies under sub. (6) (e) if the milk contractor fails to pay  
6 any quarterly installment when due.

7 **126.47 Milk contractors; security. (1) SECURITY REQUIRED.** A milk  
8 contractor shall file security with the department, and maintain that security until  
9 the department releases it under sub. (7), if all of the following apply when the  
10 department first licenses the milk contractor under s. 126.41 (1):

11 (a) The milk contractor reports more than \$1,500,000 in annual milk payroll  
12 obligations under s. 126.41 (6) (a).

13 (b) The milk contractor files an annual financial statement under s. 126.44 (1)  
14 and that financial statement shows negative equity.

15 **(2) SECURITY CONTINUED.** A milk contractor who filed security under s. 100.06,  
16 1999 stats., before May 1, 2002, shall maintain that security until the department  
17 releases it under sub. (7).

18 **(3) AMOUNT OF SECURITY.** A milk contractor who is required to file or maintain  
19 security under this section shall at all times maintain the following amount of  
20 security:

21 (a) Except as provided in par. (b) or (c), security equal to at least 75% of the  
22 amount last reported under s. 126.41 (6) (b) or (9).

23 (b) Except as provided in par. (c), for a milk contractor who procures milk in this  
24 state solely as a qualified producer agent, security equal to at least the following  
25 amounts:

1           1. For the license year beginning on May 1, 2002, 15% of the amount last  
2 reported under s. 126.41 (6) (b) or (9).

3           2. For the license year beginning on May 1, 2003, 30% of the amount last  
4 reported under s. 126.41 (6) (b) or (9).

5           3. For the license year beginning on May 1, 2004, 45% of the amount last  
6 reported under s. 126.41 (6) (b) or (9).

7           4. For the license year beginning on May 1, 2005, 60% of the amount last  
8 reported under s. 126.41 (6) (b) or (9).

9           5. For a license year beginning after May 1, 2005, 75% of the amount last  
10 reported under s. 126.41 (6) (b) or (9).

11           (c) For a contributing milk contractor who procures milk in this state solely as  
12 a qualified producer agent, for the period beginning on May 1, 2002, and ending on  
13 April 30, 2007, security equal to at least 7.5% of the amount last reported under s.  
14 126.41 (6) (b) or (9), but not more than \$500,000.

15           **(4) FORM OF SECURITY.** The department shall review, and determine whether  
16 to approve, security filed under this section. The department may approve only the  
17 following types of security:

18           (a) Currency.

19           (b) A commercial surety bond if all of the following apply:

20           1. The surety bond is made payable to the department for the benefit of milk  
21 producers and producer agents.

22           2. The surety bond is issued by a person authorized to operate a surety business  
23 in this state.

1           3. The surety bond is issued as a continuous term bond that may be canceled  
2 only with the department's written agreement or upon 90 days' prior written notice  
3 served on the department in person or by certified mail.

4           4. The surety bond is issued in a form, and subject to any terms and conditions,  
5 that the department considers appropriate.

6           (c) A certificate of deposit or money market certificate, if all of the following  
7 apply:

8           1. The certificate is issued or endorsed to the department for the benefit of milk  
9 producers and producer agents.

10          2. The certificate may not be canceled or redeemed without the department's  
11 written permission.

12          3. No person may transfer or withdraw funds represented by the certificate  
13 without the department's written permission.

14          4. The certificate renews automatically without any action by the department.

15          5. The certificate is issued in a form, and subject to any terms and conditions,  
16 that the department considers appropriate.

17          (d) An irrevocable bank letter of credit if all of the following apply:

18          1. The letter of credit is payable to the department for the benefit of milk  
19 producers or producer agents.

20          2. The letter of credit is issued on bank letterhead.

21          3. The letter of credit is issued for an initial period of at least one year.

22          4. The letter of credit renews automatically unless, at least 90 days before the  
23 scheduled renewal date, the issuing bank gives the department written notice, in  
24 person or by certified mail, that the letter of credit will not be renewed.

1           5. The letter of credit is issued in a form, and subject to any terms and  
2 conditions, that the department considers appropriate.

3           (e) Security filed with the department under s. 100.06, 1999 stats., before May  
4 1, 2002, except that on January 1, 2003, the department shall withdraw its approval  
5 of any security that is not approvable under pars. (a) to (d).

6           (f) A dairy plant trusteeship created before May 1, 2002, under s. 100.06, 1999  
7 stats. This paragraph does not apply after January 1, 2003.

8           **(5) DEPARTMENT CUSTODY OF SECURITY.** The department shall hold, in its custody,  
9 all security filed and maintained under this section. The department shall hold the  
10 security for the benefit of milk producers and producer agents.

11           **(6) ADDITIONAL SECURITY.** (a) The department may, at any time, demand  
12 additional security from a milk contractor if any of the following applies:

13           1. The milk contractor's existing security falls below the amount required  
14 under sub. (3) for any reason, including depreciation in the value of the security,  
15 increased obligations to milk producers or producer agents, or the cancellation of any  
16 security filed with the department.

17           2. The milk contractor fails to provide required information that is relevant to  
18 a determination of security requirements.

19           (b) The department shall issue a demand under par. (a) in writing. The  
20 department shall indicate why additional security is required, the amount of  
21 security required, and the deadline date for filing security. The department may not  
22 specify a deadline for filing security that is more than 30 days after the date on which  
23 the department issues its demand for security.

1 (c) A milk contractor may request a hearing, under ch. 227, on a demand for  
2 security under par. (b). A request for hearing does not automatically stay a security  
3 demand.

4 (d) If a milk contractor fails to comply with the department's demand for  
5 security under this subsection, the milk contractor shall give written notice of that  
6 fact to all milk producers and producer agents from whom the contractor procures  
7 producer milk in this state. If the milk contractor fails to give accurate notice under  
8 this paragraph within 5 days after the deadline for filing security under par. (b) has  
9 passed, the department shall promptly notify milk producers and producer agents  
10 by publishing a class 3 notice under ch. 985. The department may also give  
11 individual notice to those milk producers or producer agents of whom the department  
12 is aware.

13 (e) If a milk contractor fails to comply with the department's demand for  
14 security under this subsection, the department may do any of the following:

- 15 1. Issue a summary order under s. 126.85 (2).
- 16 2. Suspend or revoke the milk contractor's license.

17 **(7) RELEASING SECURITY.** (a) The department may release security filed under  
18 sub. (1) if any of the following applies:

19 1. The milk contractor reports not more than \$1,500,000 in milk payroll  
20 obligations under s. 126.41 (6) (a) for at least 2 consecutive years and the milk  
21 contractor pays the quarterly fund assessment that would have been required of the  
22 milk contractor if the milk contractor had been a contributing milk contractor on the  
23 most recent quarterly installment date under s. 126.46 (6).

24 2. The milk contractor's annual financial statement under s. 126.44 shows  
25 positive equity for at least 2 consecutive years and the milk contractor pays the

1 quarterly fund assessment that would have been required of the milk contractor if  
2 the milk contractor had been a contributing milk contractor on the most recent  
3 quarterly installment date under s. 126.46 (6).

4 (b) On August 1, 2002, the department may release security maintained under  
5 sub. (2), unless the milk contractor is required to file security under sub. (1).

6 (c) The department may release security to the extent that the security exceeds  
7 the amount required under sub. (3).

8 (d) The department may release security if the milk contractor files alternative  
9 security, of equivalent value, that the department approves.

10 (e) The department shall release security if the milk contractor has gone out  
11 of business and paid all milk payroll obligations in full.

12 **126.48 Milk contractors; payments to producers. (1)** FIRST MONTHLY  
13 PAYMENT. By the 4th day of each month, a milk contractor shall pay for producer milk  
14 received during the first 15 days of the preceding month. The milk contractor shall  
15 base the payment on an estimated price that is at least 80% of the class III price  
16 published by the regional federal milk market administrator for the month  
17 preceding the month in which the milk is received, or 80% of the contract price,  
18 whichever is greater. This subsection does not apply to a qualified producer agent  
19 who complies with sub. (4).

20 **(2)** SECOND MONTHLY PAYMENT. By the 19th day of each month, a milk contractor  
21 shall pay the balance due for producer milk received during the preceding month.  
22 This subsection does not apply to a qualified producer agent who complies with sub.  
23 (4).

24 **(3)** PAYMENT EXPLANATION. The department may, by rule, require a milk  
25 contractor to provide a milk producer or producer agent with a written explanation

1 of each payment under this section. The department may specify the content of the  
2 explanation, including information related to any of the following:

3 (a) Milk contractor identification.

4 (b) Milk producer or producer agent identification.

5 (c) Pay period.

6 (d) Volume of milk received.

7 (e) Grade of milk.

8 (f) Milk test results.

9 (g) Milk price and adjustments.

10 (h) Gross amount due.

11 (i) Average gross pay per hundredweight less hauling charges.

12 (j) Net amount due.

13 (k) Deductions and assignments.

14 **(4) QUALIFIED PRODUCER AGENTS.** (a) By the last day of each month, a qualified  
15 producer agent shall pay for producer milk received during the first 10 days of that  
16 month. The qualified producer agent shall base the payment on an estimated price  
17 that is at least 80% of the class III price published by the regional federal milk market  
18 administrator for the month preceding the month in which the milk is received, or  
19 80% of the contract price, whichever is greater.

20 (b) By the 10th day of each month, a qualified producer agent shall pay for  
21 producer milk received from the 11th day to the 20th day of the preceding month.  
22 The qualified producer agent shall base the payment on an estimated price that is  
23 at least 80% of the class III price published by the regional federal milk market  
24 administrator for the month preceding the month in which the milk is received, or  
25 80% of the contract price, whichever is greater.

1 (c) By the 20th day of each month, a qualified producer agent shall pay the  
2 balance due for producer milk received during the preceding month.

3 **126.49 Milk contractors; records and reports. (1) REQUIRED RECORDS.** A  
4 milk contractor shall keep accurate records and accounts of milk receipts, payments  
5 for milk received, and amounts owed to milk producers. The department may, by  
6 rule, specify records that a milk contractor must keep.

7 **(2) REQUIRED REPORTS.** The department may, by rule, require a milk contractor  
8 to file with the department periodic reports of information needed for the  
9 administration of this chapter.

10 **(3) RECORDS RETENTION; INSPECTION.** A milk contractor shall retain records  
11 required under sub. (1) for at least 6 years after the records are created. A milk  
12 contractor shall make the records available to the department for inspection and  
13 copying upon request.

14 **126.50 Milk contractors; prohibited practices.** No milk contractor may  
15 do any of the following:

16 **(1)** Falsify any record or account, or conspire with any other person to falsify  
17 a record or account.

18 **(2)** Make any false or misleading representation to the department.

19 **(3)** If the milk contractor is licensed under s. 126.41 (1), engage in any activity  
20 that is inconsistent with representations made in the milk contractor's annual  
21 license application.

22 **(4)** Make any false or misleading representation to a milk producer or producer  
23 agent related to matters regulated under this chapter.

24 **(5)** Fail to file the full amount of security required under s. 126.47 (6) by the  
25 date that the department specifies.





1           **(4)** “Contributing vegetable contractor” means a vegetable contractor who is  
2 licensed under s. 126.56 (1), who either has paid one or more quarterly installments  
3 under s. 126.60 (6) or is required to contribute to the fund, but the first quarterly  
4 installment under s. 126.60 (6) is not yet due, and who is not disqualified under s.  
5 126.59 (2).

6           **(6)** “Current ratio” means the ratio of the value of current assets to the value  
7 of current liabilities, calculated according to s. 126.58 (6) (c) 1.

8           **(7)** “Debt to equity ratio” means the ratio of the value of liabilities to equity,  
9 calculated according to s. 126.58 (6) (c) 2.

10           **(8)** “Deferred payment contract” means a vegetable procurement contract in  
11 which the vegetable producer or a producer agent agrees to accept payment after  
12 January 31 for processing vegetables harvested during the previous calendar year.

13           **(9)** “Disqualified vegetable contractor” means a vegetable contractor who is  
14 disqualified from the fund under s. 126.59 (2).

15           **(10)** “Food processing” has the meaning given in s. 97.29 (1) (g).

16           **(10m)** “License year” means the period beginning on February 1 and ending  
17 on the following January 31.

18           **(11)** “Processing vegetables” means vegetables grown or sold for use in food  
19 processing, regardless of whether those vegetables are actually harvested or  
20 processed as food. “Processing vegetables” includes sweet corn grown or sold for use  
21 in food processing, but does not include grain.

22           **(12)** “Producer agent” means a person who, without taking title to vegetables,  
23 acts on behalf of a vegetable producer to market or accept payment for processing  
24 vegetables that the vegetable producer grows in this state. “Producer agent” does not  
25 include any of the following:

1           (a) A person who merely brokers a contract between a vegetable producer and  
2 a vegetable contractor, without becoming a party to the contract or accepting  
3 payment on behalf of the vegetable producer.

4           (b) A person who merely holds or transports processing vegetables for a  
5 vegetable producer, without marketing the vegetables or accepting payment on  
6 behalf of the vegetable producer.

7           **(13)** “Time of delivery” under a vegetable procurement contract means the time  
8 at which one of the following occurs:

9           (a) The vegetable contractor harvests the vegetables.

10          (b) The vegetable producer delivers harvested vegetables to the custody or  
11 control of the vegetable contractor.

12          (c) The vegetable contractor notifies the vegetable producer of the vegetable  
13 contractor’s refusal to harvest or accept delivery of vegetables.

14          **(14)** “Vegetable contractor” means a person who does any of the following:

15          (a) Contracts with a vegetable producer or a producer agent to procure  
16 processing vegetables that a vegetable producer grows in this state.

17          (b) Contracts with a vegetable producer to market, as a producer agent,  
18 processing vegetables that the vegetable producer grows in this state.

19          **(15)** “Vegetable procurement contract” means an oral or written agreement  
20 under which a vegetable contractor does any of the following:

21          (a) Contracts with a vegetable producer or a producer agent to procure  
22 processing vegetables that a vegetable producer grows in this state.

23          (b) Contracts with a vegetable producer to market, as a producer agent,  
24 processing vegetables that the vegetable producer grows in this state.

1           **(16)** “Vegetable producer” means a person who grows processing vegetables in  
2 this state.

3           **(17)** “Unharvested acreage” means land on which vegetables are grown, under  
4 a vegetable procurement contract, that a vegetable contractor leaves unharvested for  
5 any reason. “Unharvested acreage” includes all of the following:

6           (a) Land on which the vegetables are suitable for processing, but are not  
7 harvested.

8           (b) Land on which the vegetables are abandoned as being unsuitable for  
9 processing.

10           **126.56 Vegetable contractors; licensing. (1) LICENSE REQUIRED.** (a) Except  
11 as provided in sub. (2), no person may operate as a vegetable contractor without a  
12 current annual license from the department.

13           (b) A license under par. (a) expires on the January 31 following its issuance.  
14 No person may transfer or assign a license issued under par. (a).

15           **(2) EXEMPT CONTRACTORS.** The following vegetable contractors are exempt from  
16 licensing under sub. (1):

17           (a) A vegetable contractor who procures vegetables primarily for unprocessed,  
18 fresh market use and is licensed under the federal Perishable Agricultural  
19 Commodities Act, 7 USC 499a to 499t.

20           (b) A restaurant or retail food establishment that procures processing  
21 vegetables solely for retail sale at the restaurant or retail food establishment.

22           **(3) LICENSE APPLICATION.** A vegetable contractor shall apply for a license under  
23 sub. (1) in writing, on a form provided by the department. The applicant shall  
24 provide all of the following:

1 (a) The applicant's legal name and any trade name under which the applicant  
2 proposes to operate as a vegetable contractor.

3 (b) A statement of whether the applicant is an individual, corporation,  
4 partnership, cooperative, limited liability company, trust, or other legal entity. If the  
5 applicant is a corporation or cooperative, the application shall identify each officer  
6 of the corporation or cooperative. If the applicant is a partnership, the application  
7 shall identify each partner.

8 (c) The mailing address of the applicant's principal business location and the  
9 name of a responsible individual who may be contacted at that address.

10 (d) The street address of each business location from which the applicant  
11 operates as a vegetable contractor in this state and the name of a responsible  
12 individual who may be contacted at each location that is staffed.

13 (e) All license fees and surcharges required under sub. (4).

14 (f) The sworn and notarized statement required under sub. (9).

15 (g) A financial statement if required under s. 126.58 (1) and not yet filed.

16 (h) Other relevant information required by the department.

17 **(4) LICENSE FEES AND SURCHARGES.** A vegetable contractor applying for a license  
18 under sub. (1) shall pay the following fees and surcharges, unless the department  
19 specifies a different fee or surcharge amount by rule:

20 (a) A nonrefundable license processing fee of \$25.

21 (b) A fee of \$25 plus 5.75 cents for each \$100 in contract obligations reported  
22 under sub. (9) (a), less any credit provided under sub. (6).

23 (c) A license surcharge of \$500 if the department determines that, within 365  
24 days before submitting the license application, the applicant operated as a vegetable  
25 contractor without a license in violation of sub. (1). The applicant shall also pay any

1 license fees, license surcharges, and fund assessments that are still due for the  
2 license year in which the applicant violated sub. (1).

3 (d) A license surcharge of \$100 if during the preceding 12 months the applicant  
4 failed to file an annual financial statement required under s. 126.58 (1) (b) by the  
5 applicable deadline.

6 (e) A license surcharge of \$100 if a renewal applicant fails to renew a license  
7 by the license expiration date of January 31.

8 **(4m)** EFFECT OF PAYMENT OF SURCHARGE. Payment under sub. (3) (c) does not  
9 relieve the applicant of any other civil or criminal liability that results from the  
10 violation of sub. (1), but does not constitute evidence of any law violation.

11 **(5)** LICENSE FOR PART OF YEAR; FEES. A person who applies for an annual  
12 vegetable contractor license after the beginning of a license year shall pay the full  
13 annual fee amounts required under sub. (4).

14 **(6)** FEE CREDITS. (a) If the balance in the fund contributed by vegetable  
15 contractors exceeds \$1,000,000 on November 30 of any license year, the department  
16 shall credit 50% of the excess amount against fees charged under sub. (4) (b) to  
17 contributing vegetable contractors who file timely license renewal applications for  
18 the next license year. The department shall credit each contributing vegetable  
19 contractor on a prorated basis, in proportion to the total fees that the vegetable  
20 contractor has paid under sub. (4) (b) for the 4 preceding license years.

21 (b) The fee under sub. (4) (b) is reduced by one cent for each \$100 in contract  
22 obligations reported under sub. (9) (a) if the department, under a contract with the  
23 applicant, grades all of the graded vegetables that the applicant procures from  
24 vegetable producers or producer agents.

1           **(7) FEE STATEMENT.** The department shall provide, with each license application  
2 form, a written statement of all license fees and surcharges required under sub. (4).  
3 The department shall specify any fee credits for which the applicant may qualify  
4 under sub. (6).

5           **(8) NO LICENSE WITHOUT FULL PAYMENT.** The department may not issue a license  
6 under sub. (1) until the applicant pays all license fees and surcharges identified in  
7 the department's statement under sub. (7). The department shall refund a fee or  
8 surcharge paid under protest if upon review the department determines that the fee  
9 or surcharge is not applicable.

10           **(9) SWORN AND NOTARIZED STATEMENT.** As part of a license application under sub.  
11 (3), an applicant shall provide a sworn and notarized statement, signed by the  
12 applicant or an officer of the applicant, that reports all of the following:

13           (a) The total amount of contract obligations that the applicant incurred during  
14 the applicant's last completed fiscal year. If the applicant has not yet operated as a  
15 vegetable contractor, the applicant shall estimate the amount of contract obligations  
16 that the applicant will incur during the applicant's first complete fiscal year.

17           (b) The largest amount of unpaid contract obligations that the vegetable  
18 contractor had at any time during the vegetable contractor's last completed fiscal  
19 year.

20           (c) The amount of unpaid contract obligations that the vegetable contractor has  
21 at the time of application.

22           (d) The amount of unpaid contract obligations under par. (c) that are due for  
23 payment before the license year for which the applicant is applying.

24           (e) The amount of unpaid obligations under par. (c) that the contractor has  
25 under deferred payment contracts.

1 (f) Whether the applicant and the applicant's affiliates and subsidiaries will  
2 collectively grow more than 10% of the total acreage of any vegetable species grown  
3 or procured by the applicant during the license year for which the applicant is  
4 applying.

5 (g) Whether the applicant will pay cash on delivery under all vegetable  
6 procurement contracts during the license year for which the applicant is applying.

7 (h) Whether the applicant is a producer-owned cooperative or organization  
8 that procures vegetables solely from its producer owners on the basis of a cooperative  
9 marketing method under which the producer-owned cooperative or organization  
10 pays its producer owners a prorated share of sales proceeds for the marketing year  
11 after a final accounting and the deduction of marketing expenses.

12 **(10) ACTION GRANTING OR DENYING APPLICATION.** (a) The department shall grant  
13 or deny a license application under sub. (3) within 30 days after the department  
14 receives a complete application. If the department denies a license application, the  
15 department shall give the applicant a written notice stating the reasons for the  
16 denial.

17 (b) A license becomes invalid after February 5 of the license year for which it  
18 is issued unless the license holder has by February 5 paid all producer obligations  
19 that were due and payable during the preceding license year.

20 **(11) LICENSE DISPLAYED.** A vegetable contractor licensed under sub. (1) shall  
21 prominently display a copy of that license at each business location from which the  
22 vegetable contractor operates in this state.

23 **(12) NOTICE REQUIRED.** (a) A vegetable contractor who files security under s.  
24 126.61 shall immediately notify the department if, at any time, the vegetable



1 contractor's unpaid contract obligations exceed the amount last reported under sub.  
2 (9) (b).

3 (b) A vegetable contractor shall immediately notify the department if the  
4 amount of unpaid obligations under deferred payment contracts exceeds the amount  
5 last reported under sub. (9) (e).

6 **126.57 Vegetable contractors; insurance. (1)** FIRE AND EXTENDED COVERAGE  
7 INSURANCE. (a) Except as provided in par. (b), a vegetable contractor who is required  
8 to be licensed under s. 126.56 (1) shall maintain fire and extended coverage  
9 insurance, issued by an insurance company authorized to do business in this state,  
10 that covers all vegetables in the custody of the vegetable contractor, whether owned  
11 by the vegetable contractor or held for others, at the full local market value of the  
12 vegetables.

13 (b) Paragraph (a) does not apply to a vegetable contractor if any of the following  
14 applies:

15 1. The vegetable contractor pays cash on delivery under all vegetable  
16 procurement contracts.

17 2. The vegetable contractor is a producer-owned cooperative or organization  
18 that procures processing vegetables only from its producer owners.

19 **(2)** INSURANCE CANCELLATION; REPLACEMENT. Whenever an insurance policy  
20 under sub. (1) is canceled, the vegetable contractor shall replace the policy so that  
21 there is no lapse in coverage.

22 **(3)** INSURANCE COVERAGE; MISREPRESENTATION. No vegetable contractor may  
23 misrepresent any of the following to the department or to any vegetable producer or  
24 producer agent:

25 (a) That the vegetable contractor is insured.

1 (b) The nature, coverage, or material terms of the vegetable contractor's  
2 insurance policy.

3 **126.58 Vegetable contractors; financial statements. (1) REQUIRED**  
4 ANNUAL FINANCIAL STATEMENT. (a) Except as provided in par. (c), a vegetable  
5 contractor shall file an annual financial statement with the department, before the  
6 department first licenses the vegetable contractor under s. 126.56 (1), if the  
7 vegetable contractor reports more than \$500,000 in contract obligations under s.  
8 126.56 (9) (a).

9 (b) Except as provided in par. (c), a vegetable contractor licensed under s.  
10 126.56 (1) shall file an annual financial statement with the department during each  
11 license year if the vegetable contractor's license application for that year reports  
12 more than \$500,000 in contract obligations under s. 126.56 (9) (a). The vegetable  
13 contractor shall file the annual financial statement by the 15th day of the 4th month  
14 following the close of the vegetable contractor's fiscal year, except that the  
15 department may extend the filing deadline for up to 30 days if the vegetable  
16 contractor, or the accountant reviewing or auditing the financial statement, files a  
17 written extension request at least 10 days before the filing deadline.

18 (c) A vegetable contractor is not required to file a financial statement under par.  
19 (a) or (b) if any of the following applies:

20 1. The vegetable contractor pays cash on delivery under all vegetable  
21 procurement contracts.

22 2. The vegetable contractor is a producer-owned cooperative that procures  
23 processing vegetables only from its producer owners.

1           **(2) VOLUNTARY FINANCIAL STATEMENT.** A contributing vegetable contractor who  
2 is not required to file a financial statement under sub. (1) may file an annual  
3 financial statement with the department for any of the following reasons:

4           (a) To qualify for a lower fund assessment under s. 126.60.

5           (b) To avoid filing security under s. 126.61 (1) (b).

6           **(3) REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A vegetable contractor filing  
7 an annual financial statement under sub. (1) or (2) shall file an audited financial  
8 statement if the vegetable contractor's latest annual license application reported  
9 more than \$4,000,000 in annual contract obligations under s. 126.56 (9) (a).

10           (b) If par. (a) does not apply, a vegetable contractor filing an annual financial  
11 statement under sub. (1) or (2) shall file either a reviewed financial statement or an  
12 audited financial statement.

13           **(4) ACCOUNTING PERIOD.** A vegetable contractor filing an annual financial  
14 statement under sub. (1) or (2) shall file a financial statement that covers the  
15 vegetable contractor's last completed fiscal year unless the vegetable contractor has  
16 been in business for less than one year.

17           **(4m) INTERIM FINANCIAL STATEMENT.** The department may, at any time, require  
18 a vegetable contractor licensed under s. 126.56 (1) to file an interim financial  
19 statement with the department. The vegetable contractor shall provide, with the  
20 interim financial statement, the vegetable contractor's sworn and notarized  
21 statement that the financial statement is correct. An interim financial statement  
22 need not be a reviewed or audited financial statement.

23           **(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** (a) Except as provided in par.  
24 (b), a vegetable contractor filing a financial statement under this section shall file a

1 financial statement that is prepared according to generally accepted accounting  
2 principles.

3 (b) If a vegetable contractor is a sole proprietor and the vegetable contractor's  
4 financial statement is not audited, the vegetable contractor shall file a financial  
5 statement that is prepared on a historical cost basis.

6 **(6) FINANCIAL STATEMENT CONTENTS.** (a) Except as provided in par. (b), a  
7 vegetable contractor filing a financial statement under this section shall file a  
8 financial statement that consists of a balance sheet, income statement, equity  
9 statement, statement of cash flows, notes to those statements, and any other  
10 information required by the department. If the vegetable contractor is a sole  
11 proprietor, the vegetable contractor shall file his or her business and personal  
12 financial statements.

13 (b) If a vegetable contractor has been in business for less than one year, the  
14 vegetable contractor may file an annual financial statement under sub. (1) or (2)  
15 consisting of a balance sheet and notes.

16 (c) A vegetable contractor filing a financial statement under this section shall  
17 include in the financial statement, or in an attachment to the financial statement,  
18 calculations of all of the following:

19 1. The vegetable contractor's current ratio, excluding any assets required to be  
20 excluded under sub. (7).

21 2. The vegetable contractor's debt to equity ratio, excluding any assets  
22 required to be excluded under sub. (7).

23 **(7) ASSETS EXCLUDED.** A vegetable contractor may not include any of the  
24 following assets in the calculations under sub. (6) (c), unless the department  
25 specifically approves their inclusion:

1 (a) A nontrade note or account receivable from an officer, director, employee,  
2 partner, or stockholder, or from a member of the family of any of those individuals,  
3 unless the note or account receivable is secured by a first priority security interest  
4 in real or personal property.

5 (b) A note or account receivable from a parent organization, a subsidiary, or an  
6 affiliate other than an employee.

7 (c) A note or account that has been receivable for more than one year, unless  
8 the vegetable contractor has established an equal offsetting reserve for uncollectible  
9 notes and accounts receivable.

10 **(9) ENTITY COVERED.** A person filing a financial statement under this section  
11 may not file, in lieu of that person's financial statement, the financial statement of  
12 the person's parent organization, subsidiary, predecessor, or successor.

13 **(10) DEPARTMENT REVIEW.** The department may analyze a financial statement  
14 filed under this section and may reject a financial statement that fails to comply with  
15 this section.

16 **126.59 Contributing vegetable contractors; disqualification. (1)**  
17 **CONTRIBUTION REQUIRED.** A vegetable contractor licensed under s. 126.56 (1) shall pay  
18 fund assessments under s. 126.60 unless one of the following applies:

19 (a) The vegetable contractor is disqualified under sub. (2).

20 (b) The vegetable contractor pays cash on delivery under all vegetable  
21 procurement contracts.

22 (c) The vegetable contractor is a producer-owned cooperative that procures  
23 processing vegetables only from its producer owners.

24 **(1m) VOLUNTARY CONTRIBUTION.** A vegetable contractor who is exempt under  
25 sub. (1) (b) or (c) may volunteer to pay fund assessments under s. 126.60.

1           **(2) DISQUALIFIED CONTRACTOR.** (a) A vegetable contractor who is required to file  
2 security under s. 126.61 (1) (a) is disqualified from the fund until the department  
3 determines that one of the conditions in s. 126.61 (7) (a) 1. or 2. is satisfied.

4           (b) A vegetable contractor is disqualified from the fund if the department  
5 denies, suspends, or revokes the vegetable contractor's license.

6           (c) A vegetable contractor is disqualified from the fund, and required to pay  
7 cash on delivery under vegetable procurement contracts, if the department issues a  
8 written notice disqualifying the vegetable contractor for cause. Cause may include  
9 any of the following:

10           1. Failure to pay fund assessments under s. 126.60 when due.

11           2. Failure to file a financial statement under s. 126.58 when due.

12           3. Failure to reimburse the department, within 60 days after the department  
13 issues a reimbursement demand under s. 126.73 (1), for the full amount that the  
14 department pays to claimants under s. 126.72 (1) because of that vegetable  
15 contractor's default.

16           4. Failure to reimburse a bond surety, within 60 days after the bond surety  
17 issues a reimbursement demand under s. 126.73 (2), for the full amount that the  
18 surety pays to the department under s. 126.72 (2) or (3) for the benefit of claimants  
19 affected by that vegetable contractor's default.

20           **(3) PAYMENTS BY DISQUALIFIED VEGETABLE CONTRACTOR.** (a) The department may  
21 not return, to a disqualified vegetable contractor, any fund assessments that the  
22 vegetable contractor paid as a contributing vegetable contractor.

23           (b) A disqualified vegetable contractor remains liable for any unpaid fund  
24 installment under s. 126.60 that became due while the vegetable contractor was a  
25 contributing vegetable contractor. A disqualified vegetable contractor is not liable

1 for any fund installment that becomes due after the vegetable contractor is  
2 disqualified under sub. (2).

3 **126.60 Contributing vegetable contractors; fund assessments. (1)**

4 GENERAL. A contributing vegetable contractor shall pay an annual fund assessment  
5 for each license year. The assessment equals \$20 or the sum of the following,  
6 whichever is greater, unless the department by rule specifies a different assessment:

7 (a) The vegetable contractor's current ratio assessment. The current ratio  
8 assessment for a license year equals the vegetable contractor's current ratio  
9 assessment rate under sub. (2) multiplied by the amount reported under s. 126.56  
10 (9) (a) in the vegetable contractor's license application for that license year.

11 (b) The vegetable contractor's debt to equity ratio assessment. The debt to  
12 equity ratio assessment for a license year equals the vegetable contractor's debt to  
13 equity ratio assessment rate under sub. (4) multiplied by the amount reported under  
14 s. 126.56 (9) (a) in the vegetable contractor's license application for that license year.

15 (c) The vegetable contractor's deferred contract assessment. The deferred  
16 contract assessment for a license year equals the amount, if any, reported under s.  
17 126.56 (9) (e) in the vegetable contractor's license application for that license year,  
18 multiplied by a deferred vegetable contract assessment rate of 0.0025.

19 **(2) CURRENT RATIO ASSESSMENT RATE.** A vegetable contractor's current ratio  
20 assessment rate is calculated, at the beginning of the license year, as follows:

21 (a) If the vegetable contractor has filed an annual financial statement under  
22 s. 126.58 and that financial statement shows a current ratio of at least 1.25 to 1.0,  
23 the vegetable contractor's current ratio assessment rate equals the greater of zero  
24 or the current ratio assessment factor in sub. (3) (a) multiplied by the following  
25 amount:

- 1           1. Subtract 4 from the current ratio.
- 2           2. Divide the amount determined under subd. 1. by 2.
- 3           3. Multiply the amount determined under subd. 2. by negative one.
- 4           4. Raise the amount determined under subd. 3. to the 3rd power.
- 5           5. Subtract 0.65 from the current ratio.
- 6           6. Divide 0.60 by the amount determined under subd. 5.
- 7           7. Raise the amount determined under subd. 6. to the 5th power.
- 8           8. Add the amount determined under subd. 4. to the amount determined under
- 9           subd. 7.
- 10          9. Add 0.25 to the amount determined under subd. 8.
- 11          (b) If the vegetable contractor has filed an annual financial statement under
- 12          s. 126.58 and that financial statement shows a current ratio of less than 1.25 to 1.0,
- 13          but greater than 1.1 to 1.0, the vegetable contractor's current ratio assessment rate
- 14          equals the current ratio assessment factor in sub. (3) (b) multiplied by the following
- 15          amount:
- 16            1. Subtract 4 from the current ratio.
- 17            2. Divide the amount determined under subd. 1. by 2.
- 18            3. Multiply the amount determined under subd. 2. by negative one.
- 19            4. Raise the amount determined under subd. 3. to the 3rd power.
- 20            5. Subtract 0.65 from the current ratio.
- 21            6. Divide 0.60 by the amount determined under subd. 5.
- 22            7. Raise the amount determined under subd. 6. to the 5th power.
- 23            8. Add the amount determined under subd. 4. to the amount determined under
- 24            subd. 7.
- 25            9. Add 0.25 to the amount determined under subd. 8.



1 (c) If the vegetable contractor has filed an annual financial statement under  
2 s. 126.58 and that financial statement shows a current ratio of less than or equal to  
3 1.1 to 1.0, the vegetable contractor's current ratio assessment rate equals the current  
4 ratio assessment factor in sub. (3) (b) multiplied by 7.512617.

5 (d) If the vegetable contractor has not filed an annual financial statement  
6 under s. 126.58, the vegetable contractor's current ratio assessment rate equals the  
7 current ratio assessment factor in sub. (3) (b) multiplied by 3.84961.

8 **(3) CURRENT RATIO ASSESSMENT FACTOR.** (a) A vegetable contractor's current  
9 ratio assessment factor under sub. (2) (a) is 0.00048, except as follows:

10 1. For the vegetable contractor's 4th and 5th consecutive full license years as  
11 a contributing vegetable contractor, the vegetable contractor's current ratio  
12 assessment factor is 0.00029.

13 2. For the vegetable contractor's 6th or higher consecutive full license year as  
14 a contributing vegetable contractor, the vegetable contractor's current ratio  
15 assessment factor is zero.

16 (b) A vegetable contractor's current ratio assessment factor under sub. (2) (b)  
17 to (d) is 0.00072, except as follows:

18 1. For the vegetable contractor's 4th and 5th consecutive full license years as  
19 a contributing vegetable contractor, the vegetable contractor's current ratio  
20 assessment factor is 0.00058.

21 2. For the vegetable contractor's 6th or higher consecutive full license year as  
22 a contributing vegetable contractor, the vegetable contractor's current ratio  
23 assessment factor is 0.00035.

1           **(4) DEBT TO EQUITY RATIO ASSESSMENT RATE.** A vegetable contractor's debt to  
2 equity ratio assessment rate for a license year is calculated, at the beginning of the  
3 license year, as follows:

4           (a) If the vegetable contractor has filed an annual financial statement under  
5 s. 126.58 and that financial statement shows positive equity and a debt to equity  
6 ratio of not more than 4.0 to 1.0, the vegetable contractor's debt to equity ratio  
7 assessment rate equals the greater of zero or the debt to equity ratio assessment  
8 factor in sub. (5) (a) multiplied by the following amount:

9           1. Subtract 4 from the debt to equity ratio.

10          2. Divide the amount determined under subd. 1. by 4.

11          3. Raise the amount determined under subd. 2. to the 3rd power.

12          4. Subtract 1.85 from the debt to equity ratio.

13          5. Divide the amount determined under subd. 4. by 2.5.

14          6. Raise the amount determined under subd. 5. to the 7th power.

15          7. Add the amount determined under subd. 3. to the amount determined under  
16 subd. 6.

17          8. Add one to the amount determined under subd. 7.

18           (b) If the vegetable contractor has filed an annual financial statement under  
19 s. 126.58 and that financial statement shows a debt to equity ratio of greater than  
20 4.0 to 1.0 but less than 6.0 to 1.0, the vegetable contractor's debt to equity ratio  
21 assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)  
22 multiplied by the following amount:

23          1. Subtract 4 from the debt to equity ratio.

24          2. Divide the amount determined under subd. 1. by 4.

25          3. Raise the amount determined under subd. 2. to the 3rd power.

- 1           4. Subtract 1.85 from the debt to equity ratio.
- 2           5. Divide the amount determined under subd. 4. by 2.5.
- 3           6. Raise the amount determined under subd. 5. to the 7th power.
- 4           7. Add the amount determined under subd. 3. to the amount determined under
- 5           subd. 6.
- 6           8. Add one to the amount determined under subd. 7.
- 7           (c) If the vegetable contractor has filed an annual financial statement under
- 8           s. 126.58 and that financial statement shows negative equity or a debt to equity ratio
- 9           of at least 6.0 to 1.0, the vegetable contractor's debt to equity ratio assessment rate
- 10          equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by
- 11          35.859145.
- 12          (d) If the vegetable contractor has not filed an annual financial statement
- 13          under s. 126.58, the vegetable contractor's debt to equity ratio assessment rate
- 14          equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 1.34793.
- 15          **(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR.** (a) A vegetable contractor's debt
- 16          to equity ratio assessment factor under sub. (4) (a) is 0.000135, except as follows:
- 17            1. For the vegetable contractor's 4th and 5th consecutive full license years as
- 18            a contributing vegetable contractor, the vegetable contractor's debt to equity ratio
- 19            assessment factor is 0.00008.
- 20            2. For the vegetable contractor's 6th or higher consecutive full license year as
- 21            a contributing vegetable contractor, the vegetable contractor's debt to equity ratio
- 22            assessment factor is zero.
- 23          (b) A vegetable contractor's debt to equity ratio assessment factor under sub.
- 24          (4) (b) to (d) is 0.000203, except as follows:

1           1. For the vegetable contractor's 4th and 5th consecutive full license years as  
2 a contributing vegetable contractor, the vegetable contractor's debt to equity ratio  
3 assessment factor is 0.00016.

4           2. For the vegetable contractor's 6th or higher consecutive full license year as  
5 a contributing vegetable contractor, the vegetable contractor's debt to equity ratio  
6 assessment factor is 0.0001.

7           **(6) QUARTERLY INSTALLMENTS.** (a) A contributing vegetable contractor shall pay  
8 the vegetable contractor's annual fund assessment in equal quarterly installments  
9 that are due as follows:

10           1. The first installment is due on March 1 of the license year.

11           2. The 2nd installment is due on June 1 of the license year.

12           3. The 3rd installment is due on September 1 of the license year.

13           4. The 4th installment is due on December 1 of the license year.

14           (b) A contributing vegetable contractor may prepay any of the quarterly  
15 installments under par. (a).

16           (c) A contributing vegetable contractor who applies for an annual license after  
17 the beginning of a license year shall pay the full annual fund assessment required  
18 under this section. The vegetable contractor shall pay, with the first quarterly  
19 installment that becomes due after the day on which the department issues the  
20 license, all of that year's quarterly installments that were due before that day.

21           (d) A contributing vegetable contractor who fails to pay the full amount of any  
22 quarterly installment when due shall pay, in addition to that installment, a late  
23 payment penalty of \$50 or 10% of the overdue installment amount, whichever is  
24 greater.

1           **(7) NOTICE OF ANNUAL ASSESSMENT AND QUARTERLY INSTALLMENTS.** When the  
2 department issues an annual license to a contributing vegetable contractor, the  
3 department shall notify the vegetable contractor of all of the following:

4           (a) The amount of the vegetable contractor’s annual fund assessment under  
5 this section.

6           (b) The amount of each required quarterly installment under sub. (6) and the  
7 date by which the vegetable contractor must pay each installment.

8           (c) The penalty that applies under sub. (6) (d) if the vegetable contractor fails  
9 to pay any quarterly installment when due.

10           **126.61 Vegetable contractors; security. (1) SECURITY REQUIRED.** (a) Except  
11 as provided in par. (c), a vegetable contractor shall file security with the department,  
12 and maintain that security until the department releases it under sub. (7), if all of  
13 the following apply when the department first licenses the vegetable contractor  
14 under s. 126.56 (1):

15           1. The vegetable contractor reports more than \$1,000,000 in annual contract  
16 obligations under s. 126.56 (9) (a).

17           2. The vegetable contractor files a financial statement under s. 126.58 (1) and  
18 that financial statement shows negative equity.

19           (b) Except as provided in par. (c), a vegetable contractor shall file security with  
20 the department to cover the full amount of the unpaid deferred contract obligations  
21 last reported under s. 126.56 (9) (e) or (12) (b), and maintain that security until it is  
22 released under sub. (7), unless the vegetable contractor files an annual financial  
23 statement under s. 126.58 and that financial statement shows positive equity, a  
24 current ratio of at least 1.25 to 1.0, and a debt to equity ratio of not more than 4.0 to  
25 1.0.

1 (c) A vegetable contractor is not required to file security under par. (a) or (b) if  
2 any of the following applies:

3 1. The vegetable contractor pays cash on delivery under all vegetable  
4 procurement contracts.

5 2. The vegetable contractor is a producer-owned cooperative that procures  
6 processing vegetables only from its producer members.

7 **(2) SECURITY CONTINUED.** A vegetable contractor who filed security under s.  
8 100.03, 1999 stats., before February 1, 2002, shall maintain that security until the  
9 department releases it under sub. (7).

10 **(3) AMOUNT OF SECURITY.** A vegetable contractor who is required to file or  
11 maintain security under this section shall, at all times, maintain security that is at  
12 least equal to the sum of the following:

13 (a) Seventy-five percent of the amount last reported under s. 126.56 (9) (b) or  
14 (12) (a), except that this amount is not required of a contributing vegetable contractor  
15 after May 1, 2002.

16 (b) The amount required under sub. (1) (b), if any.

17 **(4) FORM OF SECURITY.** The department shall review, and determine whether  
18 to approve, security filed under this section. The department may approve only the  
19 following types of security:

20 (a) Currency.

21 (b) A commercial surety bond if all of the following apply:

22 1. The surety bond is made payable to the department for the benefit of  
23 vegetable producers and producer agents.

24 2. The surety bond is issued by a person authorized to operate a surety business  
25 in this state.

1           3. The surety bond is issued as a continuous term bond that may be canceled  
2 only with the department's written agreement, or upon 90 days' prior written notice  
3 served on the department in person or by certified mail.

4           4. The surety bond is issued in a form, and subject to any terms and conditions,  
5 that the department considers appropriate.

6           (c) A certificate of deposit or money market certificate, if all of the following  
7 apply:

8           1. The certificate is issued or endorsed to the department for the benefit of  
9 vegetable producers and producer agents.

10          2. The certificate may not be canceled or redeemed without the department's  
11 written permission.

12          3. No person may transfer or withdraw funds represented by the certificate  
13 without the department's written permission.

14          4. The certificate renews automatically without any action by the department.

15          5. The certificate is issued in a form, and subject to any terms and conditions,  
16 that the department considers appropriate.

17          (d) An irrevocable bank letter of credit if all of the following apply:

18          1. The letter of credit is payable to the department for the benefit of vegetable  
19 producers and producer agents.

20          2. The letter of credit is issued on bank letterhead.

21          3. The letter of credit is issued for an initial period of at least one year.

22          4. The letter of credit renews automatically unless, at least 90 days before the  
23 scheduled renewal date, the issuing bank gives the department written notice, in  
24 person or by certified mail, that the letter of credit will not be renewed.

1           5. The letter of credit is issued in a form, and subject to any terms and  
2 conditions, that the department considers appropriate.

3           (e) Security filed with the department under s. 100.03, 1999 stats., before  
4 February 1, 2002, except that on January 1, 2003, the department shall withdraw  
5 its approval of any security that is not approvable under pars. (a) to (d).

6           **(5) DEPARTMENT CUSTODY OF SECURITY.** The department shall hold, in its custody,  
7 all security filed and maintained under this section. The department shall hold the  
8 security for the benefit of vegetable producers and producer agents.

9           **(6) ADDITIONAL SECURITY.** (a) The department may, at any time, demand  
10 additional security from a vegetable contractor if any of the following applies:

11           1. The vegetable contractor's existing security falls below the amount required  
12 under sub. (3) for any reason, including a depreciation in the value of the security  
13 filed with the department, increased obligations to vegetable producers or producer  
14 agents, or the cancellation of any security filed with the department.

15           2. The vegetable contractor fails to provide required information that is  
16 relevant to a determination of security requirements.

17           (b) The department shall issue a demand under par. (a) in writing. The  
18 department shall indicate why additional security is required, the amount of  
19 security required, and the deadline date for filing security. The department may not  
20 specify a deadline for filing security that is more than 30 days after the date on which  
21 the department issues its demand for security.

22           (c) A vegetable contractor may request a hearing, under ch. 227, on a security  
23 demand under par. (b). A request for hearing does not automatically stay a security  
24 demand.



1 (d) If a vegetable contractor fails to comply with the department's security  
2 demand under this subsection, the vegetable contractor shall give written notice of  
3 that fact to all vegetable producers and producer agents from whom the vegetable  
4 contractor procures processing vegetables. If the vegetable contractor fails to give  
5 accurate notice under this paragraph within 5 days after the security filing deadline  
6 under par. (b) has passed, the department shall promptly notify vegetable producers  
7 and producer agents by publishing a class 3 notice under ch. 985. The department  
8 may also give individual notice to vegetable producers or producer agents of whom  
9 the department is aware.

10 (e) If a vegetable contractor fails to comply with the department's demand for  
11 security under this subsection, the department may do any of the following:

12 1. Issue a summary order under s. 126.85 (2) that prohibits the vegetable  
13 contractor from procuring processing vegetables from vegetable producers or  
14 producer agents, or requires the vegetable contractor to pay cash on delivery under  
15 all vegetable procurement contracts.

16 2. Suspend or revoke the vegetable contractor's license.

17 **(7) RELEASING SECURITY.** (a) The department may release security filed under  
18 sub. (1) (a), except for any amount of security that the vegetable contractor is  
19 required to file because sub. (1) (b) applies to the vegetable contractor, if any of the  
20 following applies:

21 1. The vegetable contractor reports less than \$1,000,000 in annual contract  
22 obligations under s. 126.56 (9) (a) for at least 2 consecutive years and the vegetable  
23 contractor pays the quarterly fund assessment that would have been required of the  
24 vegetable contractor if the vegetable contractor had been a contributing vegetable  
25 contractor on the most recent quarterly installment date under s. 126.60 (6).

1           2. The vegetable contractor's annual financial statement under s. 126.58 shows  
2 positive equity for at least 2 consecutive years and the vegetable contractor pays the  
3 quarterly fund assessment that would have been required of the vegetable contractor  
4 if the vegetable contractor had been a contributing vegetable contractor on the most  
5 recent quarterly installment date under s. 126.60 (6).

6           (b) The department may release security filed under sub. (1) (b), except for any  
7 amount of security that the vegetable contractor is required to file because sub. (1)  
8 (a) applies to the vegetable contractor, if any of the following applies:

9           1. The vegetable contractor has no unpaid obligations under deferred payment  
10 contracts, and will not use deferred payment contracts in the current license year.

11           2. The vegetable contractor files 2 consecutive annual financial statements  
12 under s. 126.58 that show a current ratio of at least 1.25 to 1.0, positive equity, and  
13 a debt to equity ratio of not more than 4.0 to 1.0.

14           (c) On May 1, 2002, the department may release security maintained under  
15 sub. (2), unless the vegetable contractor is required to file security under sub. (1).

16           (d) The department may release security to the extent that the security exceeds  
17 the amount required under sub. (3).

18           (e) The department may release security if the vegetable contractor files  
19 alternative security, of equivalent value, that the department approves.

20           (f) The department shall release security if the vegetable contractor has gone  
21 out of business and paid all contract obligations in full.

22           **126.62 Vegetable contractors; records. (1) RECORDS REQUIRED.** A vegetable  
23 contractor shall keep all of the following:

24           (a) Copies of all written vegetable procurement contracts.

1 (b) A current record of all vegetable contract obligations, payments, and unpaid  
2 balances.

3 **(2) RECORDS RETENTION.** A vegetable contractor shall keep all of the following  
4 records for at least 6 years from the date of their creation:

5 1. Records required under sub. (1).

6 2. Records that the vegetable contractor was required to keep, under s. 100.03,  
7 1999 stats., and department rules, before February 1, 2002.

8 **(3) RECORDS INSPECTION.** A vegetable contractor shall make records required  
9 under this section available to the department for inspection and copying upon  
10 request.

11 **126.63 Vegetable contractors; business practices. (1) VEGETABLE GRADING**  
12 **AND TARE.** (a) A vegetable contractor shall grade vegetables according to the following  
13 standards if the vegetable grade may affect the amount received by the vegetable  
14 producer:

15 1. Standard grading procedures that the department establishes by rule.

16 2. Uniform grade standards that the department establishes by rule, unless the  
17 vegetable procurement contract clearly specifies alternative grade standards.

18 (b) If a vegetable contractor makes any deduction for tare, the vegetable  
19 contractor shall determine tare according to procedures that the department  
20 establishes by rule.

21 (c) The department shall establish grade standards for vegetables that conform  
22 to grade standards adopted by the federal department of agriculture under 7 USC  
23 1621 to 1632.

24 **(2) PROHIBITED DEDUCTIONS.** No vegetable purchaser may deduct, from the  
25 amount payable under a vegetable procurement contract, an amount designated for

1 the payment of any vegetable contractor license fee, surcharge, or fund assessment  
2 under this subchapter.

3 **(3) TIMELY PAYMENT.** A vegetable contractor shall pay a vegetable producer or  
4 producer agent according to the vegetable procurement contract. The vegetable  
5 contractor shall make the following payments by the following dates, unless the  
6 contract specifies a different payment date in writing:

7 (a) The 15th day of the month immediately following the month in which the  
8 vegetable contractor harvests or accepts delivery of processing vegetables, the full  
9 amount owed under the contract for those vegetables.

10 (b) The 15th day of the month immediately following the month in which the  
11 vegetable contractor rejects or fails to harvest processing vegetables tendered under  
12 the vegetable procurement contract, the full amount owed under the contract for  
13 those vegetables.

14 **(4) ANNUAL PAYMENT DEADLINE.** (a) Except as provided in par. (b) or (c), a  
15 vegetable contractor shall pay all outstanding obligations to vegetable producers by  
16 January 31 of each license year.

17 (b) For processing vegetables tendered or delivered in January of any license  
18 year, a vegetable contractor shall pay the full amount owed under the vegetable  
19 procurement contract by February 15 or by the 30th day after the date of delivery,  
20 whichever date is later.

21 (c) A vegetable contractor may pay outstanding producer obligations in  
22 accordance with a deferred payment contract that complies with sub. (5) and  
23 specifies a payment date after January 31 for processing vegetables delivered on or  
24 before December 31.

1           **(5) DEFERRED PAYMENT CONTRACT.** (a) Before a vegetable contractor offers a  
2 deferred payment contract to any vegetable producer, the vegetable contractor shall  
3 put the deferred payment contract to a vote of vegetable producers, as provided in  
4 par. (b), obtain the approval of a majority of the voting vegetable producers, and  
5 comply with par. (c).

6           (b) To put a deferred payment contract to a vote of vegetable producers, the  
7 vegetable contractor shall give written notice to all vegetable producers in this state  
8 from whom the vegetable contractor procured the same type of processing vegetables  
9 during the preceding license year. In the notice, the vegetable contractor shall  
10 include a copy of the proposed contract, shall announce a meeting at which the  
11 vegetable producers will be asked to vote on the proposed contract, and shall include  
12 a mail ballot by which a vegetable producer may vote without attending the meeting.  
13 The vegetable contractor shall conduct the voting by secret ballot.

14           (c) To comply with this paragraph, a vegetable contractor shall file all of the  
15 following with the department:

16           1. A sworn statement certifying that the contract was approved in a vote of  
17 vegetable producers under this subsection.

18           2. Any additional security required under s. 126.61 (3).

19           **(6) CASH ON DELIVERY.** A vegetable contractor shall pay cash on delivery under  
20 all vegetable procurement contracts if any of the following applies:

21           (a) The vegetable contractor stated, in the vegetable contractor's last annual  
22 statement under s. 126.56 (9) (g), that the vegetable contractor would pay cash on  
23 delivery.

1 (b) The department disqualifies the vegetable contractor, under s. 126.59 (2)  
2 (c), or requires the vegetable contractor to pay cash on delivery under s. 126.61 (6)  
3 (e).

4 **126.64 Vegetable contractors; prohibited practices.** No vegetable  
5 contractor may do any of the following:

6 (1) Misrepresent the weight, grade, or quality of processing vegetables under  
7 a vegetable procurement contract.

8 (2) Falsify any record or account, or conspire with any other person to falsify  
9 a record or account.

10 (3) Make any false or misleading representation to the department.

11 (4) If the vegetable contractor is licensed under s. 126.56, engage in any activity  
12 that is inconsistent with representations made in the vegetable contractor's annual  
13 license application.

14 (5) Make any false or misleading representation to a vegetable producer or  
15 producer agent related to matters regulated under this chapter.

16 (6) Fail to file the full amount of security required under s. 126.61 (6) by the  
17 date that the department specifies.

## 18 SUBCHAPTER VII

### 19 RECOVERY PROCEEDINGS

20 **126.68 Definitions.** In this subchapter:

21 (1) "Contributing contractor" means any of the following:

22 (a) A contributing grain dealer, as defined in s. 126.10 (3).

23 (b) A contributing grain warehouse keeper, as defined in s. 126.25 (2).

24 (c) A contributing milk contractor, as defined in s. 126.40 (1).

25 (d) A contributing vegetable contractor, as defined in s. 126.55 (4).

- 1           **(2)** “Depositor” has the meaning given in s. 126.25 (5).
- 2           **(3)** “Grain dealer” has the meaning given in s. 126.10 (9).
- 3           **(4)** “Grain producer” has the meaning given in s. 126.10 (10).
- 4           **(5)** “Grain warehouse keeper” has the meaning given in s. 126.25 (9).
- 5           **(6)** “Milk contractor” has the meaning given in s. 126.40 (8).
- 6           **(7)** “Milk producer” has the meaning given in s. 126.40 (10).
- 7           **(8)** “Producer grain” has the meaning given in s. 126.10 (14).
- 8           **(9)** “Producer milk” has the meaning given s. 126.40 (14).
- 9           **(10)** “Vegetable contractor” has the meaning given in s. 126.55 (14).
- 10          **(11)** “Vegetable procurement contract” has the meaning given in s. 126.55 (15).
- 11          **(12)** “Vegetable producer” has the meaning given in s. 126.55 (16).

12           **126.70 Recovery proceedings. (1) DEFAULT CLAIMS.** Any of the following  
13 persons may file a default claim with the department against a contractor who is  
14 licensed, or required to be licensed, under this chapter:

15           (a) A grain producer or producer agent, as defined in s. 126.10 (13), who claims  
16 that a grain dealer has failed to pay, when due, for producer grain that the grain  
17 dealer procured in this state.

18           (b) A depositor who is either a grain producer or a producer agent, as defined  
19 in s. 126.10 (13), and who claims that a grain warehouse keeper has failed to return  
20 stored grain or its equivalent upon demand.

21           (c) A milk producer or producer agent, as defined in s. 126.40 (13), who claims  
22 that a milk contractor has failed to pay, when due, for producer milk procured in this  
23 state.

1 (d) A vegetable producer or producer agent, as defined in s. 126.55 (12), who  
2 claims that a vegetable contractor has failed to make payment when due under a  
3 vegetable procurement contract.

4 **(2) FILING DEFAULT CLAIMS.** A claimant shall file a default claim under sub. (1)  
5 within 30 days after the claimant first learns of the default, subject to sub. (3). The  
6 claimant shall specify the nature and amount of the default. The department may  
7 investigate the alleged default and may require the claimant to provide supporting  
8 documentation.

9 **(3) INITIATING A RECOVERY PROCEEDING.** (a) The department may initiate a  
10 recovery proceeding in response to one or more default claims under sub. (1). The  
11 department shall issue a written notice announcing the recovery proceeding. The  
12 department shall mail or deliver a copy of the notice to the contractor and each  
13 claimant in the proceeding.

14 (b) If the department has reason to believe that other persons may have default  
15 claims under sub. (1) against the same contractor, the department may invite those  
16 persons to file their claims in the recovery proceeding. The department may publish  
17 the invitation in any of the following ways:

- 18 1. By posting it at the contractor's place of business.
- 19 2. By publishing it as a class 3 notice under ch. 985.
- 20 3. By mailing or delivering it to prospective claimants known to the  
21 department.
- 22 4. By other means that the department considers appropriate.

23 (c) In its invitation under par. (b), the department may specify a deadline date  
24 and a procedure for filing default claims. An invitation may indicate the amount of



1 a prospective claimant's apparent claim and may ask the prospective claimant to  
2 verify or correct that amount.

3 (d) The department may initiate separate recovery proceedings for default  
4 claims that comply with sub. (2) but are filed after the deadline date under par. (c).

5 **(4) AUDITING CLAIMS.** The department shall audit each claim included in a  
6 recovery proceeding. The department shall disallow a claim if the department finds  
7 any of the following:

8 (a) That the claim is false or not adequately documented.

9 (b) That the claimant filed the claim more than 30 days after the claimant first  
10 learned of the contractor's default, unless the department specifies a later  
11 claim-filing deadline under sub. (3) (c).

12 (c) That the claimant, without any contractual obligation to do so, continued  
13 to deliver grain, milk, or vegetables to the defaulting contractor more than 10 days  
14 after the claimant first learned of the contractor's default.

15 (d) That the claimant failed to comply with claim-filing deadlines or  
16 procedures specified under sub. (3) (c).

17 (e) That the person filing the claim is not an authorized claimant under sub.  
18 (1).

19 **(5) ALLOWED CLAIM AMOUNTS.** (a) The department shall determine the amount  
20 of an allowed claim based on the contract between the parties. If the contract terms  
21 are unclear, the department may determine the allowed claim amount based on local  
22 market prices, applicable milk marketing order prices, customs in the trade, or other  
23 evidence that the department considers appropriate.

24 (b) Notwithstanding par. (a), if the default involves a grain warehouse keeper's  
25 failure to return stored grain to a depositor upon demand, the department shall

1 calculate the value of the grain based on local market prices on the day on which the  
2 depositor made the demand.

3 (c) The department shall subtract from the allowed claim amount any  
4 offsetting payments made by the contractor and any obligations for which the  
5 claimant is liable to the contractor.

6 **(6) PROPOSED DECISION.** After the department completes its audit under sub. (4),  
7 the department shall issue a proposed decision. The department shall mail or deliver  
8 a copy of the proposed decision to the contractor and each claimant. The department  
9 shall do all of the following in the proposed decision:

10 (a) Specify proposed findings of fact, proposed conclusions of law, and a  
11 proposed order.

12 (b) Allow or disallow each default claim and specify the amount of each allowed  
13 claim. The department may disallow part of a claim.

14 (c) Specify, for each allowed claim, the amount that the department is  
15 authorized to pay under s. 126.71.

16 (d) Specify the method, under s. 126.71, by which the department will pay the  
17 authorized amounts under par. (c).

18 (e) Explain a claimant's right under s. 126.87 (4) to seek court recovery of that  
19 portion of an allowed claim that is not paid by the department.

20 (f) Specify a date by which the contractor or claimant may file written  
21 objections to the proposed decision.

22 **(7) FINAL DECISION IF NO OBJECTIONS.** If no contractor or claimant files a timely  
23 written objection to the proposed decision under sub. (6), the department may issue  
24 the proposed decision as the department's final decision in the recovery proceeding,

1 without further notice or hearing. The department shall mail or deliver a copy of the  
2 final decision to the contractor and each claimant.

3 **(8) OBJECTIONS TO PROPOSED DECISION; NOTICE, HEARING, AND FINAL DECISION.** (a)  
4 If a contractor or claimant files a timely written objection to the proposed decision  
5 under sub. (6), the department shall hold a public hearing on the objection. The  
6 department shall follow applicable contested case procedures under ch. 227. The  
7 department may hear all objections in a single proceeding. At the conclusion of the  
8 contested case proceeding, the department shall issue a final decision affirming or  
9 modifying the proposed decision under sub. (6).

10 (b) The department may issue a final decision under sub. (7) related to default  
11 claims that are not affected by objections under par. (a), regardless of whether the  
12 department has completed the contested case proceeding under par. (a).

13 **126.71 Paying default claims. (1) CLAIMS AGAINST CONTRIBUTING**  
14 **CONTRACTOR.** Except as provided in sub. (2) or (3), the department shall pay from the  
15 appropriate sources under s. 126.72 the following default claim amounts:

16 (a) Except as provided in par. (d) or (e), for each default claim allowed under  
17 s. 126.70 against a grain dealer or milk contractor who was a contributing contractor  
18 when the default occurred:

- 19 1. Eighty percent of the first \$60,000 allowed.
- 20 2. Seventy-five percent of any amount allowed in excess of \$60,000.

21 (b) For each default claim allowed under s. 126.70 against a grain warehouse  
22 keeper who was a contributing contractor when the default occurred, 100% of the  
23 first \$100,000 allowed.

24 (c) For each default claim allowed under s. 126.70 against a vegetable  
25 contractor who was a contributing contractor when the default occurred:

- 1           1. Ninety percent of the first \$40,000 allowed.
- 2           2. Eighty–five percent of the next \$40,000 allowed.
- 3           3. Eighty percent of the next \$40,000 allowed.
- 4           4. Seventy–five percent of any amount allowed in excess of \$120,000.

5           (d) For each default claim allowed under s. 126.70 against a qualified producer  
6 agent who, at the time of the default, was a contributing contractor and maintained  
7 security under s. 126.47 (3) (c), if the default occurs after April 30, 2002, and before  
8 May 1, 2004, 15% of the amount allowed.

9           (e) For each default claim allowed under s. 126.70 against a qualified producer  
10 agent who, at the time of the default, was a contributing contractor and maintained  
11 security under s. 126.47 (3) (c), if the default occurs after April 30, 2004, and before  
12 May 1, 2007, 20% of the amount allowed.

13           **(1m)** WHEN DEFAULT OCCURS. For the purposes of this chapter, a default occurs  
14 on the date on which payment or delivery becomes overdue.

15           **(2)** CLAIMS AGAINST CONTRACTOR WHO HAS FILED SECURITY. If the department  
16 allows default claims under s. 126.70 against a contractor who has security on file  
17 with the department, the department shall convert that security and use the  
18 proceeds as follows:

19           (a) If the contractor was not a contributing contractor when the default  
20 occurred, the department shall use the security proceeds to pay the full amount of  
21 the allowed claims, except that, if the security is not adequate to pay the full amount  
22 of the allowed claims, the department shall pay claimants on a prorated basis in  
23 proportion to their allowed claims.

24           (b) If the contractor was a contributing contractor when the default occurred,  
25 the department shall use the security proceeds to reimburse the sources under s.

1 126.72 from which the department makes any claim payment under sub. (1). If the  
2 security amount exceeds the amount payable under sub. (1) from the sources under  
3 s. 126.72, the department shall use the remaining security proceeds to pay the  
4 balance of the allowed claims. If the security amount is not adequate to pay the full  
5 remaining balance, the department shall pay claimants on a prorated basis in  
6 proportion to their allowed claims.

7 (c) Notwithstanding par. (b), if the contractor was a contributing contractor  
8 when the default occurred, the department may, at its discretion, pay claims directly  
9 from security proceeds rather than from a fund source under s. 126.72. If the  
10 department acts under this paragraph, the department shall first pay claims in the  
11 amounts provided in sub. (1). If the security amount exceeds the amount payable  
12 under sub. (1) from the sources under s. 126.72, the department shall use the  
13 remaining security proceeds to pay the balance of the allowed claims. If the security  
14 amount is not adequate to pay the full remaining balance, the department shall pay  
15 claimants on a prorated basis in proportion to their allowed claims.

16 **(3) PAYMENT RESTRICTIONS.** (a) The department may not pay any portion of the  
17 following from any source identified in s. 126.72:

18 1. A default claim related to a default by a grain dealer or grain warehouse  
19 keeper that occurs before September 1, 2002.

20 2. A default claim related to a default by a milk contractor that occurs before  
21 May 1, 2002.

22 3. A default claim related to a default by a vegetable contractor that occurs  
23 before February 1, 2002.

24 4. A default claim allowed against a contractor who was not a contributing  
25 contractor when the default occurred.

1           (b) The department may not pay any default claim under this chapter, except  
2 as provided in sub. (1) or (2).

3           (c) If the total amount of default claims exceeds the amount available under s.  
4 126.72, the department shall prorate the available amount among the eligible  
5 claimants in proportion to the amount of their allowed claims.

6           **(4) EFFECT OF PAYMENT.** A claimant who accepts payment under sub. (1) or (2)  
7 releases his or her claim against the contractor to the extent of the payment. A  
8 payment under sub. (1) or (2) does not prevent a claimant from recovering the  
9 balance of an allowed claim directly from the contractor.

10           **126.72 Claims against contributing contractor; payment sources. (1)**  
11 **PRODUCER SECURITY FUND.** From the appropriation under s. 20.115 (1) (w), the  
12 department shall make payments authorized under s. 126.71 (1), up to the deductible  
13 amount in sub. (4).

14           **(2) INDUSTRY BOND PROCEEDS.** The department shall make a demand against the  
15 appropriate industry bond under s. 126.06 and shall use the proceeds of that bond  
16 to make payments authorized under s. 126.71 (1), to the extent that those payments  
17 exceed the deductible amount in sub. (4).

18           **(3) BLANKET BOND PROCEEDS.** The department shall make a demand against the  
19 blanket bond under s. 126.07 and shall use the bond proceeds to pay any remaining  
20 amounts authorized under s. 126.71 (1) after the department makes payments under  
21 subs. (1) and (2).

22           **(4) DEDUCTIBLE AMOUNT.** The deductible amount, for purposes of subs. (1) and  
23 (2), is as follows:

24           (a) For default claims against a grain dealer or grain warehouse keeper who  
25 was a contributing contractor when the default occurred:

1           1. If the department allows the claims on or after September 1, 2002, but before  
2           September 1, 2004, \$500,000.

3           2. If the department allows the claims on or after September 1, 2004, but before  
4           September 1, 2006, \$750,000.

5           3. If the department allows the claims on or after September 1, 2006,  
6           \$1,000,000.

7           (b) For default claims against a milk contractor who was a contributing  
8           contractor when the default occurred:

9           1. If the department allows the claims on or after May 1, 2002, but before May  
10          1, 2004, \$1,000,000.

11          2. If the department allows the claims on or after May 1, 2004, but before May  
12          1, 2006, \$1,500,000.

13          3. If the department allows the claims on or after May 1, 2006, \$2,000,000.

14          (c) For claims against a vegetable contractor who was a contributing contractor  
15          when the default occurred:

16          1. If the department allows the claims on or after February 1, 2002, but before  
17          February 1, 2004, \$500,000.

18          2. If the department allows the claims on or after February 1, 2004, but before  
19          February 1, 2006, \$750,000.

20          3. If the department allows the claims on or after February 1, 2006, \$1,000,000.

21          **126.73 Reimbursing payments. (1) PAYMENTS FROM THE FUND.** The  
22          department may demand and collect, from a contractor, any claim amounts that the  
23          department pays under s. 126.72 (1) because of the contractor's default.

24          **(2) BOND PAYMENTS.** A bond surety may demand and collect, from a contractor,  
25          any claim amounts that the bond surety pays to the department under s. 126.72 (2)

1 or (3) because of the contractor's default. The bond surety shall provide the  
2 department with a copy of each demand under this subsection.

### 3 SUBCHAPTER VIII

#### 4 ADMINISTRATION AND ENFORCEMENT

5 **126.78 Definitions.** In this subchapter:

6 (1) "Contributing contractor" has the meaning given in s. 126.68 (1).

7 (2) "Depositor" has the meaning given in s. 126.25 (5).

8 (3) "Grain dealer" has the meaning given in s. 126.10 (9).

9 (4) "Grain warehouse keeper" has the meaning given in s. 126.25 (9).

10 (5) "Milk contractor" has the meaning given in s. 126.40 (8).

11 (6) "Producer agent" means a person who is a producer agent, as defined in s.  
12 126.10 (13), 126.40 (13), or 126.55 (12).

13 (7) "Vegetable contractor" has the meaning given in s. 126.55 (14).

14 (8) "Vegetable producer" has the meaning given in s. 126.55 (16).

15 **126.80 Department authority; general.** The department shall administer  
16 this chapter.

17 **126.81 Rule-making.** The department may promulgate rules to do any of the  
18 following:

19 (1) Interpret and implement this chapter.

20 (2) Modify the license fees and surcharges provided in s. 126.11 (4), 126.26 (3),  
21 126.41 (3), 126.42, or 126.56 (4).

22 (3) Modify the fund assessments provided under s. 126.15, 126.30, 126.46, or  
23 126.60, as provided in s. 126.88.

24 (4) Require a contractor to notify producers and producer agents of the  
25 contractor's license, security, or fund contribution status under this chapter.



1           **126.82 Investigations.** The department may conduct investigations that it  
2 considers necessary for the administration of this chapter, including investigations  
3 to determine any of the following:

4           **(1)** Whether a contractor complies with this chapter.

5           **(2)** Whether a contractor is able to honor contract obligations when due.

6           **(3)** Whether a contractor has failed to honor contract obligations when due.

7           **(4)** Whether a grain warehouse keeper has sufficient grain on hand to meet the  
8 grain warehouse keeper's obligations to depositors.

9           **(5)** The nature and amount of a contractor's storage obligations or other  
10 contract obligations.

11           **126.83 Information.** The department may require a contractor to provide  
12 information that is relevant to the administration and enforcement of this chapter.

13           **126.84 Records; confidentiality. (1) PUBLIC RECORDS EXEMPTION.** The  
14 following records obtained by the department under this chapter are not open to  
15 public inspection under s. 19.35:

16           **(a)** Contractor financial statements.

17           **(b)** A contractor's purchase, storage, or procurement records.

18           **(2) USE OF RECORDS IN COURT OR ADMINISTRATIVE PROCEEDINGS.** Notwithstanding  
19 sub. (1), the department may introduce any information obtained under this chapter  
20 in a court proceeding or administrative contested case, subject to any protective  
21 order that the court or administrative tribunal determines to be appropriate.

22           **126.85 Remedial orders. (1) GENERAL.** The department may, by special  
23 order, require a contractor to remedy a violation of this chapter or a rule promulgated  
24 under this chapter. The department may order the contractor to take specific  
25 remedial actions, including actions to remedy deficiencies or to prevent losses to

1 persons protected under this chapter. Except as provided in sub. (2), the department  
2 shall give the contractor notice and an opportunity for hearing before the department  
3 issues an order.

4 **(2) SUMMARY ORDER.** The department may issue an order under sub. (1) without  
5 prior notice or hearing if the department finds that the order is necessary to prevent  
6 a clear and imminent threat of harm to persons protected under this chapter.  
7 Conditions indicating a clear and imminent threat of harm include the following:

8 (a) A contractor fails to pay producers according to this chapter or according  
9 to the contractor's contracts with producers.

10 (b) A contractor fails to file replacement insurance within the time required  
11 under this chapter.

12 (c) A contractor fails to file security according to this chapter, or in response to  
13 the department's demand under this chapter.

14 (d) A contractor fails to pay a fund assessment when due.

15 (e) A vegetable contractor fails to pay vegetable producers by January 31 for  
16 vegetables delivered by December 31 of the previous year, except as authorized in a  
17 deferred payment contract.

18 (f) A grain warehouse keeper fails to return grain to depositors upon demand,  
19 as required under s. 126.34 (4).

20 (g) A grain warehouse keeper fails to maintain adequate grain inventory as  
21 required under s. 126.34 (3), and at least one of the following applies:

22 1. The amount of the deficiency exceeds 10,000 bushels or 10% of the grain  
23 warehouse keeper's obligations to depositors, whichever amount is less.

24 2. The grain warehouse keeper fails to correct the deficiency within 15 days  
25 after receiving the department's written notice that a deficiency exists.

1           **(3) HEARING ON SUMMARY ORDER.** (a) A contractor named in a summary order  
2 under sub. (2) may, within 10 days after receiving the order, request a hearing on the  
3 order. The department shall hold an informal hearing as soon as possible after  
4 receiving a hearing request, but not later than 10 days after receiving the hearing  
5 request, unless the contractor waives the informal hearing or agrees to hold it at a  
6 later date. If the matter is not resolved at the informal hearing, the department shall  
7 hold a contested case hearing under ch. 227 as soon as reasonably possible.

8           (b) A hearing request under par. (a) does not automatically stay a summary  
9 order. The department may stay a summary order pending hearing.

10           **126.86 License actions. (1) GENERAL.** The department may for cause deny,  
11 suspend, revoke, or impose conditions on a contractor's license, as provided in s.  
12 93.06 (7) and (8). Cause may include any of the following:

13           (a) The contractor fails to comply with this chapter or a rule promulgated under  
14 this chapter.

15           (b) The contractor fails to comply with an order that the department issues  
16 under this chapter.

17           (c) The contractor fails to provide relevant information that the department  
18 requests under this chapter or falsifies information provided to the department.

19           (d) The contractor fails to file a financial statement, security, fees, or  
20 assessments required under this chapter, or fails to meet other requirements for  
21 licensing.

22           (e) The contractor fails to honor contract obligations to persons who are  
23 authorized to file default claims under s. 126.70 (1).

24           (f) The contractor fails to reimburse the department, within 60 days after the  
25 department issues a reimbursement demand under s. 126.73 (1), for the full amount

1 that the department pays to claimants under s. 126.72 (1) because of the contractor's  
2 default.

3 (g) The contractor fails to reimburse a bond surety, within 60 days after the  
4 bond surety issues a reimbursement demand under s. 126.73 (2), for the full amount  
5 that the surety pays to the department under s. 126.72 (2) or (3) for the benefit of  
6 claimants affected by the contractor's default.

7 (2) HEARING ON LICENSE ACTION; GENERAL. Except as provided in sub. (3), the  
8 department shall give a contractor notice and an opportunity for hearing before the  
9 department suspends, revokes, or imposes conditions on a license held by the  
10 contractor.

11 (3) SUMMARY ACTION. (a) The department may, without prior notice or hearing,  
12 summarily suspend, revoke, or impose conditions on a license held by a contractor  
13 if the department finds that summary action is necessary to prevent a clear and  
14 imminent threat of harm to persons protected under this chapter. Conditions  
15 indicating a clear and imminent threat of harm include those identified in s. 126.85  
16 (2).

17 (b) A contractor who is the subject of a summary action under par. (a) may,  
18 within 10 days after receiving notice of that action, request a hearing on the action.  
19 The department shall hold an informal hearing as soon as possible after receiving a  
20 hearing request, but not later than 10 days after receiving the hearing request,  
21 unless the contractor waives the informal hearing or agrees to hold it at a later date.  
22 If the matter is not resolved at the informal hearing, the department shall hold a  
23 contested case hearing under ch. 227 as soon as reasonably possible.

24 (c) A request for hearing under par. (b) does not automatically stay a summary  
25 action under par. (a). The department may stay a summary action pending hearing.

1           **126.87 Court actions. (1) INJUNCTION.** The department may petition the  
2 circuit court for an ex parte temporary restraining order, a temporary injunction, or  
3 a permanent injunction to prevent, restrain, or enjoin any person from violating this  
4 chapter, any rule promulgated under this chapter, or any order issued under this  
5 chapter. The department may seek this remedy in addition to any other penalty or  
6 remedy provided under this chapter.

7           **(2) PENALTIES.** (a) A person who violates this chapter, a rule promulgated under  
8 this chapter, or an order issued under this chapter is subject to a forfeiture of not less  
9 than \$250 nor more than \$5,000 for each violation.

10           (b) A person who intentionally violates this chapter, a rule promulgated under  
11 this chapter, or an order issued under this chapter may be fined not more than  
12 \$10,000 or imprisoned for not more than one year in the county jail or both.

13           **(4) PRIVATE REMEDY.** (a) A person whose claim is allowed under s. 126.70 may  
14 bring an action against the contractor to recover the amount of the allowed claim, less  
15 any recovery amount that the department pays to the claimant under s. 126.71. In  
16 any court action under this subsection, the claimant may recover costs including all  
17 reasonable attorney fees, notwithstanding s. 814.04 (1). This subsection does not  
18 limit any other legal cause of action that the claimant may have against the  
19 contractor.

20           (b) A claim allowed under s. 126.70 has the same priority in an insolvency  
21 proceeding or creditor's action as a claim for wages, except as otherwise provided by  
22 federal law.

23           **(5) COLLECTIONS.** The department may bring an action in court to recover any  
24 unpaid amount that a contractor owes the department under this chapter, including  
25 any unpaid fund assessment or reimbursement.

1           **126.88 Modifying fund assessments.** The department may by rule modify  
2 the fund assessments provided under s. 126.15, 126.30, 126.46, or 126.60. The  
3 department shall modify fund assessments as necessary to do all of the following:

4           **(1)** Maintain an overall fund balance of at least \$5,000,000 after January 1,  
5 2006, but not more than \$22,000,000 at any time.

6           **(2)** Maintain a fund balance attributable to grain dealers of at least \$1,000,000  
7 after January 1, 2006, but not more than \$6,000,000 at any time.

8           **(3)** Maintain a fund balance attributable to grain warehouse keepers of at least  
9 \$200,000 after January 1, 2006, but not more than \$1,000,000 at any time.

10           **(4)** Maintain a fund balance attributable to milk contractors of at least  
11 \$3,000,000 after January 1, 2006, but not more than \$12,000,000 at any time.

12           **(5)** Maintain a fund balance attributable to vegetable contractors of at least  
13 \$800,000 after January 1, 2006, but not more than \$3,000,000 at any time.

14           **126.89 Calculations.** If a number used in or resulting from a calculation made  
15 to determine the amount of an assessment under s. 126.15, 126.30, 126.46, or 126.60,  
16 other than a number that appears in one of those sections, extends more than 6  
17 decimal places to the right of the decimal point, a person making the calculation shall  
18 round the number to the nearest whole digit in the 6th decimal place to the right of  
19 the decimal point. The amount of an assessment may be rounded to the nearest  
20 whole dollar.

21           **126.90 Agricultural producer security council.** The agricultural producer  
22 security council shall advise the department on the administration and enforcement  
23 of this chapter. The council shall meet as often as the department considers  
24 necessary, but at least once annually. The department shall inform the council of

1 fund balances and payments, and shall consult with the council before modifying any  
2 license fee, license surcharge, or fund assessment under this chapter.

3 **SECTION 2814.** Chapter 127 of the statutes, as affected by 2001 Wisconsin Act  
4 .... (this act), is repealed.”.

5 **1243.** Page 939, line 16: after that line insert:

6 “**SECTION 2814dd.** 127.01 (1r) of the statutes is amended to read:

7 127.01 **(1r)** “Audited financial statement” means a financial statement on  
8 which an independent certified public accountant, ~~or an independent public~~  
9 ~~accountant holding a certificate of authority~~ licensed or certified under ch. 442, has  
10 expressed an opinion according to generally accepted accounting principles and has  
11 conducted an audit according to generally accepted auditing standards.

12 **SECTION 2814dh.** 127.01 (25m) (b) of the statutes is amended to read:

13 127.01 **(25m)** (b) The financial statement is reviewed according to generally  
14 accepted accounting principles by an independent certified public accountant ~~or an~~  
15 ~~independent public accountant who holds a certificate of authority~~ licensed or  
16 certified under ch. 442.

17 **SECTION 2814dp.** 127.06 (1) (e) of the statutes is amended to read:

18 127.06 **(1)** (e) The department may extend the filing deadline under par. (a) 2.  
19 by up to 30 days in response to a written request from a warehouse keeper or an  
20 independent certified public accountant, ~~or an independent public accountant~~  
21 ~~holding a certificate of authority~~ licensed or certified under ch. 442, that is auditing  
22 or reviewing the financial statement for a warehouse keeper if the department  
23 receives the request on or before the 5th day of the 4th month beginning after the

1 close of the warehouse keeper’s fiscal year and if the request states the reason for the  
2 extension.

3 **SECTION 2814dt.** 127.06 (1m) (e) of the statutes is amended to read:

4 127.06 (1m) (e) The department may extend the filing deadline under par. (b)  
5 2. by up to 30 days in response to a written request from a grain dealer or an  
6 independent certified public accountant, ~~or an independent public accountant who~~  
7 ~~holds a certificate of authority~~ licensed or certified under ch. 442, that is auditing or  
8 reviewing the financial statement for a grain dealer, if the department receives the  
9 written request on or before the 5th day of the 4th month beginning after the close  
10 of the grain dealer’s fiscal year and if the request states the reason for the extension.”.

11 **1244.** Page 939, line 16: after that line insert:

12 “**SECTION 2812t.** 125.52 (8) of the statutes is created to read:

13 125.52 (8) SALES TO INDIVIDUALS IN OTHER STATES. A permittee under this section  
14 that ships wine from this state to individuals in another state under authorization  
15 of a reciprocal agreement specified in s. 139.035 shall submit a report to the  
16 department, by January 31 of each year, on forms furnished by the department. The  
17 report shall include the identity, quantity, and price of all products shipped during  
18 the previous calendar year from this state to individuals in another state under  
19 authorization of a reciprocal agreement specified in s. 139.035. The report shall also  
20 include the name, address, and birthdate of each person who purchased these  
21 products and each person to whom these products were shipped. The department  
22 shall keep confidential, in the same manner required for tax returns under s. 71.78  
23 (1), (4), and (5) to (8), reports submitted under this subsection.

24 **SECTION 2812u.** 125.53 (3) of the statutes is created to read:



1           125.53 (3) A permittee under this section that ships wine from this state to  
2 individuals in another state under authorization of a reciprocal agreement specified  
3 in s. 139.035 shall submit a report to the department, by January 31 of each year, on  
4 forms furnished by the department. The report shall include the identity, quantity,  
5 and price of all products shipped during the previous calendar year from this state  
6 to individuals in another state under authorization of a reciprocal agreement  
7 specified in s. 139.035. The report shall also include the name, address, and  
8 birthdate of each person who purchased these products and each person to whom  
9 these products were shipped. The department shall keep confidential, in the same  
10 manner required for tax returns under s. 71.78 (1), (4), and (5) to (8), reports  
11 submitted under this subsection.

12           **SECTION 2812v.** 125.58 (4) of the statutes is renumbered 125.48 (4) (intro.) and  
13 amended to read:

14           125.58 (4) (a) (intro.) A winery located outside of this state may ship wine into  
15 this state as provided under s. 125.68 (10) (bm) if the all of the following apply:

16           1. The winery is located in a state which that has a reciprocal agreement with  
17 this state under s. 139.035.

18           (b) An out-of-state shipper's permit is not required for shipments into this  
19 state under this subsection.

20           **SECTION 2812w.** 125.58 (4) (a) 2. of the statutes is created to read:

21           125.58 (4) (a) 2. The winery holds a valid business tax registration certificate  
22 issued under s. 73.03 (50). Notwithstanding s. 73.03 (50), the department shall  
23 charge an annual fee of \$10 for this registration.

24           **SECTION 2812wg.** 125.58 (4) (a) 3. of the statutes is created to read:

1           125.58 (4) (a) 3. The winery submits to the department, with any initial  
2 application or renewal for a certificate under s. 73.03 (50), a copy of any current  
3 license, permit, or authorization issued to the winery by any state from which the  
4 winery will ship wine into this state.

5           **SECTION 2812wm.** 125.58 (4) (a) 4. of the statutes is created to read:

6           125.58 (4) (a) 4. The winery submits a report to the department, by January  
7 31 of each year, on forms furnished by the department, providing the identity,  
8 quantity, and price of all products shipped into this state during the previous  
9 calendar year, along with the name, address, and birthdate of each person who  
10 purchased these products and each person to whom these products were shipped.  
11 The department shall keep confidential, in the same manner required for tax returns  
12 under s. 71.78 (1), (4), and (5) to (8), reports submitted under this subdivision.

13           **SECTION 2812x.** 125.68 (10) (bm) of the statutes is amended to read:

14           125.68 (10) (bm) A winery in compliance with the requirements of s. 125.58 (4)  
15 may ship wine into this state under s. 125.58 (4) from a state ~~which~~ that has a  
16 reciprocal agreement with this state under s. 139.035 to an individual who is of the  
17 legal drinking age and who acknowledges in writing receipt of the wine shipped if the  
18 shipping container is clearly labeled to indicate that the package may not be  
19 delivered to an underage person or to an intoxicated person. A person who receives  
20 wine under this paragraph may not sell it or use it for a commercial purpose. A  
21 signature on the delivery form of the common carrier by a person of legal drinking  
22 age acknowledges delivery in writing.”.

23           **1245.** Page 939, line 16: after that line insert:

24           **“SECTION 2813m.** 134.60 of the statutes is amended to read:

1           **134.60 Cutting or transportation of evergreens.** No person may cut for  
2 sale in its natural condition and untrimmed, with or without roots, any evergreen or  
3 coniferous tree, branch, bough, bush, sapling or shrub, from the lands of another  
4 without the written consent of the owner, whether such land is publicly or privately  
5 owned. The written consent shall contain the legal description of the land where the  
6 tree, branch, bough, bush, sapling or shrub was cut, as well as the name of the legal  
7 owner. The written consent or a certified copy of the consent shall be carried by every  
8 person in charge of the cutting or removing of the trees, branches, boughs, bushes,  
9 saplings or shrubs, and shall be exhibited to any officer of the law, state forest ranger,  
10 forest patrol officer, conservation warden, or other officer of the department of  
11 natural resources or the department of forestry at the officer's request at any time.  
12 The officer may inspect the trees, branches, boughs, bushes, saplings or shrubs when  
13 being transported in any vehicle or other means of conveyance and may investigate  
14 to determine whether or not this section has been complied with. The officer may  
15 stop any vehicle or means of conveyance found carrying any trees, branches, boughs,  
16 bushes, saplings or shrubs upon any public highway of this state for the purpose of  
17 making such inspection and investigation, and may seize and hold, subject to the  
18 order of the court, any such trees, bushes, saplings or shrubs found being cut,  
19 removed or transported in violation of this section. No person may ship or transport  
20 any such trees, bushes, saplings or shrubs outside the county where they were cut  
21 unless the person attaches to the outside of each package, box, bale, truckload or  
22 carload shipped a tag or label on which appears the person's name and address. No  
23 common carrier or truck hauler may receive for shipment or transportation any such  
24 trees, bushes, saplings or shrubs unless the tag or label is attached. Any person who  
25 violates this section shall be fined not less than \$10 nor more than \$100. Any person

1 who signs any such written consent or certified copy under this section who is not  
2 authorized to do so, and any person who lends or transfers or offers to lend or transfer  
3 any such written consent or certified copy to another person who is not entitled to use  
4 it, and any person not entitled to use any such written consent or certified copy, or  
5 who borrows, receives or solicits from another any such written consent or certified  
6 copy thereof shall be fined not less than \$100 nor more than \$500.”.

7 **1246.** Page 939, line 17: delete the material beginning with that line and  
8 ending with page 940, line 4.

9 **1247.** Page 940, line 4: after that line insert:

10 “SECTION 2818. 134.72 (title) of the statutes is amended to read:

11 **134.72 (title) Prohibition of certain unsolicited messages by telephone**  
12 **or facsimile machine.**

13 **SECTION 2819b.** 134.72 (1) (c) of the statutes is renumbered 100.52 (1) (i) and  
14 amended to read:

15 100.52 (1) (i) “Telephone solicitation” means the unsolicited initiation of a  
16 telephone conversation for the purpose of encouraging a person the recipient of the  
17 telephone call to purchase property, goods or services or to make a contribution,  
18 donation, grant, or pledge of money, credit, property, or other thing of any kind or  
19 value.

20 **SECTION 2820d.** 134.72 (2) (a) (title) of the statutes is repealed.

21 **SECTION 2821b.** 134.72 (2) (a) of the statutes is renumbered 100.52 (4) (a)  
22 (intro.) and amended to read:

23 100.52 (4) (a) (intro.) No person may use A telephone solicitor or an employee  
24 or contractor of a telephone solicitor may not do any of the following:

1           1. Use an electronically prerecorded message in telephone solicitation without  
2           the consent of the ~~person called~~ recipient of the telephone call.

3           **SECTION 2822.** 134.72 (2) (b) (title) of the statutes is repealed.

4           **SECTION 2822m.** 134.72 (2) (b) of the statutes is renumbered 134.72 (2), and  
5           134.72 (2) (b), as renumbered, is amended to read:

6           134.72 (2) (b) Notwithstanding ~~subd. 1. par. (a)~~, a person may not make a  
7           facsimile solicitation to a person who has notified the facsimile solicitor in writing  
8           or by facsimile transmission that the person does not want to receive facsimile  
9           solicitation.

10          **SECTION 2824.** 134.72 (3) (a) of the statutes is amended to read:

11          134.72 (3) (a) *Intrastate.* This section applies to any ~~intrastate telephone~~  
12          ~~solicitation or~~ intrastate facsimile solicitation.

13          **SECTION 2825.** 134.72 (3) (b) of the statutes is amended to read:

14          134.72 (3) (b) *Interstate.* This section applies to any ~~interstate telephone~~  
15          ~~solicitation, or~~ interstate facsimile solicitation, received by a person in this state.

16          **SECTION 2826.** 134.72 (4) of the statutes is amended to read:

17          134.72 (4) PENALTY. A person who violates this section may be required to  
18          forfeit ~~up to~~ not more than \$500.”.

19          **1248.** Page 940, line 4: after that line insert:

20          “**SECTION 2826m.** 134.73 of the statutes is created to read:

21          **134.73 Identification of prisoner making telephone solicitation. (1)**

22          DEFINITIONS. In this section:

23          (a) “Contribution” has the meaning given in s. 440.41 (5).

1 (b) “Prisoner” means a prisoner of any public or private correctional or  
2 detention facility that is located within or outside this state.

3 (c) “Solicit” has the meaning given in s. 440.41 (8).

4 (d) “Telephone solicitation” means the unsolicited initiation of a telephone  
5 conversation for any of the following purposes:

6 1. To encourage a person to purchase property, goods, or services.

7 2. To solicit a contribution from a person.

8 3. To conduct an opinion poll or survey.

9 **(2) REQUIREMENTS.** A prisoner who makes a telephone solicitation shall do all  
10 of the following immediately after the person called answers the telephone:

11 (a) Identify himself or herself by name.

12 (b) State that he or she is a prisoner.

13 (c) Inform the person called of the name of the correctional or detention facility  
14 in which he or she is a prisoner and the city and state in which the facility is located.

15 **(3) TERRITORIAL APPLICATION.** (a) *Intrastate.* This section applies to any  
16 intrastate telephone solicitation.

17 (b) *Interstate.* This section applies to any interstate telephone solicitation  
18 received by a person in this state.

19 **(4) PENALTIES.** (a) A prisoner who violates this section may be required to forfeit  
20 not more than \$500.

21 (b) If a person who employes a prisoner to engage in telephone solicitation is  
22 concerned in the commission of a violation of this section as provided under s. 134.99,  
23 the person may be required to forfeit not more than \$10,000.

24 **SECTION 2826p.** 134.95 (2) of the statutes is amended to read:

1           134.95 **(2)** SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a  
2 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,  
3 134.72, 134.73, or 134.87 or ch. 136 or a rule promulgated under these sections or that  
4 chapter, the person shall be subject to a supplemental forfeiture not to exceed  
5 \$10,000 for that violation if the conduct by the defendant, for which the fine or  
6 forfeiture was imposed, was perpetrated against an elderly person or disabled person  
7 and if any of the factors under s. 100.264 (2) (a), (b), or (c) is present.”.

8           **1249.** Page 940, line 5: delete lines 5 to 10.

9           **1250.** Page 942, line 9: after that line insert:

10          “**SECTION 2841m.** 139.03 (5) (b) 2. of the statutes is amended to read:

11          139.03 **(5)** (b) 2. A person who is a member of the national guard, the U. S.  
12 armed forces or a reserve component of the U. S. armed forces; who is a state resident;  
13 and who leaves a foreign country, after spending at least 48 hours in that foreign  
14 country on duty or for training, with the purpose of entering into this state may bring  
15 into the state, in sealed original containers and in the person’s immediate possession,  
16 intoxicating liquor and wine in an aggregate amount not exceeding ~~6~~ 16 liters  
17 without paying the tax imposed under this subchapter on that amount.”.

18          **1251.** Page 942, line 16: delete “34” and substitute “38.5”.

19          **1252.** Page 942, line 18: delete “68” and substitute “77”.

20          **1253.** Page 944, line 19: delete “30%” and substitute “25%”.

21          **1254.** Page 944, line 21: delete “30%” and substitute “25%”.

22          **1255.** Page 945, line 5: delete “30%” and substitute “25%”.

23          **1256.** Page 946, line 6: after that line insert:

1           “**SECTION 2850ag.** 146.56 (1) of the statutes is amended to read:

2           146.56 (1) Not later than July 1, 2002, the department shall develop and  
3           implement a statewide trauma care system. The department shall seek the advice  
4           of the statewide trauma advisory council under s. 15.197 (25) in developing and  
5           implementing the system, and, as part of the system, shall develop regional trauma  
6           advisory councils.

7           **SECTION 2850ah.** 146.56 (2) of the statutes is amended to read:

8           146.56 (2) The department shall promulgate rules to develop and implement  
9           the system. The rules shall include a method by which to classify all hospitals as to  
10          their respective emergency care capabilities. The classification rule shall be based  
11          on standards developed by the American College of Surgeons. Within 180 days after  
12          promulgation of the classification rule, and every ~~4~~ 3 years thereafter, each hospital  
13          shall certify to the department the classification level of trauma care services that  
14          is provided by the hospital, based on the rule. The department may require a hospital  
15          to document the basis for its certification. The department may not direct a hospital  
16          to establish a certain level of certification. Confidential injury data that is collected  
17          under this subsection shall be used for confidential review relating to performance  
18          improvements in the trauma care system, and may be used for no other purpose.”.

19          **1257.** Page 946, line 7: delete lines 7 to 13 and substitute:

20          “**SECTION 2850bc.** 146.65 of the statutes is created to read:

21          **146.65 Rural health dental clinics. (1)** From the appropriation under s.  
22          20.435 (5) (dm), the department shall distribute moneys as follows:

23          (a) In state fiscal year 2001–02, not more than \$618,000 and in fiscal year  
24          2002–03, not more than \$232,000, to the rural health dental clinic located in



1 Ladysmith that provides dental services to persons who are developmentally  
2 disabled or elderly or who have low income, in the counties of Rusk, Price, Taylor,  
3 Sawyer, and Chippewa.

4 (b) In fiscal year 2001–02, not more than \$294,500 and in state fiscal year  
5 2002–03, not more than \$355,600, to the rural health dental clinic located in  
6 Menomonie that provides dental services to persons who are developmentally  
7 disabled or elderly or who have low income, in the counties of Barron, Chippewa,  
8 Dunn, Pepin, Pierce, Polk, and St. Croix.

9 (2) The department shall also seek federal funding to support the operations  
10 of the rural health dental clinics under sub. (1).”.

11 **1258.** Page 946, line 13: after that line insert:

12 “SECTION 2850bm. 148.19 (2) of the statutes is amended to read:

13 148.19 (2) Legal counsel, certified public accountants licensed or certified  
14 under ch. 442, or other persons as to matters the director or officer believes in good  
15 faith are within the person’s professional or expert competence.”.

16 **1259.** Page 946, line 13: after that line insert:

17 “SECTION 2850bg. 146.83 (1) (b) of the statutes is amended to read:

18 146.83 (1) (b) Receive a copy of the patient’s health care records upon payment  
19 of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

20 SECTION 2850bh. 146.83 (1) (c) of the statutes is amended to read:

21 146.83 (1) (c) Receive a copy of the health care provider’s X-ray reports or have  
22 the X-rays referred to another health care provider of the patient’s choice upon  
23 payment of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

24 SECTION 2850bi. 146.83 (3m) of the statutes is created to read:

1           146.83 **(3m)** (a) The department shall, by rule, prescribe fees that are based on  
2 an approximation of actual costs. The fees, plus applicable tax, are the maximum  
3 amount that a health care provider may charge under sub. (1) (b) for duplicate  
4 patient health care records and under sub. (1) (c) for duplicate X–ray reports or the  
5 referral of X–rays to another health care provider of the patient’s choice. The rule  
6 shall also permit the health care provider to charge for actual postage or other actual  
7 delivery costs. In determining the approximation of actual costs for the purposes of  
8 this subsection, the department may consider all of the following factors:

9           1. Operating expenses, such as wages, rent, utilities, and duplication  
10 equipment and supplies.

11           2. The varying cost of retrieval of records, based on the different media on which  
12 the records are maintained.

13           3. The cost of separating requested patient health care records from those that  
14 are not requested.

15           4. The cost of duplicating requested patient health care records.

16           5. The impact on costs of advances in technology.

17           (b) By January 1, 2006, and every 3 years thereafter, the department shall  
18 revise the rules under par. (a) to account for increases or decreases in actual costs.”.

19           **1260.** Page 946, line 25: after that line insert:

20           “**SECTION 2850dm.** 149.135 of the statutes is created to read:

21           **149.135 Special small employer insurer assessment. (1)** In this section:

22           (a) “Discontinued individual” means an individual who was covered under the  
23 health benefit plan subject to ch. 635 that was discontinued by the small employer  
24 insurer that provided the health benefit plan and who obtained coverage under the

1 plan under this chapter after the coverage under the health benefit plan was  
2 discontinued.

3 (b) “Health benefit plan” has the meaning given in s. 632.745 (11).

4 (c) “Small employer” has the meaning given in s. 635.02 (7).

5 (d) “Small employer insurer” has the meaning given in s. 635.02 (8).

6 **(2)** (a) Except as provided in sub. (3), a small employer insurer that  
7 discontinues coverage under a health benefit plan that is subject to ch. 635 shall pay  
8 a special assessment for each discontinued individual.

9 (b) The assessment under this subsection shall be determined by multiplying  
10 the small employer insurer’s number of discontinued individuals by the average cost  
11 of an eligible person in the year in which the small employer insurer discontinued  
12 the coverage under the health benefit plan. The average cost of an eligible person  
13 in the year in which the health benefit plan was discontinued shall be determined  
14 by deducting from the total costs of the plan under this chapter in that year all  
15 premiums paid in that year by all persons with coverage under the plan under this  
16 chapter, and then by dividing that amount by the total number of persons with  
17 coverage under the plan under this chapter in that year.

18 (c) The assessment under this subsection shall also include all costs that are  
19 incurred by the small employer insurer’s discontinued individuals during their first  
20 6 months of coverage under the plan under this chapter and that are attributable to  
21 preexisting conditions.

22 (d) The board shall determine when a small employer insurer must pay the  
23 assessment under this section.

1           **(3)** The assessment under sub. (2) does not apply if the small employer insurer  
2 discontinued coverage under the health benefit plan subject to ch. 635 for any of the  
3 following reasons:

4           (a) The small employer failed to pay premiums or contributions in accordance  
5 with the terms of the health benefit plan or in a timely manner.

6           (b) The small employer performed an act or engaged in a practice that  
7 constitutes fraud or made an intentional misrepresentation of material fact under  
8 the terms of the coverage.

9           (c) The small employer failed to meet participation or contribution  
10 requirements under the health benefit plan.”.

11           **1261.** Page 948, line 20: after that line insert:

12           “**SECTION 2850Ldc.** 149.143 (1) (intro.) of the statutes is amended to read:

13           149.143 **(1)** (intro.) The department shall pay or recover the operating costs of  
14 the plan from the appropriation under s. 20.435 (4) (v) and administrative costs of  
15 the plan from the appropriation under s. 20.435 (4) (u). For purposes of determining  
16 premiums, insurer assessments under s. 149.13, and provider payment rate  
17 adjustments, the department shall apportion and prioritize responsibility for  
18 payment or recovery of plan costs from among the moneys constituting the fund as  
19 follows:

20           **SECTION 2850Ldm.** 149.143 (1) (b) 1. a. of the statutes is amended to read:

21           149.143 **(1)** (b) 1. a. First, from premiums from eligible persons with coverage  
22 under s. 149.14 (2) (a) set at 150% of the rate that a standard risk would be charged  
23 under an individual policy providing substantially the same coverage and  
24 deductibles as are provided under the plan and from eligible persons with coverage

1 under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including amounts  
2 received for premium and deductible subsidies under s. 149.144 and under the  
3 transfer to the fund from the appropriation account under s. 20.435 (4) (ah), and from  
4 premiums collected from eligible persons with coverage under s. 149.146 set in  
5 accordance with s. 149.146 (2) (b), and from 50% of small employer insurer  
6 assessments under s. 149.135.”.

7 **1262.** Page 948, line 23: delete “assessments, excluding” and substitute  
8 “assessments under s. 149.13, excluding”.

9 **1263.** Page 949, line 2: after that line insert:

10 “SECTION **2850Lem.** 149.143 (1) (b) 2. a. of the statutes is amended to read:  
11 149.143 (1) (b) 2. a. Fifty percent from insurer assessments under s. 149.13,  
12 excluding assessments under s. 149.144, and from 50% of small employer insurer  
13 assessments under s. 149.135.”.

14 **1264.** Page 950, line 17: delete “assessments,” and substitute “assessments  
15 under s. 149.13.”.

16 **1265.** Page 951, line 25: delete “assessments,” and substitute “assessments  
17 under s. 149.13.”.

18 **1266.** Page 957, line 3: after that line insert:

19 “SECTION **2852bb.** 157.061 (1) of the statutes is renumbered 157.061 (1c) and  
20 amended to read:

21 157.061 (1c) “Burial” means entombment, inurnment ~~or~~, interment, or  
22 placement in a mausoleum, vault, crypt, or columbarium.

23 SECTION **2852bf.** 157.061 (1d) of the statutes is created to read:

1           157.061 **(1d)** “Burial space” means a space that is used or intended to be used  
2 for the burial of human remains and, when used in reference to the sale, purchase,  
3 or ownership of a burial space, includes the right to bury human remains in the  
4 burial space.

5           **SECTION 2852bj.** 157.061 (1p) of the statutes is created to read:

6           157.061 **(1p)** “Cemetery” means a place that is dedicated to and used or  
7 intended to be used for the final disposition of human remains.

8           **SECTION 2852bL.** 157.061 (2m) of the statutes is amended to read:

9           157.061 **(2m)** “Cemetery lot” means a grave or 2 or more contiguous graves and,  
10 ~~when used in reference to the sale, purchase or ownership of a cemetery lot, includes~~  
11 ~~the right to bury human remains in that cemetery lot.~~

12           **SECTION 2852bn.** 157.061 (3) of the statutes is amended to read:

13           157.061 **(3)** “Cemetery merchandise” means goods associated with the burial  
14 of human remains, including monuments, markers, nameplates, vases, and urns,  
15 and any services that are associated with supplying or delivering those goods or with  
16 the burial of human remains and that may be lawfully provided by a cemetery  
17 authority, including opening and closing of a burial space. The term does not include  
18 caskets or outer burial containers.

19           **SECTION 2852bp.** 157.061 (3g) of the statutes is created to read:

20           157.061 **(3g)** “Columbarium” means a building, structure, or part of a building  
21 or structure that is used or intended to be used for the inurnment of cremains.

22           **SECTION 2852br.** 157.061 (3r) of the statutes is created to read:

23           157.061 **(3r)** “Columbarium space” means a niche, crypt, or specific place in a  
24 columbarium that contains or is intended to contain cremains.

25           **SECTION 2852bt.** 157.061 (8g) of the statutes is created to read:

1           157.061 **(8g)** “Lawn crypt” means an interment space in chambers that are  
2           preplaced at either a single depth or multiple depths and that are located primarily  
3           underground.

4           **SECTION 2852bx.** 157.061 (11r) of the statutes is amended to read:

5           157.061 **(11r)** “Payment of principal” means the portion of a payment for the  
6           purchase of ~~a cemetery lot,~~ cemetery merchandise or a ~~mausoleum~~ burial space that  
7           represents the principal amount owed by the purchaser for the ~~cemetery lot,~~  
8           cemetery merchandise or ~~mausoleum~~ burial space, and does not include any portion  
9           of the payment that represents any taxes, finance or interest charges, or insurance  
10          premiums.

11          **SECTION 2852da.** 157.061 (15) of the statutes is amended to read:

12          157.061 **(15)** “Religious association” means any church, synagogue, or mosque  
13          ~~or any, incorporated college of a religious order, or religious society organized under~~  
14          ch. 187.

15          **SECTION 2852dc.** 157.061 (15m) of the statutes is created to read:

16          157.061 **(15m)** “Religious cemetery authority” means a cemetery authority of  
17          a cemetery owned and operated by a religious association.

18          **SECTION 2852de.** 157.061 (17) of the statutes is amended to read:

19          157.061 **(17)** “Undeveloped space” means a mausoleum space, columbarium  
20          space, or lawn crypt that is not ready for the burial of human remains on the date  
21          of the sale of the mausoleum space, columbarium space, or lawn crypt.

22          **SECTION 2852dk.** 157.062 (3) of the statutes is amended to read:

23          157.062 **(3)** VALIDATION. When there shall have been a bona fide attempt to  
24          organize a cemetery association, but a failure to record a properly drawn and  
25          executed certificate of organization, and it has in good faith bought and platted

1 grounds and conveyed ~~cemetery lots~~ burial spaces and carried on business for over  
2 25 years, the same shall be a body corporate from the date of conveyance to it of real  
3 estate, and its transfers and other transactions are validated.

4 **SECTION 2852dm.** 157.062 (4) (a) of the statutes is amended to read:

5 157.062 **(4)** (a) An annual election shall be held during the annual meeting.  
6 The annual meeting, and any special meeting described in sub. (2), shall be held at  
7 a place in the county chosen by the trustees upon public notice as required by the  
8 bylaws. Trustees chosen after the first election shall be proprietors of ~~cemetery lots~~  
9 burial spaces in the cemetery, residents of the state, and hold office for 3 years.  
10 Election shall be by ballot and a plurality shall elect. Each owner of one or more  
11 ~~cemetery lots~~ burial spaces is entitled to one vote, and one of several owners of a  
12 ~~cemetery lot~~ burial space, designated by the majority of them, shall cast the vote.

13 **SECTION 2852ds.** 157.062 (6) (c) of the statutes is amended to read:

14 157.062 **(6)** (c) If an association is dissolved under par. (a) or any group has  
15 never been properly organized as cemetery association, and there are fewer than 5  
16 members living or residing in the county where the cemetery is located, the circuit  
17 judge for the county shall upon the petition of any person interested, make an order  
18 determining who are persons interested in the cemetery. Any adult person who owns  
19 an interest in any ~~cemetery lot~~ burial space in the cemetery, who is related to any  
20 person buried in the cemetery, or who is a descendant, brother, sister, nephew, niece,  
21 or surviving spouse of a member of the dissolved association, is an interested person.  
22 The circuit judge may make the order upon evidence he or she deems sufficient, with  
23 or without hearing. The order need not contain the names of all persons interested,  
24 but shall contain the names of at least 5 such persons.

25 **SECTION 2852dt.** 157.062 (9) of the statutes is amended to read:



1           157.062 **(9)** EXEMPTIONS FOR CERTAIN NONPROFIT CEMETERIES. In lieu of  
2 delivering a certification, resolution, or copy of proceedings to the department of  
3 financial institutions under sub. (1), (2), or (6) (b), a cemetery association that is not  
4 required to be registered under s. 440.91 (1) and, that is not organized or conducted  
5 for pecuniary profit, and that does not operate a cemetery that is located in a county  
6 with a population greater than 600,000 shall deliver the certification, resolution, or  
7 copy of proceedings to the office of the register of deeds of the county in which the  
8 cemetery is located.

9           **SECTION 2852dy.** 157.064 (2) of the statutes is amended to read:

10           157.064 **(2)** A cemetery or religious association incorporated in this state and  
11 having a cemetery in or near a 1st or 2nd class city and any cemetery described under  
12 s. 157.065 (3m) (d) may acquire by gift or purchase up to 30 acres of adjoining lands  
13 for cemetery purposes, and may pay for it wholly or partly from its ~~cemetery lot~~ burial  
14 space sales.

15           **SECTION 2852fb.** 157.064 (6) of the statutes is amended to read:

16           157.064 **(6)** Whenever the majority of the members of a cemetery association,  
17 or of a religious association authorized to hold lands for cemetery purposes, present  
18 at an annual meeting or special meeting called for such purpose vote to convey all  
19 of the cemetery association's or religious association's cemetery property, trust funds  
20 and other property used for cemetery purposes to another cemetery association or  
21 religious association, the trustees of the association shall transfer the property upon  
22 the acceptance of the transfer by the other association by affirmative vote of a  
23 majority of its members present at an annual meeting or special meeting called for  
24 that purpose. Upon such acceptance, the title to the cemetery property, trust funds  
25 and other property of the transferring association vests in the accepting association

1 under the control of the trustees of the accepting association. A conveyance under  
2 this subsection is subject to s. 157.08 (2). This subsection does not apply to a religious  
3 ~~society organized under ch. 187~~ cemetery authority.

4 **SECTION 2852fd.** 157.065 (1) (b) 4. of the statutes is repealed.

5 **SECTION 2852fh.** 157.07 (1) of the statutes is amended to read:

6 157.07 (1) A cemetery authority shall cause to be surveyed and platted by a  
7 land surveyor registered in this state those portions of the lands that are from time  
8 to time required for burial, into ~~cemetery lots~~ burial spaces, drives, and walks, and  
9 record a plat or map of the land in the office of the register of deeds. The plat or map  
10 may not be recorded unless laid out and platted to the satisfaction of the county board  
11 of the county, and the town board of the town, in which the land is situated, or, if the  
12 land is situated within a 1st class city, then only by the common council of that city.

13 **SECTION 2852fj.** 157.07 (5) of the statutes is amended to read:

14 157.07 (5) The cemetery authority may vacate or replat any portion of its  
15 cemetery upon the filing of a petition with the circuit court describing the portion and  
16 setting forth the facts and reasons therefor. The court shall fix a time for hearing and  
17 direct publication of a class 3 notice, under ch. 985, and the court shall order a copy  
18 of the notice to be mailed to at least one interested person, as to each separate parcel  
19 involved, whose post-office address is known or can be ascertained with reasonable  
20 diligence, at least 20 days before such hearing. If the court finds that the proposed  
21 vacating or replatting is for the best interest of the cemetery authority and that the  
22 rights of none to whom ~~cemetery lots~~ burial spaces have been conveyed will be  
23 injured, it shall enter an order reciting the jurisdictional facts and its findings and  
24 authorizing the vacating or replatting of the lands of the cemetery. The order shall  
25 be effective when recorded by the register of deeds.

1           **SECTION 2852fL.** 157.07 (6) of the statutes is amended to read:

2           157.07 **(6)** This section does not apply to a religious society organized under ch.  
3 ~~187 cemetery authority.~~

4           **SECTION 2852fn.** 157.08 (1) of the statutes is amended to read:

5           157.08 **(1)** After the plat or map is recorded under s. 157.07, the cemetery  
6 authority may sell and convey ~~cemetery lots~~ burial spaces. Conveyances shall be  
7 signed by the chief officer of the cemetery authority, and by the secretary or clerk of  
8 the cemetery authority, if any. Before delivering the conveyance to the grantee, the  
9 cemetery authority shall enter on records kept for that purpose, the date and  
10 consideration and the name and residence of the grantee. The conveyances may be  
11 recorded with the register of deeds.

12           **SECTION 2852fp.** 157.08 (2) (a) of the statutes is amended to read:

13           157.08 **(2)** (a) If a ~~cemetery lot or mausoleum~~ burial space is sold by a cemetery  
14 authority and used or intended to be used for the burial of the human remains of the  
15 purchaser or the purchaser's family members, the purchaser's interests in the  
16 ownership of, title to, or right to use the ~~cemetery lot or mausoleum~~ burial space are  
17 not affected or limited by any claims or liens of other persons against the cemetery  
18 authority.

19           **SECTION 2852fr.** 157.08 (2) (b) of the statutes is amended to read:

20           157.08 **(2)** (b) 1. Before a cemetery authority sells or encumbers any cemetery  
21 land, except for a sale described in par. (a), the cemetery authority shall notify the  
22 department in writing.

23           3. If within 60 days after the department is notified of the ~~proposed sale or~~  
24 ~~encumbrance~~ under subd. 1. or 1m. the department notifies the cemetery authority  
25 in writing that the department objects to the ~~sale or encumbrance~~ proposed action.

1 the cemetery authority may not ~~sell or encumber the cemetery land~~ take the action  
2 unless the department subsequently notifies the cemetery authority in writing that  
3 the objection is withdrawn.

4 4. The department may object to ~~a sale or encumbrance~~ an action under subd.  
5 3. only if it determines that the cemetery authority will not be financially solvent or  
6 that the rights and interests of owners of ~~cemetery lots and mausoleum~~ burial spaces  
7 will not be adequately protected if the ~~sale or encumbrance occurs~~ action is taken.  
8 The department shall promulgate rules that establish requirements and procedures  
9 for making a determination under this subdivision.

10 5. The department may, before the expiration of the 60-day period under subd.  
11 3., notify the cemetery authority in writing that the department approves of the ~~sale~~  
12 ~~or encumbrance~~ action. Upon receipt of the department's written approval, the  
13 cemetery authority may ~~sell or encumber the cemetery land~~ take the action and is  
14 released of any liability under this paragraph.

15 6. The department shall make every effort to make determinations under this  
16 paragraph in an expeditious manner.

17 **SECTION 2852ft.** 157.08 (2) (b) 1m. of the statutes is created to read:

18 157.08 **(2)** (b) 1m. Before a cemetery authority of a cemetery in a county with  
19 a population greater than 600,000 takes any of the following actions, the cemetery  
20 authority shall notify the department in writing:

21 a. Transfers ownership or control of 50% or more of the assets or stock of the  
22 cemetery.

23 b. Engages in a transaction that results in a person acquiring ownership or  
24 control of 50% or more of the stock of the cemetery.

1 c. Transfers responsibility for management or operation of the cemetery  
2 authority.

3 **SECTION 2852fu.** 157.08 (2) (b) 2. of the statutes is created to read:

4 157.08 (2) (b) 2. The department shall promulgate rules that specify the  
5 documentation that must be submitted with a notification under subds. 1. and 1m.

6 **SECTION 2852fw.** 157.08 (5) of the statutes is amended to read:

7 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious society  
8 ~~organized under ch. 187, cemetery authority~~ and sub. (2) (b) does not apply to a  
9 cemetery authority that is not required to be registered under s. 440.91 (1) and, that  
10 is not organized or conducted for pecuniary profit, and that does not operate a  
11 cemetery that is located in a county with a population greater than 600,000.”.

12 **1267.** Page 957, line 4: delete lines 4 to 20 and substitute:

13 “**SECTION 2852fx.** 157.10 (title) of the statutes is amended to read:

14 **157.10 (title) Alienation and use of cemetery lots burial spaces.**

15 **SECTION 2852gb.** 157.10 of the statutes is renumbered 157.10 (1) and amended  
16 to read:

17 157.10 (1) While any person is buried in a ~~cemetery lot~~ burial space, the  
18 ~~cemetery lot~~ burial space shall be inalienable, without the consent of the cemetery  
19 authority, and on the death of the owner, ownership of the ~~cemetery lot~~ burial space  
20 shall descend to the owner’s heirs; but any one or more of such heirs may convey to  
21 any other heir his or her interest in the ~~cemetery lot~~ burial space. No human remains  
22 may be buried in a ~~cemetery lot~~ burial space except the human remains of one having  
23 an interest in the ~~cemetery lot~~ burial space, or a relative, or the husband or wife of

1 such person, or his or her relative, except by the consent of all persons having an  
2 interest in the cemetery lot burial space.

3 **SECTION 2852hb.** 157.10 (2) of the statutes is created to read:

4 157.10 (2) The department shall promulgate rules that interpret the  
5 requirements of this section and require any person who transfers an interest in a  
6 burial space to provide the transferee with a written notice, prepared by the  
7 department, that describes the requirements of this section.

8 **SECTION 2852jd.** 157.11 (title) of the statutes is amended to read:

9 **157.11 (title) Improvement and care of cemetery lots burial spaces and**  
10 **grounds.**

11 **SECTION 2852jf.** 157.11 (1m) of the statutes is created to read:

12 157.11 (1m) DUTY TO MAINTAIN. A cemetery authority of a cemetery in a county  
13 with a population greater than 600,000 shall maintain a cemetery, including burial  
14 spaces, grounds, landscaping, roads, parking lots, fences, buildings, and other  
15 structures, in a reasonable manner at all times.

16 **SECTION 2852jh.** 157.11 (2) of the statutes is amended to read:

17 157.11 (2) REGULATIONS. The cemetery authority may make regulations for  
18 management and care of the cemetery. No person may plant, in the cemetery, trees  
19 or shrubs, nor erect wooden fences or structures or offensive or dangerous structures  
20 or monuments, nor maintain them if planted or erected in violation of the  
21 regulations. The cemetery authority may require any person owning or controlling  
22 a cemetery lot burial space to do anything necessary to comply with the regulations  
23 by giving reasonable personal notice in writing if the person is a resident of the state,  
24 otherwise by publishing a class 3 notice, under ch. 985, in the county. If the person  
25 fails to comply within 20 days thereafter, the cemetery authority may cause it to be

1 done and recover from the person the expense. The cemetery authority may also  
2 impose a forfeiture not exceeding \$10 for violation of the regulations posted in 3  
3 conspicuous places in the cemetery, recoverable under ch. 778. Each employee and  
4 agent of the cemetery authority shall have constable powers in enforcing the  
5 regulations.

6 **SECTION 2852jj.** 157.11 (3) of the statutes is amended to read:

7 157.11 (3) CONTRACTS. The cemetery authority may contract with persons who  
8 own or are interested in a cemetery lot burial space for its care. The contract shall  
9 be in writing, may provide that the cemetery lot burial space shall be forever exempt  
10 from taxes, assessments, or charges for its care and the care and preservation of the  
11 grounds, shall express the duty of the cemetery authority, shall be recorded in a book  
12 kept for that purpose, and shall be effective when the consideration is paid or  
13 secured.

14 **SECTION 2852jL.** 157.11 (4) of the statutes is amended to read:

15 157.11 (4) ASSOCIATIONS OF RELATIVES. Persons owning a cemetery lot burial  
16 space or having relatives buried in a cemetery may incorporate an association to hold  
17 and occupy a previously constituted cemetery, and to preserve and care for the same.  
18 Section 157.062 shall apply to the association. Nothing in this subsection shall give  
19 rights of burial. A municipality may lease a municipal cemetery to a cemetery  
20 association for preservation and may contract to permit the association to use  
21 cemetery funds therefor. Such leases and contracts may be revoked at will by the  
22 municipal board.

23 **SECTION 2852jn.** 157.11 (5) of the statutes is amended to read:

1           157.11 (5) SUM REQUIRED. The cemetery authority shall annually fix the sum  
2 necessary for the care of ~~cemetery lots~~ burial spaces and care and improvement of  
3 the cemetery, or to produce a sufficient income for those purposes.

4           **SECTION 2852jp.** 157.11 (7) (a) of the statutes is amended to read:

5           157.11 (7) (a) The cemetery authority may annually assess upon the ~~cemetery~~  
6 ~~lots~~ burial spaces amounts not to exceed the amounts reasonably required for actual  
7 and necessary costs for cleaning and care of ~~cemetery lots~~ burial spaces and care and  
8 improvement of the cemetery. Notice of the assessment, along with a copy of this  
9 section, shall be mailed to each owner or person having charge of a ~~cemetery lot~~  
10 burial space, at the owner's or person's last-known post-office address, directing  
11 payment to the cemetery authority within 30 days and specifying that such  
12 assessments are a personal liability of the owner or person.

13           **SECTION 2852jr.** 157.11 (7) (b) of the statutes is amended to read:

14           157.11 (7) (b) The cemetery authority may fix and determine the sum  
15 reasonably necessary for the care of the ~~grave or cemetery lot~~ burial space in  
16 reasonable and uniform amounts, which amounts shall be subject to the approval of  
17 the court, and may collect those amounts as part of the funeral expenses.

18           **SECTION 2852jt.** 157.11 (7) (c) of the statutes is amended to read:

19           157.11 (7) (c) Before ordering distribution of the estate of a deceased person,  
20 the court shall order paid any assessment under this section, or the sum so fixed for  
21 the care of the ~~cemetery lot or grave~~ burial space of the deceased.

22           **SECTION 2852jv.** 157.11 (7) (d) of the statutes is amended to read:

23           157.11 (7) (d) When uniform care of a ~~cemetery lot~~ burial space has been given  
24 for 2 consecutive years or more, for which assessments are unpaid, after notice as  
25 provided in sub. (2), right to burial is forfeited until delinquent assessments are paid.



1 When uniform care has been given for 5 consecutive years or more and the  
2 assessments are unpaid, upon like notice, title to all unoccupied parts of the cemetery  
3 ~~lot~~ burial space shall pass to the cemetery authority and may be sold, the payment  
4 of principal to be deposited into the care fund. Before depositing the payment of  
5 principal into the care fund, the cemetery authority may retain an amount necessary  
6 to cover the cemetery authority's administrative and other expenses related to the  
7 sale, but the amount retained may not exceed 50% of the proceeds.

8 **SECTION 2852jx.** 157.11 (8) (title) of the statutes is repealed.

9 **SECTION 2852jy.** 157.11 (8) of the statutes is renumbered 157.11 (9) (am) and  
10 amended to read:

11 157.11 (9) (am) The A cemetery authority shall take, hold, and use any gifts,  
12 or the income and proceeds of any gifts, as may be made in trust or otherwise, for the  
13 improvement, maintenance, repair, preservation, or ornamentation of any cemetery  
14 ~~lot~~ burial space or structure in the cemetery, according to the terms of the gift and  
15 regulations by the cemetery authority.

16 **SECTION 2852jz.** 157.11 (9) (title) of the statutes is repealed and recreated to  
17 read:

18 157.11 (9) (title) GIFTS.

19 **SECTION 2852Lb.** 157.11 (9) (a) of the statutes is renumbered 157.11 (9) (b) and  
20 amended to read:

21 157.11 (9) (b) Before a cemetery authority receives a gift, the surety bonds of  
22 the cemetery authority shall be increased to cover such amount if it does not then do  
23 so. ~~If the bonds are not filed, or the~~

24 (d) If a cemetery authority fails to do anything required by this subsection, the  
25 judge may appoint a trustee, and all property and money so given in the manner

1 described under par. (am) or (c) and evidences of title and securities shall be delivered  
2 to the trustee.

3 **SECTION 2852Ld.** 157.11 (9) (c) of the statutes is created to read:

4 157.11 (9) (c) If a cemetery authority of a cemetery in a county with a population  
5 greater than 600,000 receives a gift for the improvement, maintenance, repair,  
6 preservation, or ornamentation of any burial space or structure in the cemetery, it  
7 shall either expend the income and proceeds of the gift or deposit the proceeds into  
8 a trust account at a financial institution, as defined in s. 705.01 (3), according to the  
9 terms of the gift and regulations of the cemetery authority. A cemetery authority of  
10 a cemetery in a county with a population greater than 600,000 that receives a gift  
11 shall maintain a gift ledger that accounts for all receipts and disbursements of gifts.

12 **SECTION 2852Lf.** 157.11 (9g) (title) of the statutes is amended to read:

13 157.11 (9g) (title) CARE FUND FOR CEMETERY LOTS BURIAL SPACES.

14 **SECTION 2852Lh.** 157.11 (9g) (a) 1. (intro.) of the statutes is amended to read:

15 157.11 (9g) (a) 1. (intro.) Except as provided in ss. ~~66.0603 (1) (c)~~ 66.0603 (1m)  
16 (c) and 157.19 (5) (b), funds that are received by a cemetery authority for the care of  
17 a ~~cemetery lot~~ burial space shall be invested in one or more of the following manners:

18 **SECTION 2852Lj.** 157.11 (9g) (a) 1. c. of the statutes is amended to read:

19 157.11 (9g) (a) 1. c. If not invested as provided in subd. 1. a. or b., otherwise  
20 deposited by the cemetery authority in an investment ~~approved by the department~~  
21 if the care funds are segregated and invested separately from all other moneys held  
22 by the cemetery authority. A cemetery authority of a cemetery in a county with a  
23 population of 600,000 or less may invest funds in the manner described in this subd.  
24 1. c. only if the department approves the investment. A cemetery authority of a  
25 cemetery in a county with a population greater than 600,000 may invest funds in the

1 manner described in this subd. 1. c. only if the cemetery authority submits to the  
2 department a written statement by an investment advisor licensed under ch. 551, or  
3 a broker, as defined in s. 408.102 (1) (c), that the investment is made in accordance  
4 with the standards specified in s. 881.01.

5 **SECTION 2852LL.** 157.11 (9g) (a) 2. of the statutes is amended to read:

6 157.11 **(9g)** (a) 2. The manner in which the care funds are invested may not  
7 permit the cemetery authority to withdraw the care fund's principal amount. ~~The~~  
8 , but, for a cemetery authority of a cemetery in a county with a population greater  
9 than 600,000, may permit the withdrawal of interest, dividends, or capital gains  
10 earned during the most recently completed calendar year. For any cemetery  
11 authority, the income from the investment of a care fund for the care of cemetery lots  
12 burial spaces may be used only to maintain the cemetery lots burial spaces and  
13 grounds, except that if the amount of income exceeds the amount necessary to  
14 maintain the cemetery lots burial spaces or grounds properly, the excess amount may  
15 be used to maintain any other portion of the cemetery, including mausoleums. If the  
16 care funds are deposited with a city or county, or previously deposited with a village,  
17 there shall be paid to the cemetery authority annually interest on funds so deposited  
18 of not less than 2% per year. The governing body of any city or county, or any village  
19 or town in the case of previous deposits, may determine to return all or a part of any  
20 funds deposited by a cemetery authority, and that cemetery authority shall accept  
21 the returned funds within 30 days after receiving written notice of that action. If the  
22 cemetery authority is dissolved or becomes inoperative, the county or city shall use  
23 the interest on the funds for the care and upkeep of the cemetery. Deposit shall be  
24 made and the income paid over from time to time, not less frequently than once each  
25 year, and receipts in triplicate shall be given, one filed with the county clerk, one with

1 the cemetery authority and one given to the person making the deposit. Deposits  
2 shall be in the amount of \$5 or a multiple thereof. Records and receipts shall specify  
3 the cemetery lot burial space for the care of which the deposit is made. Reports of  
4 money received for care and of money and property received as gifts shall be made  
5 annually as provided in s. 157.62 (2).

6 **SECTION 2852Ln.** 157.11 (9g) (c) of the statutes is amended to read:

7 157.11 (9g) (c) Except as provided in sub. (11), any cemetery authority that sells  
8 a cemetery lot, lawn crypt, or columbarium space on or after ~~November 1, 1991~~ the  
9 effective date of this paragraph ... [revisor inserts date], shall deposit 15% of each  
10 payment of principal into a care fund under par. (a) within 30 days after the last day  
11 of the month in which the payment is received, except as provided in sub. (7) (d) and  
12 s. 157.115 (2) (f). The total amount deposited must equal 15% of the total amount of  
13 all payments of principal that have been received, but not less than \$25.

14 **SECTION 2852Lp.** 157.11 (10) of the statutes is amended to read:

15 157.11 (10) EXEMPTION FOR RELIGIOUS SOCIETIES CEMETERY AUTHORITIES.  
16 Subsections (1) to (9), (9g) (a) and (b), (9m) and (9r) do not apply, but sub. (9g) (c) does  
17 apply, to a religious society ~~organized under ch. 187~~ cemetery authority.

18 **SECTION 2852Lt.** 157.11 (11) of the statutes is amended to read:

19 157.11 (11) EXEMPTION FOR CERTAIN NONPROFIT CEMETERIES. Subsection (9g) does  
20 not apply to a cemetery authority that is not required to be registered under s. 440.91  
21 (1) ~~and~~, that is not organized or conducted for pecuniary profit, and that does not  
22 operate a cemetery in a county with a population that is greater than 600,000.

23 **SECTION 2852ob.** 157.115 (title) of the statutes is amended to read:

24 **157.115 (title) Abandonment of cemeteries and cemetery lots burial**  
25 **spaces.**

1           **SECTION 2852obm.** 157.115 (1) (title) of the statutes is amended to read:

2           157.115 **(1)** (title) ABANDONMENT OF CEMETERIES; ALL COUNTIES.

3           **SECTION 2852oc.** 157.115 (1) (a) of the statutes is renumbered 157.115 (1) (ar).

4           **SECTION 2852od.** 157.115 (1) (ag) of the statutes is created to read:

5           157.115 **(1)** (ag) This subsection applies to cemeteries in any county.

6           **SECTION 2852oh.** 157.115 (1) (b) and (c) of the statutes are renumbered 157.115

7 (1g) (b) and (c).

8           **SECTION 2852of.** 157.115 (1g) (title) of the statutes is created to read:

9           157.115 **(1g)** (title) ABANDONMENT OF CEMETERIES; NONPOPULOUS COUNTIES.

10          **SECTION 2852og.** 157.115 (1g) (a) of the statutes is created to read:

11          157.115 **(1g)** (a) This subsection applies to cemeteries in counties with a  
12 population that is 600,000 or less.

13          **SECTION 2852oj.** 157.115 (1r) of the statutes is created to read:

14          157.115 **(1r)** ABANDONMENT OF CEMETERIES; POPULOUS COUNTIES. (a) This  
15 subsection applies to cemeteries in counties with a population greater than 600,000.

16          (b) If a municipality in which a cemetery is located determines that the  
17 cemetery authority has failed to care for the cemetery for a period of 6 months or  
18 more, the municipality shall notify the cemetery authority that it has 90 days to  
19 correct the failure. Upon a showing of good cause, the municipality may grant the  
20 cemetery authority one 90–day extension to correct the failure. If the municipality  
21 finds that the cemetery authority has failed to correct the failure within the deadline  
22 specified in the notice or extension, the municipality may, after a public hearing, take  
23 control of the cemetery, manage and care for the cemetery, collect and manage all  
24 trust funds connected with the cemetery other than trust funds received by a will,  
25 or take any other action necessary to provide for the care of the cemetery. The

1 municipality may collect from the cemetery authority any costs incurred by the  
2 municipality in exercising its authority under this paragraph.

3 **SECTION 2852ok.** 157.115 (1t) of the statutes is created to read:

4 157.115 (1t) INJUNCTION. Upon application by the department, a court may  
5 enjoin a person from acquiring ownership or control of a cemetery in a county with  
6 a population greater than 600,000 if the person has abandoned another cemetery  
7 anywhere in this state, or has owned or operated another cemetery anywhere in this  
8 state that is subsequently controlled by a municipality under sub. (1g) (b) or (c) or  
9 (1r) (b).

10 **SECTION 2852oL.** 157.115 (2) (title) of the statutes is amended to read:

11 157.115 (2) (title) ABANDONMENT OF ~~CEMETERY LOTS~~ BURIAL SPACES.

12 **SECTION 2852on.** 157.115 (2) (a) 1. (intro.) of the statutes is amended to read:

13 157.115 (2) (a) 1. (intro.) “Abandoned ~~lot~~ space” means one or more ~~graves of~~  
14 ~~a cemetery lot~~ burial spaces that is are not owned by the cemetery authority of the  
15 cemetery in which the ~~cemetery lot is~~ burial spaces are located if those ~~graves~~ burial  
16 spaces have not been used for the burial of human remains and if, according to the  
17 records of the cemetery authority, all of the following apply during the 50-year period  
18 immediately preceding the date on which the notice requirement under par. (c) is  
19 satisfied:

20 **SECTION 2852op.** 157.115 (2) (a) 1. a. of the statutes is amended to read:

21 157.115 (2) (a) 1. a. No owner has transferred any ownership interest in the  
22 ~~cemetery lot~~ burial space to any other person.

23 **SECTION 2852or.** 157.115 (2) (a) 1. b. of the statutes is amended to read:

24 157.115 (2) (a) 1. b. No owner has purchased or sold another ~~cemetery lot or a~~  
25 ~~mausoleum~~ burial space in the cemetery.

1           **SECTION 2852ot.** 157.115 (2) (a) 1. c. of the statutes is amended to read:

2           157.115 (2) (a) 1. c. No other grave in that ~~cemetery lot~~ burial space or ~~adjoining~~  
3 ~~cemetery lot or adjoining mausoleum~~ burial space that is owned or partially owned  
4 by an owner has been used for the burial of human remains.

5           **SECTION 2852ov.** 157.115 (2) (a) 1. d. of the statutes is amended to read:

6           157.115 (2) (a) 1. d. No grave marker, monument, or other memorial has been  
7 installed on the ~~cemetery lot~~ burial space.

8           **SECTION 2852ox.** 157.115 (2) (a) 1. e. of the statutes is amended to read:

9           157.115 (2) (a) 1. e. No grave marker, monument, or other memorial has been  
10 installed on any other ~~cemetery lot~~ burial space, in the same cemetery, that is owned  
11 or partially owned by an owner.

12           **SECTION 2852oz.** 157.115 (2) (a) 1. g. of the statutes is amended to read:

13           157.115 (2) (a) 1. g. The cemetery authority has not been contacted by an owner  
14 or assignee or received any other notice or evidence to suggest that an owner or  
15 assignee intends to use the ~~cemetery lot~~ burial space for a future burial of human  
16 remains.

17           **SECTION 2852pb.** 157.115 (2) (a) 2. of the statutes is amended to read:

18           157.115 (2) (a) 2. “Assignee” means a person who has been assigned in the  
19 deceased owner’s will or in any other legally binding written agreement, or who is  
20 entitled to receive under ch. 852, an ownership interest in the abandoned ~~cemetery~~  
21 ~~lot~~ space.

22           **SECTION 2852pd.** 157.115 (2) (a) 3. of the statutes is amended to read:

23           157.115 (2) (a) 3. “Owner” means a person who, according to the records of the  
24 cemetery authority of the cemetery in which an abandoned ~~cemetery lot~~ space is  
25 located, owns or partially owns the abandoned ~~cemetery lot~~ space.



1           **SECTION 2852pf.** 157.115 (2) (b) of the statutes is amended to read:

2           157.115 (2) (b) No cemetery authority may resell an abandoned cemetery lot  
3 space unless the cemetery authority complies with the requirements in this  
4 subsection or the abandoned space is sold by a trustee under s. 157.117.

5           **SECTION 2852ph.** 157.115 (2) (c) of the statutes is amended to read:

6           157.115 (2) (c) The cemetery authority shall mail to each owner, at each owner's  
7 last-known address, a notice of the cemetery authority's intent to resell the  
8 abandoned cemetery lot space as provided in this subsection. If an owner is buried  
9 in the cemetery in which the abandoned cemetery lot space is located or if the  
10 cemetery authority has any other evidence that reasonably supports a  
11 determination by the cemetery authority that the owner is deceased, no notice is  
12 required under this paragraph.

13           **SECTION 2852pj.** 157.115 (2) (d) (intro.) of the statutes is amended to read:

14           157.115 (2) (d) (intro.) If no notice is required under par. (c) or if, within 60 days  
15 after notice is mailed under par. (c), no owner or assignee contacts the cemetery  
16 authority to express an intent to use the abandoned cemetery lot space for a future  
17 burial of human remains, the cemetery authority shall publish in a newspaper of  
18 general circulation in the county in which the abandoned lot space is located, a class  
19 3 notice under ch. 985 that includes all of the following:

20           **SECTION 2852pL.** 157.115 (2) (d) 1. of the statutes is amended to read:

21           157.115 (2) (d) 1. The location of the abandoned lot space.

22           **SECTION 2852pn.** 157.115 (2) (d) 3. of the statutes is amended to read:

23           157.115 (2) (d) 3. A statement that, unless an owner or assignee contacts the  
24 cemetery authority within the period specified in par. (e), the cemetery authority  
25 intends to resell the abandoned lot space as provided in this subsection.



1           **SECTION 2852pp.** 157.115 (2) (e) of the statutes is amended to read:

2           157.115 (2) (e) If within 60 days after notice is published under par. (c) no owner  
3 or assignee contacts the cemetery authority to express an intent to use the  
4 abandoned ~~lot~~ space for a future burial of human remains, the cemetery authority  
5 shall bring an action in the circuit court of the county in which the abandoned ~~lot~~  
6 space is located for a judgment that the ~~cemetery lot~~ burial space is an abandoned  
7 ~~lot~~ space and an order transferring ownership of the abandoned ~~lot~~ space to the  
8 cemetery authority.

9           **SECTION 2852pr.** 157.115 (2) (f) of the statutes is amended to read:

10           157.115 (2) (f) If within one year after the circuit court enters a judgment and  
11 order under par. (e) no owner or assignee contacts the cemetery authority to express  
12 an intent to use the abandoned ~~lot~~ space for a future burial of human remains, the  
13 cemetery authority may resell the abandoned ~~lot~~ space, except as provided in par. (g).  
14 The payment of principal shall be deposited into the care fund. Before depositing the  
15 payment of principal into the care fund, the cemetery authority may retain an  
16 amount necessary to cover the cemetery authority's administrative and other  
17 expenses related to the sale, but the amount retained may not exceed 50% of the  
18 proceeds.

19           **SECTION 2852pt.** 157.115 (2) (g) of the statutes is amended to read:

20           157.115 (2) (g) If at any time before an abandoned ~~lot~~ space is resold under par.  
21 (f) an owner or assignee contacts the cemetery authority to express an intent to use  
22 the abandoned ~~lot~~ space for a future burial of human remains, the authority may not  
23 resell the abandoned ~~lot~~ space, and ownership of the abandoned ~~lot~~ space shall be  
24 transferred to the owner or assignee. The cemetery authority shall pay all costs of  
25 transferring ownership under this paragraph.

1           **SECTION 2852pv.** 157.115 (2) (h) of the statutes is amended to read:

2           157.115 **(2)** (h) Nothing in this subsection prohibits a cemetery authority from  
3 seeking the authority to resell more than one abandoned lot space by publishing a  
4 single class 3 notice under par. (d) or bringing a single action under par. (e) that  
5 applies to all of the abandoned lots spaces for which such authority is sought.

6           **SECTION 2852px.** 157.117 of the statutes is created to read:

7           **157.117 Trustees for certain cemeteries and mausoleums. (1)**

8           DEFINITIONS. In this section:

9           (a) “Cemetery” means a cemetery in a county with a population greater than  
10 600,000, but does not include a cemetery the ownership, control, or management of  
11 which has been assumed by a municipality. For purposes of this paragraph, a  
12 municipality is considered to have assumed the ownership, control, or management  
13 of a cemetery only if the municipality has adopted a resolution or enacted an  
14 ordinance that has the effect of assuming ownership, control, or management of the  
15 cemetery. “Cemetery” also does not include a cemetery owned and operated by a  
16 religious cemetery authority.

17           (b) “Local governmental unit” means a municipality or county.

18           (c) “Mausoleum” does not include a mausoleum owned and operated by a  
19 religious cemetery authority.

20           (d) “Municipality” means a city, village, or town.

21           (e) “Trustee” means a trustee appointed under sub. (2) (b).

22           **(2) APPOINTMENT OF TRUSTEE.** (a) In response to a petition from the department  
23 or upon his or her own motion, the attorney general may petition the circuit court for  
24 the county in which a cemetery or mausoleum is located for the appointment of a  
25 trustee for the cemetery or mausoleum. If the attorney general petitions the court

1 on his or her own motion, the attorney general shall serve a copy of the petition on  
2 the department and the municipality and county within which the cemetery is  
3 located.

4 (b) A court shall schedule a hearing on a petition filed under par. (a) within 90  
5 days after the petition is filed with the court. If the court finds after a hearing that  
6 a cemetery or mausoleum is neglected, abandoned, in disuse, improperly  
7 maintained, or financially unsound, the court shall appoint as a trustee for the  
8 cemetery or mausoleum a capable and competent person to serve as trustee of the  
9 cemetery or mausoleum under this section, except that the court may not appoint the  
10 department as a trustee.

11 (c) An owner of a cemetery or mausoleum may petition the court in a proceeding  
12 under par. (b) for an order surrendering title to the cemetery or mausoleum to a new  
13 owner, other than the state, if the owner believes itself to be incapable of continuing  
14 to operate the cemetery or mausoleum. The court may grant the petition if it finds  
15 that the cemetery or mausoleum is neglected, abandoned, in disuse, improperly  
16 maintained, or financially unsound. If the court grants the petition, it shall transfer  
17 title to the cemetery or mausoleum to the new owner and appoint a trustee under par.  
18 (b).

19 (d) All disputes relating to the appointment of a trustee or the actions of a  
20 trustee appointed under this section shall be resolved by the court that appointed the  
21 trustee.

22 **(3) TRUSTEE POWERS AND DUTIES.** (a) A trustee shall do each of the following:

23 1. Be responsible for the management, maintenance, and operation of each  
24 cemetery or mausoleum under trusteeship.

1           2. Comply with reporting requirements of s. 157.62 (2). A trustee shall provide  
2 the court with a copy of all reports filed under this subdivision.

3           3. Provide the court with any additional information, records, or reports that  
4 the court may direct.

5           (b) A trustee may petition the court that appointed the trustee for any of the  
6 following:

7           1. Termination of the trusteeship and reversion of ownership and operation of  
8 a cemetery or mausoleum to the previous owner.

9           2. Termination of the trusteeship and transfer of ownership and operation of  
10 a cemetery or mausoleum to a new owner other than the state.

11          3. Removal and reinternment of human remains in accordance with the  
12 requirements of this subchapter.

13          4. Termination of the trusteeship and closure of a cemetery or mausoleum after  
14 removal and reinternment of human remains under subd. 3.

15          (c) A trustee may do any of the following:

16          1. Seek a new owner or operator of a cemetery or mausoleum, other than the  
17 state, including actively marketing the cemetery or mausoleum and taking any other  
18 action necessary or useful to effect the sale of the cemetery or mausoleum.

19          2. Assess burial spaces for cleaning, care, or improvement under s. 157.11 (7).

20          3. Expend funds disbursed from the cemetery management insurance fund for  
21 the purpose of exercising its powers or carrying out its duties under this section.

22          4. Employ professional, legal, and technical experts, and any such other  
23 managers, management personnel, agents, and employees as may be required, to  
24 exercise the trustee's powers or carry out the trustee's duties under this section.

1           5. Take any other action necessary or useful to the management or trusteeship  
2 of a cemetery or mausoleum.

3           **(4) DEPARTMENT POWERS AND DUTIES.** (a) From the appropriation under s. 20.165  
4 (1) (q), the department shall make disbursements to trustees. The department shall  
5 promulgate rules establishing requirements and procedures for making the  
6 disbursements.

7           (b) The department may promulgate rules to carry out the purposes of this  
8 section.

9           **(5) TERMINATION OF TRUSTEESHIP.** A court that appointed a trustee shall  
10 terminate the trusteeship if any of the following applies:

11           (a) The owner or operator of a cemetery or mausoleum demonstrates to the  
12 satisfaction of the court that the conditions that necessitated the trusteeship have  
13 been remedied and that it is competent and capable of managing the cemetery or  
14 mausoleum.

15           (b) The court finds that a new operator is competent and capable of managing  
16 the cemetery or mausoleum. Upon making a finding under this paragraph, the court  
17 shall approve the transfer of the management of the cemetery or mausoleum to the  
18 new operator.

19           (c) The court approves the sale or transfer of a cemetery or mausoleum to a new  
20 owner, other than the state, that the court finds is capable and competent to manage  
21 the cemetery or mausoleum on a financially sound basis.

22           (d) The court approves the closure of a cemetery or mausoleum after all human  
23 remains have been removed and reinterred.

24           **SECTION 2852pz.** 157.12 (2) (b) of the statutes is amended to read:

1           157.12 (2) (b) The department shall supervise construction of any public  
2 mausoleum and conversion of any building to a public mausoleum. Within 30 days  
3 after receiving written notice from the cemetery authority that the construction or  
4 conversion has been completed, the department shall inspect the public mausoleum  
5 and provide the cemetery authority with a written certification as to whether the  
6 construction or conversion complies with approved plans. If the department  
7 determines that, except for certain minor defects, the construction or conversion  
8 complies with the approved plans, the department may provide the cemetery  
9 authority with a written temporary certification of compliance that is contingent on  
10 the correction of those minor defects. A temporary certification is valid for a period  
11 designated by the department, not to exceed 6 months. No person may sell a  
12 mausoleum space, except an undeveloped space that is sold in accordance with s. ss.  
13 440.92 and 440.922, or bury human remains in a public mausoleum unless a care  
14 fund has been established for the mausoleum under sub. (3) and the department has  
15 provided the cemetery authority with a certification or a temporary certification  
16 under this paragraph. If a cemetery authority that has been provided with a  
17 temporary certification notifies the department in writing before the date on which  
18 the temporary certification expires that the defects in the construction or conversion  
19 of the public mausoleum have been corrected, the department shall, within 30 days  
20 after receiving the notice, reinspect the public mausoleum and provide the cemetery  
21 authority with a written certification as to whether the construction or conversion  
22 complies with the approved plans. If a cemetery authority that has been provided  
23 with a temporary certification does not receive a written certification from the  
24 department before the date on which the temporary certification expires that the  
25 construction or conversion complies with the approved plans, then, beginning on the

1 date on which the certification expires, no person may sell a mausoleum space, except  
2 an undeveloped space that is sold in accordance with s. ss. 440.92 and 440.922, or  
3 bury human remains in the public mausoleum until the defects are corrected and the  
4 department subsequently inspects the public mausoleum and provides the cemetery  
5 authority with a certification that the construction or conversion complies with the  
6 approved plans. The department may charge a reasonable fee to the cemetery  
7 authority for each inspection and certification provided under this paragraph if the  
8 inspection and certification are provided within the applicable 30-day period  
9 prescribed under this paragraph.

10 **SECTION 2852qb.** 157.12 (3) (b) of the statutes is amended to read:

11 157.12 (3) (b) The cemetery's treasurer is the custodian of the fund. The  
12 treasurer shall file with the cemetery, at the cemetery's expense, a bond with sureties  
13 approved by the department of regulation and licensing to indemnify the cemetery  
14 against loss if the treasurer fails to maintain the fund. No For a cemetery in a county  
15 with a population greater than 600,000, the amount of the bond shall be no less than  
16 the total of all payments of principal required under this section as stated in the most  
17 recent annual report filed by the cemetery authority under s. 157.62. For any  
18 cemetery, no indemnity is required if the terms of sale of a mausoleum space require  
19 the purchaser to pay directly to a trust company in the state, designated by the  
20 cemetery as custodian of the fund. The fund shall be invested as provided in s.  
21 157.19. Income For a cemetery in a county with a population greater than 600,000,  
22 the manner in which the care funds are invested may not permit the withdrawal of  
23 the fund's principal amount, but may permit the withdrawal of interest, dividends,  
24 or capital gains earned during the most recently completed calendar year. For any  
25 cemetery, income from investment may be used only to maintain the mausoleum,

1 except that if the amount of income exceeds the amount necessary to properly  
2 maintain the mausoleum the excess amount may be used to maintain any portion of  
3 the cemetery.

4 **SECTION 2852qd.** 157.125 (title) of the statutes is amended to read:

5 **157.125 (title) Trustees for the care of cemeteries or cemetery lots**  
6 **burial spaces.**

7 **SECTION 2852qf.** 157.125 (2) of the statutes is amended to read:

8 157.125 (2) If the burial place or grave is located in a cemetery owned and  
9 operated by a religious society ~~organized under ch. 187 cemetery authority~~, the court  
10 shall name the religious society cemetery authority as the trustee unless the  
11 religious society cemetery authority petitions the court to name the county treasurer  
12 as the trustee.

13 **SECTION 2852qh.** 157.128 (2) (a) of the statutes is amended to read:

14 157.128 (2) (a) The cemetery is owned by a religious association cemetery  
15 authority.

16 **SECTION 2852qhk.** 157.128 (2) (b) of the statutes is amended to read:

17 157.128 (2) (b) The religious association cemetery authority is responsible for  
18 all liabilities of the cemetery.

19 **SECTION 2852qhL.** 157.128 (2) (c) of the statutes is amended to read:

20 157.128 (2) (c) The total acreage of all other cemeteries owned by the religious  
21 association cemetery authority exceeds 20 acres.

22 **SECTION 2852qj.** 157.128 (3) (b) of the statutes is amended to read:

23 157.128 (3) (b) A cemetery consisting of less than 20 contiguous acres may be  
24 dedicated by a cemetery authority that is not required to be registered under s.



1 440.91 (1) ~~and~~, that is not organized or conducted for pecuniary profit, and that is not  
2 located in a county with a population greater than 600,000.

3 **SECTION 2852qL.** 157.19 (2) (c) of the statutes is amended to read:

4 157.19 (2) (c) Upon request of the financial institution, the preneed seller, as  
5 defined in s. 440.90 (8), shall furnish the financial institution with a copy of the  
6 preneed sales contract. Except as provided in s. ~~440.92 (2) (c), (f) and (j) and (5) ss.~~  
7 440.922 (3), (5) (c), and (8), and 440.924, preneed trust funds, and any interest or  
8 dividends that have accumulated on the preneed trust funds, may not be withdrawn  
9 until all obligations under the preneed sales contract have been fulfilled. The  
10 financial institution is not responsible for the fulfillment of any part of the preneed  
11 sales contract, except that the financial institution shall release the preneed trust  
12 funds, and any interest or dividends that have accumulated on the preneed trust  
13 funds, as provided by the terms of the preneed sales contract. The trustee of a  
14 preneed trust fund may not be changed without the department's written approval.  
15 If the trustee or account number of a preneed trust fund is changed, the cemetery  
16 authority shall notify the department in writing within 30 days after the change.

17 **SECTION 2852qn.** 157.19 (4m) of the statutes is created to read:

18 157.19 (4m) The department shall request proposals from financial  
19 institutions located in this state for the purpose of selecting a financial institution  
20 that cemetery authorities and preneed sellers may use as the trustee for care funds  
21 under s. 157.11 (9g) and 157.12 (3) and preneed trust funds under s. 440.92. Except  
22 as provided in sub. (5) (c), a cemetery authority or preneed seller is not required to  
23 use the financial institution selected by the department. The financial institution  
24 selected under this subsection shall submit an annual report to the department, in  
25 a form and manner satisfactory to the department, that provides an accounting of

1 all care funds and preneed trust funds for which the financial institution is the  
2 trustee.

3 **SECTION 2852qp.** 157.19 (5) (a) of the statutes is amended to read:

4 157.19 (5) (a) This section does not apply to care funds under s. 157.11 (9g) that  
5 are deposited with a city or county as provided under s. 157.11 (9g) (a), to care funds  
6 of a cemetery for which a certification under s. 157.63 is effective, or to preneed trust  
7 funds of a cemetery for which a certification under s. 440.92 (9) is effective, or to care  
8 funds or preneed trust funds of a cemetery authority that is not required to be  
9 registered under s. 440.91 (1) ~~and~~, that is not organized or conducted for pecuniary  
10 profit, and that is not located in a county with a population greater than 600,000.

11 **SECTION 2852qr.** 157.19 (5) (c) of the statutes is created to read:

12 157.19 (5) (c) If the department determines that a cemetery authority of a  
13 cemetery in a county with a population greater than 600,000, or a preneed seller for  
14 such a cemetery authority, has violated any requirement under this subchapter or  
15 subch. VIII of ch. 440 relating to care funds under s. 157.11 (9g) and 157.12 (3) or  
16 preneed trust funds under s. 440.92, the department may require the cemetery  
17 authority or preneed seller to use the financial institution selected under sub. (4m)  
18 as the trustee for the care funds or preneed trust funds.

19 **SECTION 2852qt.** 157.60 of the statutes is amended to read:

20 **157.60 Public easement in cemetery.** Any person who shall open or make  
21 any highway, town way, or private way or shall construct any railroad, turnpike, or  
22 canal or anything in the nature of a public easement over, through, in, or upon such  
23 part of any enclosure, being the property of any town, city, village, or religious society  
24 cemetery authority or of private proprietors, as may be used for the burial of the dead,  
25 unless an authority for that purpose shall be specially granted by law or unless the

1 consent of such town, city, village, religious ~~society~~ cemetery authority, or private  
2 proprietors, respectively, shall be first obtained, shall be punished by imprisonment  
3 in the county jail not more than one year or by fine not exceeding \$300.

4 **SECTION 2852qv.** 157.61 of the statutes is created to read:

5 **157.61 Identification of human remains.** A person may not provide an  
6 outer burial container or, if an outer burial container is not used, a casket, to a  
7 cemetery authority of a cemetery in a county with a population greater than 600,000,  
8 other than a religious cemetery authority, for the burial of human remains, unless  
9 the person identifies the decedent by name on the exterior of the outer burial  
10 container or casket.

11 **SECTION 2852se.** 157.62 (2) (b) 1m. of the statutes is created to read:

12 157.62 (2) (b) 1m. If the cemetery authority operates a cemetery in a county  
13 with a population greater than 600,000, the percentage of burial spaces at the  
14 cemetery that are available for sale.

15 **SECTION 2852sh.** 157.62 (3) (a) of the statutes is amended to read:

16 157.62 (3) (a) Every cemetery authority shall keep a copy of the report required  
17 under sub. (2) (a) at its principal place of business and, except for those records  
18 relating to accountings of trust funds described under sub. (2) (b) 3. to 7., shall make  
19 the report available for inspection, upon reasonable notice, by any person with an  
20 interest in a ~~cemetery lot or a mausoleum~~ burial space in a cemetery owned or  
21 operated by the cemetery authority.

22 **SECTION 2852si.** 157.62 (3) (b) 3. of the statutes is amended to read:

23 157.62 (3) (b) 3. A copy of each contract for the sale of a ~~cemetery lot,~~  
24 ~~mausoleum~~ burial space or cemetery merchandise.

25 **SECTION 2852sj.** 157.62 (3) (c) of the statutes is created to read:

1           157.62 (3) (c) Every cemetery authority of a cemetery in a county with a  
2 population greater than 600,000 that is registered under s. 440.91 (1) shall maintain  
3 records identifying the section, lot, and site of each burial space and showing the  
4 location of each burial space on a map.

5           **SECTION 2852sk.** 157.62 (4) (title) of the statutes is amended to read:

6           157.62 (4) (title) RECORDS MAINTENANCE; INSPECTION.

7           **SECTION 2852sL.** 157.62 (4) of the statutes is renumbered 157.62 (4) (a).

8           **SECTION 2852sm.** 157.62 (4) (b) of the statutes is created to read:

9           157.62 (4) (b) A cemetery authority that operates a cemetery in a county with  
10 a population greater than 600,000 that is registered shall, upon reasonable notice,  
11 make the records and contract copies under sub. (3) (b) available for inspection and  
12 copying by the department.

13           **SECTION 2852sn.** 157.62 (5) of the statutes is renumbered 157.62 (5) (b).

14           **SECTION 2852snb.** 157.62 (5) (a) of the statutes is created to read:

15           157.62 (5) (a) The department may promulgate rules establishing minimum  
16 standards for the format and maintenance of records required under this section,  
17 except under sub. (1).

18           **SECTION 2852so.** 157.62 (6) of the statutes is renumbered 157.62 (6) (a) and  
19 amended to read:

20           157.62 (6) (a) Except as provided in ss. 157.625, 157.63 (5) and 440.92 (9) (e),  
21 the department may audit, at reasonable times and frequency, the records, trust  
22 funds, and accounts of any cemetery authority and shall audit the records, trust  
23 funds, and accounts of each registered cemetery authority of a cemetery in a county  
24 with a population greater than 600,000, including records, trust funds, and accounts  
25 pertaining to services provided by a cemetery authority which are not otherwise

1 subject to the requirements under this chapter. The department may conduct audits  
2 under this subsection on a random basis, and ~~shall conduct all audits under this~~  
3 ~~subsection~~ without providing prior notice to the cemetery authority.

4 **SECTION 2852sp.** 157.62 (6) (b) of the statutes is created to read:

5 157.62 **(6)** (b) If the department has cause to believe that a registered cemetery  
6 authority of a cemetery in a county with a population greater than 600,000 has not  
7 complied with the requirements of this subchapter or subch. VIII of ch. 440  
8 pertaining to trust funds and accounts, the department may require the cemetery  
9 authority to submit an audit conducted at the cemetery authority's expense by an  
10 independent certified public accountant in accordance with generally accepted  
11 auditing standards.

12 **SECTION 2852sq.** 157.625 of the statutes is amended to read:

13 **157.625 Reporting exemption for certain cemeteries.** **(1)** A cemetery  
14 authority of a cemetery that is not located in a county with a population that is  
15 greater than 600,000 and that is not required under this chapter or under s. 440.92  
16 to maintain any care funds or preneed trust funds is not required to file an annual  
17 report under s. 157.62 (2).

18 **(2)** A cemetery authority of a cemetery that is not located in a county with a  
19 population that is greater than 600,000 and whose annual operating budget for the  
20 cemetery is \$2,500 or less is not required to file an annual report under s. 157.62 (2).

21 **(3)** Section 157.62 does not apply to a cemetery authority that is not required  
22 to be registered under s. 440.91 (1) ~~and~~, that is not organized or conducted for  
23 pecuniary profit, and that does not operate a cemetery in a county with a population  
24 that is greater than 600,000.

25 **SECTION 2852sr.** 157.63 (title) of the statutes is amended to read:

1           **157.63 (title) Reporting and auditing exemptions; certification of**  
2 **compliance of religious cemetery affiliated with religious society**  
3 **authority.**

4           **SECTION 2852ss.** 157.63 (1) of the statutes is amended to read:

5           **157.63 (1)** In lieu of filing an annual report under s. 157.62 (2), a religious  
6 cemetery authority of a cemetery that is affiliated with a religious society organized  
7 under ch. 187 or that religious society or the church, synagogue, mosque,  
8 incorporated college of a religious order, or religious society organized under ch. 187  
9 that is affiliated with a religious cemetery authority may file an annual certification  
10 with the department as provided in this section.

11           **SECTION 2852st.** 157.63 (2) (b) of the statutes is amended to read:

12           **157.63 (2) (b)** A notarized statement of a person who is legally authorized to  
13 act on behalf of the religious society cemetery authority under this section that,  
14 during the reporting period under s. 157.62, each cemetery and the religious  
15 cemetery authority of each cemetery specified under par. (a) have either fully  
16 complied or have substantially complied with ss. 157.11 (9g) and 157.12 (3).

17           **SECTION 2852sv.** 157.63 (3) of the statutes is amended to read:

18           **157.63 (3)** If the statement under sub. (2) (b) includes a statement of  
19 substantial compliance, the statement under sub. (2) (b) must also specify those  
20 instances when the cemetery or religious cemetery authority did not fully comply  
21 with s. 157.11 (9g) or 157.12 (3).

22           **SECTION 2852sx.** 157.63 (4) of the statutes is amended to read:

23           **157.63 (4)** A certification under this section is effective for the 12-month period  
24 immediately following the reporting period under s. 157.62 (2) for which the religious

1 cemetery authority is certified under this section to have fully or substantially  
2 complied with ss. 157.11 (9g) and 157.12 (3).

3 **SECTION 2852sz.** 157.63 (6) of the statutes is amended to read:

4 157.63 (6) The church, synagogue, mosque, incorporated college of a religious  
5 order, or religious society that is affiliated with a cemetery to which a certification  
6 under this section applies is liable for the damages of any person that result from the  
7 failure of the cemetery or religious cemetery authority to fully comply with s. 157.11  
8 (9g) or 157.12 (3) during the reporting period under s. 157.62 (2) for which such  
9 compliance has been certified under this section.”.

10 **1268.** Page 957, line 20: after that line insert:

11 “**SECTION 2852n.** 157.114 of the statutes is created to read:

12 **157.114 Duty to provide for burials. (1)** In this section, “cemetery  
13 authority” does not include a municipality that takes control of a cemetery under s.  
14 157.115 (1) (b).

15 **(2)** A cemetery authority shall, insofar as practicable, provide for burials  
16 during each season, including winter. Nothing in this subsection may be construed  
17 to prohibit a cemetery authority from charging a reasonable fee to recover the costs  
18 related to providing for a burial during difficult weather conditions.”.

19 **1269.** Page 957, line 21: delete the material beginning with that line and  
20 ending with page 958, line 19, and substitute:

21 “**SECTION 2852w.** 157.635 of the statutes is amended to read:

22 **157.635 Regulations of religious cemetery ~~affiliated with religious~~**  
23 **~~society~~ authorities.** Nothing in this subchapter prohibits a religious cemetery  
24 authority of a cemetery that is affiliated with a religious society organized under ch.

1 187 from prohibiting the burial of the human remains of an individual in the  
2 cemetery if the individual was in a class of individuals who are prohibited from being  
3 buried in the cemetery under regulations adopted by the religious cemetery  
4 authority or church, synagogue, mosque, incorporated college of a religious order, or  
5 religious society ~~from being buried in the cemetery~~ that is affiliated with the religious  
6 cemetery authority.”.

7 **1270.** Page 958, line 19: after that line insert:

8 “**SECTION 2852yh.** 157.64 (2) (e) of the statutes is amended to read:

9 157.64 (2) (e) Fails to maintain records as required in s. 157.62 (3) and (4) (a).

10 **SECTION 2852yL.** 157.64 (2) (h) of the statutes is created to read:

11 157.64 (2) (h) Violates s. 157.112, if the violation occurs in a county with a  
12 population greater than 600,000.

13 **SECTION 2852yu.** 157.65 (1) (b) of the statutes is amended to read:

14 157.65 (1) (b) If the department of commerce has reason to believe that any  
15 person is violating s. 157.12 or any rule promulgated under s. 157.12 and that the  
16 continuation of that activity might cause injury to the public interest, the  
17 department of commerce may shall investigate.”.

18 **1271.** Page 958, line 24: after that line insert:

19 “**SECTION 2853r.** 165.017 (1) of the statutes is repealed.

20 **SECTION 2853s.** 165.017 (2) of the statutes is amended to read:

21 165.017 (2) The attorney general or his or her designee shall review and  
22 approve or disapprove all proposed petitions ~~or petitions~~ for commitment of  
23 individuals as specified under s. 51.20 (1) (ad) 1.

24 **SECTION 2853t.** 165.017 (3) of the statutes is repealed.



1           **SECTION 2853u.** 165.017 (5) of the statutes is repealed.”.

2           **1272.** Page 959, line 7: after that line insert:

3           “**SECTION 2854r.** 165.25 (4) (a) of the statutes is amended to read:

4           165.25 **(4)** (a) The department of justice shall furnish all legal services required  
5 by the investment board, the lottery division in the department of revenue, the public  
6 service commission, the department of transportation, the department of natural  
7 resources, the department of forestry, the department of tourism, and the  
8 department of employee trust funds, together with any other services, including  
9 stenographic and investigational, as are necessarily connected with the legal work.”.

10           **1273.** Page 959, line 14: after that line insert:

11           “**SECTION 2856b.** 165.25 (4) (ar) of the statutes, as affected by 2001 Wisconsin  
12 Act .... (this act), is amended to read:

13           165.25 **(4)** (ar) The department of justice shall furnish all legal services  
14 required by the department of agriculture, trade and consumer protection relating  
15 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,  
16 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50  
17 and 100.51 and chs. 126, 136, 344, 704, 707, and 779, together with any other services  
18 as are necessarily connected to the legal services.”.

19           **1274.** Page 959, line 24: after that line insert:

20           “**SECTION 2857g.** 165.72 (title) of the statutes is amended to read:

21           **165.72** (title) **Controlled Dangerous weapons in public schools and**  
22 **controlled substances hotline and rewards for controlled substances tips.**

23           **SECTION 2857h.** 165.72 (1) (a) of the statutes is renumbered 165.72 (1) (aj).

24           **SECTION 2857i.** 165.72 (1) (ad) of the statutes is created to read:

1           165.72 (1) (ad) “Dangerous weapon” has the meaning given in s. 939.22 (10).

2           **SECTION 2857j.** 165.72 (2) (intro.) of the statutes is amended to read:

3           165.72 (2) **HOTLINE.** (intro.) The department of justice shall maintain a single  
4 toll-free telephone number during normal retail business hours, as determined by  
5 departmental rule, for ~~both~~ all of the following:

6           **SECTION 2857k.** 165.72 (2) (c) of the statutes is created to read:

7           165.72 (2) (c) For persons to provide information anonymously regarding  
8 dangerous weapons in public schools.

9           **SECTION 2857L.** 165.72 (2g) of the statutes is created to read:

10          165.72 (2g) **AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS**  
11 **IN PUBLIC SCHOOLS.** The department of justice shall provide for a person to answer  
12 telephone calls that are made after normal retail business hours to the telephone  
13 number under sub. (2). If a caller makes a telephone call after normal retail business  
14 hours regarding dangerous weapons in a public school, the person answering the  
15 telephone call shall request that the caller call the telephone number “911” or a local  
16 law enforcement agency.

17          **SECTION 2857m.** 165.72 (2m) of the statutes is created to read:

18          165.72 (2m) **TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN**  
19 **PUBLIC SCHOOLS.** Immediately upon receiving any information under sub. (2) (c)  
20 regarding dangerous weapons in a public school, or immediately at the beginning of  
21 the next retail business day if the information is not received during normal retail  
22 business hours, the department of justice shall provide the information to all of the  
23 following:

24          (a) The administration of the public school.

1 (b) The appropriate law enforcement agency, as defined in s. 165.83 (1) (b), for  
2 the municipality in which the public school is located.

3 **SECTION 2857n.** 165.72 (7) of the statutes is amended to read:

4 165.72 (7) PUBLICITY. The From the appropriation under s. 20.455 (2) (a), the  
5 department shall purchase public information and promotion services regarding the  
6 toll-free telephone number under sub. (2). The department and any agency  
7 providing publicity services under this subsection shall cooperate with the  
8 department of public instruction in publicizing, in public schools, the use of the  
9 toll-free telephone number ~~under sub. (2).~~”.

10 **1275.** Page 960, line 10: after that line insert:

11 “**SECTION 2858i.** 165.85 (2) (a) of the statutes is renumbered 165.85 (2) (ah).

12 **SECTION 2858k.** 165.85 (2) (ac) of the statutes is created to read:

13 165.85 (2) (ac) “Alzheimer’s disease” has the meaning given in s. 46.87 (1) (a).

14 **SECTION 2858n.** 165.85 (4) (b) 1. of the statutes is amended to read:

15 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law  
16 enforcement officer, except on a temporary or probationary basis, unless the person  
17 has satisfactorily completed a preparatory program of law enforcement training  
18 approved by the board and has been certified by the board as being qualified to be  
19 a law enforcement or tribal law enforcement officer. The program shall include 400  
20 hours of training, except the program for law enforcement officers who serve as  
21 rangers for the department of natural resources includes 240 hours of training. The  
22 board shall promulgate a rule under ch. 227 providing a specific curriculum for a  
23 400-hour conventional program and a 240-hour ranger program. The rule shall  
24 ensure that there is an adequate amount of training for each program to enable the

1 person to deal effectively with domestic abuse incidents, including training that  
2 addresses the emotional and psychological effect that domestic abuse has on victims.

3 The training under this subdivision shall include training on emergency detention  
4 standards and procedures under s. 51.15, emergency protective placement  
5 standards and procedures under s. 55.06 (11) and information on mental health and  
6 developmental disabilities agencies and other resources that may be available to  
7 assist the officer in interpreting the emergency detention and emergency protective  
8 placement standards, making emergency detentions and emergency protective  
9 placements and locating appropriate facilities for the emergency detentions and  
10 emergency protective placements of persons. The training under this subdivision

11 shall include at least one hour of instruction on recognizing the symptoms of  
12 Alzheimer's disease or other related dementias and interacting with and assisting  
13 persons who have Alzheimer's disease or other related dementias. The training

14 under this subdivision shall include training on police pursuit standards, guidelines  
15 and driving techniques established under par. (cm) 2. b. The period of temporary or  
16 probationary employment established at the time of initial employment shall not be  
17 extended by more than one year for an officer lacking the training qualifications  
18 required by the board. The total period during which a person may serve as a law  
19 enforcement and tribal law enforcement officer on a temporary or probationary basis  
20 without completing a preparatory program of law enforcement training approved by  
21 the board shall not exceed 2 years, except that the board shall permit part-time law  
22 enforcement and tribal law enforcement officers to serve on a temporary or  
23 probationary basis without completing a program of law enforcement training  
24 approved by the board to a period not exceeding 3 years. For purposes of this section,  
25 a part-time law enforcement or tribal law enforcement officer is a law enforcement

1 or tribal law enforcement officer who routinely works not more than one-half the  
2 normal annual work hours of a full-time employee of the employing agency or unit  
3 of government. Law enforcement training programs including municipal, county  
4 and state programs meeting standards of the board are acceptable as meeting these  
5 training requirements.

6 **SECTION 2858p.** 165.85 (4) (bn) 1m. of the statutes is amended to read:

7 165.85 **(4)** (bn) 1m. Each officer who is subject to subd. 1. shall biennially  
8 complete at least 4 hours of training from curricula based upon model standards  
9 promulgated by the board under par. (cm) 2. b. and at least one hour of training on  
10 recognizing the symptoms of Alzheimer’s disease or other related dementias and  
11 interacting with and assisting persons who have Alzheimer’s disease or other related  
12 dementias. Hours of training completed under this subdivision shall count toward  
13 the hours of training required under subd. 1.”.

14 **1276.** Page 960, line 10: after that line insert:

15 “**SECTION 2858c.** 165.77 (2) (a) 2. of the statutes is amended to read:

16 165.77 **(2)** (a) 2. The laboratories may compare the data obtained from the  
17 specimen with data obtained from other specimens. The laboratories may make data  
18 obtained from any analysis and comparison available to law enforcement agencies  
19 in connection with criminal or delinquency investigations and, upon request, to any  
20 prosecutor, defense attorney or subject of the data. The data may be used in criminal  
21 and delinquency actions and proceedings. ~~In this state, the use is subject to s. 972.11~~  
22 ~~(5).~~ The laboratories shall not include data obtained from deoxyribonucleic acid  
23 analysis of those specimens received under this paragraph in the data bank under  
24 sub. (3). The laboratories shall destroy specimens obtained under this paragraph

1 after analysis has been completed and the applicable court proceedings have  
2 concluded.

3 **SECTION 2858e.** 165.77 (2m) of the statutes is created to read:

4 165.77 **(2m)** (a) If the laboratories receive biological material under a court  
5 order issued under s. 974.07 (8), the laboratories shall analyze the deoxyribonucleic  
6 acid in the material and submit the results of the analysis to the court that ordered  
7 the analysis.

8 (b) The laboratories may compare the data obtained from material received  
9 under par. (a) with data obtained from other specimens. The laboratories may make  
10 data obtained from any analysis and comparison available to law enforcement  
11 agencies in connection with criminal or delinquency investigations and, upon  
12 request, to any prosecutor, defense attorney, or subject of the data. The data may be  
13 used in criminal and delinquency actions and proceedings. The laboratories shall not  
14 include data obtained from deoxyribonucleic acid analysis of material received under  
15 par. (a) in the data bank under sub. (3).

16 (c) Paragraph (b) does not apply to specimens received under s. 51.20 (13) (cr),  
17 165.76, 938.34 (15), 971.17 (1m) (a), 973.047, or 980.063.

18 **SECTION 2858g.** 165.77 (3) of the statutes is amended to read:

19 165.77 **(3)** If the laboratories receive a human biological specimen under s.  
20 51.20 (13) (cr), 165.76, 938.34 (15), 971.17 (1m) (a), 973.047 or 980.063, the  
21 laboratories shall analyze the deoxyribonucleic acid in the specimen. The  
22 laboratories shall maintain a data bank based on data obtained from  
23 deoxyribonucleic acid analysis of those specimens. The laboratories may compare  
24 the data obtained from one specimen with the data obtained from other specimens.  
25 The laboratories may make data obtained from any analysis and comparison

1 available to law enforcement agencies in connection with criminal or delinquency  
2 investigations and, upon request, to any prosecutor, defense attorney or subject of  
3 the data. The data may be used in criminal and delinquency actions and proceedings.  
4 ~~In this state, the use is subject to s. 972.11 (5).~~ The laboratories shall destroy  
5 specimens obtained under this subsection after analysis has been completed and the  
6 applicable court proceedings have concluded.

7 **SECTION 2858i.** 165.81 (1) of the statutes is amended to read:

8 165.81 (1) Whenever the department is informed by the submitting officer or  
9 agency that physical evidence in the possession of the laboratories is no longer  
10 needed the department may, except as provided in sub. (3) or unless otherwise  
11 provided by law, either destroy the same evidence, retain it in the laboratories,  
12 return it to the submitting officer or agency, or turn it over to the University of  
13 Wisconsin upon the request of the head of any department.—Whenever of the  
14 University of Wisconsin. If the department returns the evidence to the submitting  
15 officer or agency, any action taken by the officer or agency with respect to the  
16 evidence shall be in accordance with s. 968.20. Except as provided in sub. (3),  
17 whenever the department receives information from which it appears probable that  
18 the evidence is no longer needed, the department may give written notice to the  
19 submitting agency and the appropriate district attorney, by registered mail, of the  
20 intention to dispose of the evidence. If no objection is received within 20 days after  
21 the notice was mailed, it may dispose of the evidence.

22 **SECTION 2858k.** 165.81 (3) of the statutes is created to read:

23 165.81 (3) (a) In this subsection:

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

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

1           (b) Except as provided in par. (c), if physical evidence that is in the possession  
2 of the laboratories includes any biological material that was collected in connection  
3 with a criminal investigation that resulted in a criminal conviction, a delinquency  
4 adjudication, or commitment under s. 971.17 or 980.06, the laboratories shall  
5 preserve the physical evidence until every person in custody as a result of the  
6 conviction, adjudication, or commitment has reached his or her discharge date.

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

9           1. The department sends a notice of its intent to destroy the biological material  
10 to all persons who remain in custody as a result of the criminal conviction,  
11 delinquency adjudication, or commitment, and to either the attorney of record for  
12 each person in custody or the state public defender.

13           2. No person who is notified under subd. 1. does either of the following within  
14 90 days after the date on which the person received the notice:

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

16           b. Submits a written request to preserve the biological material to the  
17 department.

18           3. No other provision of federal or state law requires the department to preserve  
19 the biological material.

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



1 (e) If, after providing notice under par. (c) 1. of its intent to destroy biological  
2 material, the department receives a written request to preserve the material, the  
3 department shall preserve the material until the discharge date of the person who  
4 made the request or on whose behalf the request was made, subject to a court order  
5 issued under s. 974.07 (7), (9) (a), or (10) (a) 5., unless the court orders destruction  
6 or transfer of the biological material under s. 974.07 (9) (b) or (10) (a) 5.

7 (f) Unless otherwise provided in a court order issued under s. 974.07 (9) (a) or  
8 (b) or (10) (a) 5., nothing in this subsection prohibits the laboratories from returning  
9 evidence that must be preserved under par. (b) or (e) to the agency that submitted  
10 the evidence to the laboratories. If the laboratories return evidence that must be  
11 preserved under par. (b) or (e) to a submitting agency, any action taken by the agency  
12 with respect to the evidence shall be in accordance with s. 968.205.”.

13 **1277.** Page 960, line 10: after that line insert:

14 “**SECTION 2859m.** 165.85 (4) (b) 1. of the statutes, as affected by 2001 Wisconsin  
15 Act .... (this act), is amended to read:

16 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law  
17 enforcement officer, except on a temporary or probationary basis, unless the person  
18 has satisfactorily completed a preparatory program of law enforcement training  
19 approved by the board and has been certified by the board as being qualified to be  
20 a law enforcement or tribal law enforcement officer. The program shall include 400  
21 hours of training, except that the program for law enforcement officers who serve as  
22 rangers for the department of natural resources or the department of forestry  
23 includes 240 hours of training. The board shall promulgate a rule under ch. 227  
24 providing a specific curriculum for a 400–hour conventional program and a 240–hour

1 ranger program. The rule shall ensure that there is an adequate amount of training  
2 for each program to enable the person to deal effectively with domestic abuse  
3 incidents, including training that addresses the emotional and psychological effect  
4 that domestic abuse has on victims. The training under this subdivision shall  
5 include training on emergency detention standards and procedures under s. 51.15,  
6 emergency protective placement standards and procedures under s. 55.06 (11) and  
7 information on mental health and developmental disabilities agencies and other  
8 resources that may be available to assist the officer in interpreting the emergency  
9 detention and emergency protective placement standards, making emergency  
10 detentions and emergency protective placements and locating appropriate facilities  
11 for the emergency detentions and emergency protective placements of persons. The  
12 training under this subdivision shall include at least one hour of instruction on  
13 recognizing the symptoms of Alzheimer's disease or other related dementias and  
14 interacting with and assisting persons who have Alzheimer's disease or other related  
15 dementias. The training under this subdivision shall include training on police  
16 pursuit standards, guidelines and driving techniques established under par. (cm) 2.

17 b. The period of temporary or probationary employment established at the time of  
18 initial employment shall not be extended by more than one year for an officer lacking  
19 the training qualifications required by the board. The total period during which a  
20 person may serve as a law enforcement and tribal law enforcement officer on a  
21 temporary or probationary basis without completing a preparatory program of law  
22 enforcement training approved by the board shall not exceed 2 years, except that the  
23 board shall permit part-time law enforcement and tribal law enforcement officers  
24 to serve on a temporary or probationary basis without completing a program of law  
25 enforcement training approved by the board to a period not exceeding 3 years. For

1 purposes of this section, a part-time law enforcement or tribal law enforcement  
2 officer is a law enforcement or tribal law enforcement officer who routinely works not  
3 more than one-half the normal annual work hours of a full-time employee of the  
4 employing agency or unit of government. Law enforcement training programs  
5 including municipal, county and state programs meeting standards of the board are  
6 acceptable as meeting these training requirements.”.

7 **1278.** Page 965, line 4: after that line insert:

8 “**SECTION 2881ae.** 167.10 (2) of the statutes is amended to read:

9 167.10 (2) SALE. No person may sell ~~or possess with intent to sell~~ fireworks,  
10 except to any of the following:

11 (a) ~~To a~~ A person holding a permit under sub. (3) (c);

12 (b) ~~To a~~ A city, village, or town; ~~or.~~

13 (c) ~~For~~ A person for a purpose specified under sub. (3) (b) 2. to 6.

14 **SECTION 2881af.** 167.10 (2) (d) of the statutes is created to read:

15 167.10 (2) (d) A nonresident person who, prior to the sale, gives the seller a  
16 signed statement indicating that the fireworks are for use outside of this state.

17 **SECTION 2881ag.** 167.10 (3) (title) of the statutes is repealed and recreated to  
18 read:

19 167.10 (3) (title) POSSESSION AND USE.

20 **SECTION 2881ah.** 167.10 (3) (a) of the statutes is amended to read:

21 167.10 (3) (a) ~~No~~ Except as otherwise provided in this paragraph, no person  
22 may possess or use fireworks without a user’s permit from the mayor of the city,  
23 president of the village, or chairperson of the town in which the possession or use is  
24 to occur or from an official or employee of that municipality designated by the mayor,

1 president, or chairperson. This paragraph does not prohibit the possession of  
2 fireworks with intent to sell the fireworks in compliance with sub. (2). No person may  
3 use fireworks or a device listed under sub. (1) (e) to (g) or (i) to (n) while attending  
4 a fireworks display for which a permit has been issued to a person listed under par.  
5 (c) 1. to 5. or under par. (c) 6. if the display is open to the general public.

6 **SECTION 2881aj.** 167.10 (3) (b) (intro.) of the statutes is amended to read:

7 167.10 (3) (b) (intro.) ~~Paragraph (a) does~~ The prohibitions under par. (a) do not  
8 apply to:

9 **SECTION 2881ak.** 167.10 (3) (b) 8. of the statutes is created to read:

10 167.10 (3) (b) 8. Except as provided in par. (bm), the possession of fireworks by  
11 a nonresident person in any city, town, or village if the nonresident person intends  
12 to use the fireworks outside of this state and is transporting the fireworks to a  
13 location outside of this state.

14 **SECTION 2881am.** 167.10 (3) (bm) of the statutes is amended to read:

15 167.10 (3) (bm) Paragraph (a) applies to a person transporting fireworks under  
16 par. (b) 7. or 8. if, in the course of transporting the fireworks through a city, town, or  
17 village, the person remains in that city, town, or village for a period of at least 12  
18 hours.

19 **SECTION 2881an.** 167.10 (4) of the statutes is amended to read:

20 167.10 (4) ~~OUT-OF-STATE AND IN-STATE SHIPPING.~~ SHIPPING AND TRANSPORTING.  
21 This section does not prohibit a resident wholesaler or jobber from selling fireworks  
22 to a nonresident person ~~outside of this state~~ or to a person or group granted a permit  
23 under sub. (3) (c) 1. to 7. A resident wholesaler or resident jobber that ships the  
24 fireworks sold under this subsection shall package and ship the fireworks in

1 accordance with applicable state and federal law by, as defined in s. 194.01 (1), (2),  
2 and (11), common motor carrier, contract motor carrier, or private motor carrier.

3 **SECTION 2881ap.** 167.10 (8) (b) of the statutes is amended to read:

4 167.10 (8) (b) Fireworks stored, handled, sold, possessed, or used by a person  
5 who violates ~~this section, an ordinance adopted under sub. (5)~~ sub. (6m) (a), (b), or  
6 (c); a rule promulgated under sub. (6m) (e); or a court order under par. (a) may be  
7 seized and held as evidence of the violation. Except as provided in s. 968.20 (4), only  
8 the fireworks that are the subject of a violation of this section, an ordinance adopted  
9 under sub. (5), or a court order under par. (a) may be destroyed after conviction for  
10 a violation. Except as provided in s. 968.20 (4), fireworks that are seized as evidence  
11 of a violation for which no conviction results shall be returned to the owner in the  
12 same condition as they were when seized to the extent practicable.”.

13 **1279.** Page 983, line 3: after that line insert:

14 “**SECTION 2917b.** 180.0122 (1) (a) of the statutes is amended to read:

15 180.0122 (1) (a) Articles of incorporation, ~~1 cent for each authorized share,~~  
16 ~~except the minimum fee is \$90 and the maximum fee is \$10,000 and except that the~~  
17 ~~fee for investment companies is determined under sub. (1m)~~ \$100.

18 **SECTION 2917d.** 180.0122 (1) (m) of the statutes is amended to read:

19 180.0122 (1) (m) Amendment of articles of incorporation, \$40; ~~plus 1 cent for~~  
20 ~~each authorized share after the amendment, less a credit of 1 cent for each~~  
21 ~~authorized share immediately before the amendment; except the maximum fee~~  
22 ~~under this paragraph is \$10,000 and except that the fee for investment companies~~  
23 ~~is determined under sub. (1m).~~

24 **SECTION 2917f.** 180.0122 (1) (n) of the statutes is amended to read:

1           180.0122 (1) (n) Restatement of articles of incorporation with or without  
2 amendment of articles, \$40; ~~plus 1 cent for each authorized share after the~~  
3 ~~restatement and any amendment, less a credit of 1 cent for each authorized share~~  
4 ~~immediately before the restatement and any amendment; except the maximum fee~~  
5 ~~under this paragraph is \$10,000 and except that the fee for investment companies~~  
6 ~~is determined under sub. (1m).~~

7           **SECTION 2917h.** 180.0122 (1) (o) of the statutes is amended to read:

8           180.0122 (1) (o) Articles of merger, \$50 for each domestic corporation and each  
9 foreign corporation authorized to transact business in this state that is a party to the  
10 merger; ~~plus 1 cent for each authorized share of the surviving domestic corporation~~  
11 ~~after the merger, less a credit of 1 cent for each share that is authorized immediately~~  
12 ~~before the merger by each domestic corporation that is a party to the merger; except~~  
13 ~~the maximum fee under this paragraph is \$10,000 and except that the fee for~~  
14 ~~investment companies is determined under sub. (1m).~~

15           **SECTION 2917j.** 180.0122 (1) (om) of the statutes is amended to read:

16           180.0122 (1) (om) Articles of share exchange, \$50 for each domestic corporation  
17 and each foreign corporation authorized to transact business in this state that is a  
18 party to the share exchange; ~~plus 1 cent for each authorized share of the acquiring~~  
19 ~~domestic corporation after the share exchange, less a credit of 1 cent for each share~~  
20 ~~that is authorized immediately before the share exchange by the acquiring domestic~~  
21 ~~corporation; except the maximum fee under this paragraph is \$10,000.~~

22           **SECTION 2917m.** 180.0122 (1) (x) of the statutes is amended to read:

23           180.0122 (1) (x) Annual report of a domestic corporation that is submitted to  
24 the department by authorized electronic means, \$25; annual report of a domestic  
25 corporation that is submitted to the department on paper, \$40.

1           **SECTION 2917p.** 180.0122 (1) (y) of the statutes is amended to read:

2           180.0122 **(1)** (y) Annual report of a foreign corporation, ~~–\$50, that is submitted~~  
3 ~~to the department by authorized electronic means, \$65, and annual report submitted~~  
4 ~~to the department on paper, \$80,~~ and in case the annual report shows that the foreign  
5 corporation employs in this state capital in excess of the amount of capital on which  
6 a fee has previously been paid, computed as provided in s. 180.1503, an additional  
7 fee which, with previous payments made on account of capital employed in this state,  
8 will amount to \$2 for each \$1,000 or fraction thereof of the excess.”.

9           **1280.** Page 983, line 6: after that line insert:

10           “**SECTION 2918m.** 180.0122 (1m) of the statutes is repealed.”.

11           **1281.** Page 983, line 18: after that line insert:

12           “**SECTION 2920c.** 180.0701 (4) (c) of the statutes is amended to read:

13           180.0701 **(4)** (c) Ratification of the selection of independent certified public  
14 accountants licensed or certified under ch. 442.

15           **SECTION 2920g.** 180.0826 (2) of the statutes is amended to read:

16           180.0826 **(2)** Legal counsel, certified public accountants licensed or certified  
17 under ch. 442, or other persons as to matters that the director or officer believes in  
18 good faith are within the person’s professional or expert competence.

19           **SECTION 2920n.** 180.1903 (1) of the statutes is amended to read:

20           180.1903 **(1)** ~~One~~ Except as provided in sub. (1m), one or more natural persons  
21 licensed, certified, or registered pursuant to any provisions of the statutes, if all have  
22 the same license, certificate, or registration or if all are health care professionals,  
23 may organize and own shares in a service corporation. A service corporation may  
24 own, operate, and maintain an establishment and otherwise serve the convenience

1 of its shareholders in carrying on the particular profession, calling, or trade for which  
2 the licensure, certification, or registration of its organizers is required.

3 **SECTION 2920r.** 180.1903 (1m) of the statutes is created to read:

4 180.1903 (1m) A service corporation for carrying on the profession of certified  
5 public accounting may be organized under sub. (1) if more than 50% of the  
6 shareholders are certified public accountants.

7 **SECTION 2920w.** 180.1921 (2) of the statutes is amended to read:

8 180.1921 (2) The report shall show the address of this service corporation's  
9 principal office and the name and post-office address of each shareholder, director,  
10 and officer of the service corporation and shall certify that, with the exceptions  
11 permitted in ~~s.~~ ss. 180.1903 (1m) and 180.1913, each shareholder, director, and  
12 officer is licensed, certified, registered, or otherwise legally authorized to render the  
13 same professional or other personal service in this state or is a health care  
14 professional. The service corporation shall prepare the report on forms prescribed  
15 and furnished by the department, and the report shall contain no fiscal or other  
16 information except that expressly called for by this section. The department shall  
17 forward report blanks by 1st class mail to every service corporation in good standing,  
18 at least 60 days before the date on which the service corporation is required by this  
19 section to file an annual report.”.

20 **1282.** Page 984, line 10: after that line insert:

21 “**SECTION 2923g.** 181.0850 (2) of the statutes is amended to read:

22 181.0850 (2) PROFESSIONALS AND EXPERTS. Legal counsel, certified public  
23 accountants licensed or certified under ch. 442, or other persons as to matters the



1 director or officer believes in good faith are within the person's professional or expert  
2 competence.

3 **SECTION 2923r.** 181.1620 (2) (intro.) of the statutes is amended to read:

4 181.1620 (2) (intro.) ACCOUNTANT'S CERTIFIED PUBLIC ACCOUNTANT'S REPORT OR  
5 OFFICER'S STATEMENT. If annual financial statements are reported upon by a certified  
6 public accountant licensed or certified under ch. 442, the certified public  
7 accountant's report must accompany them. If not, the statements must be  
8 accompanied by a statement of the president or the person responsible for the  
9 corporation's financial accounting records that includes all of the following:".

10 **1283.** Page 985, line 9: after that line insert:

11 "SECTION 2932m. 185.363 (2) of the statutes is amended to read:

12 185.363 (2) Legal counsel, certified public accountants licensed or certified  
13 under ch. 442, or other persons as to matters the director or officer believes in good  
14 faith are within the person's professional or expert competence.".

15 **1284.** Page 985, line 9: after that line insert:

16 "SECTION 2932h. 185.61 (1) of the statutes is amended to read:

17 185.61 (1) (a) If otherwise lawful, any 2 or more associations may merge or  
18 consolidate under this chapter or under the law of the state where the surviving or  
19 new association will exist.

20 (b) Before a cooperative may merge or consolidate with any other association,  
21 a written plan of merger or consolidation shall be prepared by the board or by a  
22 committee selected by the board or the members for that purpose. The plan shall set  
23 forth all the terms of the merger or consolidation, including any provisions for  
24 abandonment of the plan, and the proposed effect of the plan on all members and

1 stockholders of the cooperative, including the treatment of the equity interest of the  
2 members upon merger or consolidation.

3 (c) In case of consolidation, the plan of consolidation shall also contain the  
4 articles of the new association.

5 **SECTION 2932r.** 185.62 (5) of the statutes is created to read:

6 185.62 (5) The surviving association, in the case of a merger, or the new  
7 association, in the case of consolidation, shall prepare an annual report on the  
8 implementation of any provision in the plan of merger or consolidation relating to the  
9 equity interest of any member that was affected by the merger or consolidation. The  
10 report shall be kept in the principal office of the surviving association, in the case of  
11 a merger, or in the principal office of the new association, in the case of consolidation,  
12 and shall be available for inspection by any member whose equity interest was  
13 affected by the merger or consolidation. The surviving association, in the case of a  
14 merger, or the new association, in the case of consolidation, shall prepare the report  
15 until such time that the implementation of any provision in the plan of merger or  
16 consolidation relating to the equity interest of any member that was affected by the  
17 merger or consolidation is complete.”.

18 **1285.** Page 985, line 9: after that line insert:

19 “**SECTION 2928r.** 183.0114 (1) (w) of the statutes is amended to read:

20 183.0114 (1) (w) Annual report of a foreign limited liability company, ~~\$50 that~~  
21 is submitted to the department by authorized electronic means, \$65; annual report  
22 submitted to the department on paper, \$80.”.

23 **1286.** Page 985, line 20: after that line insert:

24 “**SECTION 2972k.** 194.01 (7) of the statutes is amended to read:

1           194.01 (7) “Motor vehicle” means any automobile, truck, trailer, semitrailer,  
2 tractor, motor bus or any self-propelled or motor driven vehicle, except a low-speed  
3 vehicle, motorcycle, moped, motor bicycle or a vehicle operated on rails.”.

4           **1287.** Page 985, line 20: after that line insert:

5           “SECTION 2943m. 186.094 (2) of the statutes is amended to read:

6           186.094 (2) Legal counsel, certified public accountants licensed or certified  
7 under ch. 442, or other persons as to matters the director or officer believes in good  
8 faith are within the person’s professional or expert competence.

9           SECTION 2952m. 186.15 (1) of the statutes is amended to read:

10          186.15 (1) ANNUAL AUDIT. Except as provided in sub. (2), the board of directors  
11 shall hire a ~~licensed~~ certified public accountant licensed or certified under ch. 442 or  
12 other qualified person to conduct a comprehensive annual audit of the records,  
13 accounts and affairs of the credit union.

14          SECTION 2972d. 187.31 (2) of the statutes is amended to read:

15          187.31 (2) Legal counsel, certified public accountants licensed or certified  
16 under ch. 442, or other professional persons or experts employed by the incorporated  
17 Roman Catholic church, as to matters the director or officer believes in good faith are  
18 within the person’s professional or expert competence.

19          SECTION 2972g. 187.41 (2) of the statutes is amended to read:

20          187.41 (2) Legal counsel, certified public accountants licensed or certified  
21 under ch. 442, or other professional persons or experts employed by the religious  
22 organization, as to matters the director or officer believes in good faith are within the  
23 person’s professional or expert competence.”.

24          **1288.** Page 985, line 20: after that line insert:

1           “**SECTION 2972b.** 196.01 (5) (b) 6. of the statutes is created to read:

2           196.01 (5) (b) 6. A person that owns an electric generating facility or  
3 improvement to an electric generating facility that is subject to a leased generation  
4 contract, as defined in s. 196.52 (9) (a) 3., unless the person furnishes, directly to the  
5 public, telecommunications or sewer service, heat, light, water or power or, by means  
6 of pipes or mains, natural gas.”.

7           **1289.** Page 987, line 17: delete the material beginning with that line and  
8 ending with page 989, line 3.

9           **1290.** Page 989, line 6: after that line insert:

10          “**SECTION 2981m.** 196.208 (5p) of the statutes is created to read:

11          196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this subsection:

12           1. “Charitable organization” has the meaning given in s. 440.41 (1).

13           2. “Prisoner” has the meaning given in s. 134.73 (1) (b).

14           (b) If a prisoner is employed directly or indirectly by a charitable organization  
15 or toll-free service vendor to answer calls made to the charitable organization or  
16 toll-free service vendor, the prisoner shall do all of the following immediately upon  
17 answering a call:

18           1. Identify himself or herself by name.

19           2. State that he or she is a prisoner.

20           3. Inform the calling party of the name of the correctional or detention facility  
21 in which he or she is a prisoner and the city and state in which the facility is located.

22           (c) A charitable organization or toll-free service vendor that directly or  
23 indirectly employs a prisoner shall provide reasonable supervision of the prisoner to  
24 assure the prisoner’s compliance with par. (b).

1           **SECTION 2981p.** 196.208 (10) (a) of the statutes is amended to read:

2           196.208 **(10)** (a) Subsections (2) to (5) apply to any pay-per-call service that  
3 a caller may access by a call originating in this state and ~~sub. subs. (5p) and (5t)~~  
4 ~~applies apply to any charitable organization, toll-free service vendor, or employee of~~  
5 ~~a charitable organization or toll-free service vendor~~ that a caller may access by a call  
6 originating in this state.

7           **SECTION 2981r.** 196.208 (11) (d) of the statutes is renumbered 196.208 (11) (d)  
8 1. and amended to read:

9           196.208 **(11)** (d) 1. ~~Any~~ Except as provided in subd. 2., any person who violates  
10 subs. (2) to (9) shall be required to forfeit not less than \$25 nor more than \$5,000 for  
11 each offense.

12           3. Forfeitures under ~~this paragraph subs. 1. and 2.~~ shall be enforced by action  
13 on behalf of the state by the department of justice or, upon informing the department  
14 of justice, by the district attorney of the county where the violation occurs.

15           **SECTION 2981s.** 196.208 (11) (d) 2. of the statutes is created to read:

16           196.208 **(11)** (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to  
17 forfeit not more than \$500.

18           b. A person who employs a prisoner to answer calls made to a toll-free  
19 telephone number may be required to forfeit not more than \$10,000 if the person  
20 violates sub. (5p) (c), aids and abets a prisoner's violation of sub. (5p) (b), is a party  
21 to a conspiracy with a prisoner to commit a violation of sub. (5p) (b), or advises, hires,  
22 or counsels or otherwise procures a prisoner to commit a violation of sub. (5p) (b).”.

23           **1291.** Page 989, line 6: after that line insert:

24           “**SECTION 2981Lm.** 196.202 (2) of the statutes is amended to read:

1           196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider  
2 is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that  
3 a commercial mobile radio service provider is subject to s. 196.218 (3) ~~to the extent~~  
4 ~~not preempted by federal law. If the application of s. 196.218 (3) to a commercial~~  
5 ~~mobile radio service provider is not preempted if the commission promulgates rules~~  
6 that designate commercial mobile radio service providers as eligible to receive  
7 universal service funding under both the federal and state universal service fund  
8 programs. If the commission promulgates such rules, a commercial mobile radio  
9 service provider shall respond, subject to the protection of the commercial mobile  
10 radio service provider's competitive information, to all reasonable requests for  
11 information about its operations in this state from the commission necessary to  
12 administer the universal service fund.”.

13           **1292.** Page 989, line 6: after that line insert:

14           “**SECTION 2981r.** 196.218 (3) (a) 3. of the statutes is renumbered 196.218 (3) (a)  
15 3. (intro.) and amended to read:

16           196.218 (3) (a) 3. (intro.) The commission shall designate the method by which  
17 the contributions under this paragraph shall be calculated and collected. The  
18 method shall ensure that the contributions are sufficient to generate the following  
19 amounts:

20           a. The amount appropriated under ss. s. 20.155 (1) (q), except that in fiscal year  
21 2003–04 the total amount of contributions in that fiscal year under this subd. 3. a.  
22 may not exceed \$5,000,000 and except that beginning in fiscal year 2004–05 the total  
23 amount of contributions in a fiscal year under this subd. 3. a. may not exceed  
24 \$6,000,000.

1           **b.** The amounts appropriated under ss. 20.255 (3) (q), 20.275 (1) (s), (t) and (tm)  
2 and 20.285 (1) (q).

3           **3m.** Contributions under this paragraph may be based only on the gross  
4 operating revenues from the provision of broadcast services identified by the  
5 commission under subd. 2. and on intrastate telecommunications services in this  
6 state of the telecommunications providers subject to the contribution.”.

7           **1293.** Page 989, line 8: delete “(7)” and substitute “(7)”.

8           **1294.** Page 989, line 17: after that line insert:

9           “**SECTION 2983m.** 196.218 (5) (a) 10. of the statutes is created to read:

10           196.218 (5) (a) 10. To make the grant awarded by the technology for educational  
11 achievement in Wisconsin board to the Racine Unified School District under s. 44.72  
12 (3).”.

13           **1295.** Page 992, line 12: after that line insert:

14           “**SECTION 3001b.** 196.491 (1) (w) of the statutes is renumbered 196.491 (1) (w)  
15 1., and 196.491 (1) (w) 1. (intro.), as renumbered, is amended to read:

16           196.491 (1) (w) 1. (intro.) “Wholesale merchant plant” means, except as  
17 provided in subd. 2., electric generating equipment and associated facilities located  
18 in this state that do not provide service to any retail customer and that are owned  
19 and operated by any of the following:

20           **SECTION 3001d.** 196.491 (1) (w) 2. of the statutes is created to read:

21           196.491 (1) (w) 2. “Wholesale merchant plant” does not include an electric  
22 generating facility or an improvement to an electric generating facility that is subject  
23 to a leased generation contract, as defined in s. 196.52 (9) (a) 3.”.

24           **1296.** Page 993, line 12: after that line insert:

1           **“SECTION 3001p.** 196.496 of the statutes is created to read:

2           **196.496 Distributed generation facilities. (1)** DEFINITION. In this section,  
3           “distributed generation facility” means a facility for the generation of electricity with  
4           a capacity of no more than 15 megawatts that is located near the point where the  
5           electricity will be used or is in a location that will support the functioning of the  
6           electric power distribution grid.

7           **(2) RULES.** The commission shall promulgate rules establishing standards for  
8           the connection of distributed generation facilities to electric distribution facilities.  
9           To the extent technically feasible and cost effective, the standards shall be uniform  
10          and shall promote the development of distributed generation facilities. The  
11          standards shall address engineering, electric reliability, and safety concerns and the  
12          methods for determining charges for interconnection.”.

13          **1297.** Page 995, line 10: after that line insert:

14          **“SECTION 3007m.** 121.06 (4) of the statutes is amended to read:

15          121.06 **(4)** For purposes of computing state aid under s. 121.08, equalized  
16          valuations calculated under sub. (1) and certified under sub. (2) shall include the full  
17          value of ~~computers~~ property that are is exempt under s. 70.11 (39) and (39m) as  
18          determined under s. 79.095 (3).”.

19          **1298.** Page 995, line 11: delete the material beginning with that line and  
20          ending with page 998, line 17, and substitute:

21          **“SECTION 3008mc.** 196.52 (9) of the statutes is created to read:

22          196.52 **(9)** (a) In this subsection:

23          1. “Electric generating equipment” means any of the following:

24          a. An electric generator.



1           b. A machine that drives an electric generator, including an engine, turbine,  
2 water wheel, or wind mill.

3           c. Equipment that converts a fuel or source of energy into energy that powers  
4 a machine that drives an electric generator, including a boiler, but not including a  
5 nuclear reactor.

6           d. A fuel or photovoltaic cell.

7           2. “Electric generating facility” means electric generating equipment and  
8 associated facilities that, together, constitute a complete facility for the generation  
9 of electricity.

10          3. “Leased generation contract” means a contract or arrangement or set of  
11 contracts or arrangements under which an affiliated interest of a public utility  
12 agrees with the public utility to construct or improve an electric generating facility  
13 and to lease to the public utility land and the facility for operation by the public  
14 utility.

15          (b) The commission may approve a leased generation contract under sub. (3)  
16 only if all of the following apply:

17           1. The commission has not issued a certificate under s. 196.49 or a certificate  
18 of public convenience and necessity under s. 196.491 (3) before January 1, 2002, for  
19 any construction or improvement that is subject to the leased generation contract.

20           2. Construction or improvement of the electric generating facility that is  
21 subject to the leased generation contract commences on or after January 1, 2002.

22           3. Except as provided in s. 196.795 (5) (k) 3., no electric generating facility,  
23 electric generating equipment, or associated facilities, held or used by the public  
24 utility for the provision of electric service, is transferred to the affiliated interest.

1           4. The estimated gross cost of the construction or improvement that is subject  
2 to the leased generation contract is at least \$10,000,000.

3           5. The construction or improvement is not to a nuclear-powered facility.

4           6. Any real property that the public utility transfers to the affiliated interest  
5 for the purpose of implementing the leased generation contract is transferred at book  
6 value, which is determined on the basis of the regulated books of account at the time  
7 of the transfer.

8           7. If the public utility transfers real property to the affiliated interest for the  
9 purpose of implementing the leased generation contract, the leased generation  
10 contract provides for transferring that real property back to the public utility, on the  
11 same terms and conditions as the original transfer, if the commission determines  
12 that the construction or improvement that is subject to the leased generation  
13 contract has not been completed.

14           8. The leased generation contract provides that, upon termination of the  
15 contract, all of the following apply:

16           a. The public utility shall have the option, subject to commission approval, to  
17 extend the contract, or purchase the electric generating facility or the improvements  
18 to an electric generating facility, at fair market value as determined by a valuation  
19 process that is conducted by an independent third party and that is specified in the  
20 contract.

21           b. If the public utility exercises the option specified in subd. 8. a., the affiliated  
22 interest may require the public utility to extend the contract, rather than purchase  
23 the facilities or improvements, if the affiliated interest demonstrates to the  
24 commission that the extension avoids material adverse tax consequences and that

1 the extension provides terms and conditions that are economically equivalent to a  
2 purchase.

3 9. For any gas-fired electric generating facility that is constructed under the  
4 leased generation contract, the term of the lease is 20 years or more.

5 10. For any coal-fired electric generating facility that is constructed under the  
6 leased generation contract, the term of the lease is 25 years or more.

7 11. The leased generation contract does not take effect until the date on which  
8 the affiliated interest commences construction or improvement of the electric  
9 generating facility, except that, if the leased generation contract relates to the  
10 construction or improvement of more than one electric generating facility, the leased  
11 generation contract does not take effect with respect to the construction or  
12 improvement of an individual electric generating facility until the date on which the  
13 affiliated interest commences construction or improvement on that electric  
14 generating facility.

15 (c) Except as provided in par. (d), the commission may not increase or decrease  
16 the retail revenue requirements of a public utility on the basis of any income,  
17 expense, gain, or loss that is received or incurred by an affiliated interest of the public  
18 utility and that arises from the ownership of an electric generating facility or an  
19 improvement to an electric generating facility by an affiliated interest under a leased  
20 generation contract.

21 (d) The commission shall allow a public utility that has entered into a leased  
22 generation contract that has been approved by the commission under sub. (3) to  
23 recover fully in its retail rates that portion of any payments under the leased  
24 generation contract that the commission allocates to the public utility's retail electric  
25 service, and that portion of all other costs that is prudently incurred in the public

1 utility's operation and maintenance of the electric generating facility or  
2 improvement that is subject to the leased generation contract and that the  
3 commission allocates to the public utility's retail electric service.

4 (e) Notwithstanding sub. (5) (a), the commission may not modify or terminate  
5 a leased generation contract approved under sub. (3) except as specified in the leased  
6 generation contract or the commission's order approving the leased generation  
7 contract.

8 (f) The commission shall maintain jurisdiction to ensure that the construction  
9 or improvement under a leased generation contract approved under sub. (3) is  
10 completed as provided in the leased generation contract.

11 (g) Nothing in this subsection prohibits a cooperative association organized  
12 under ch. 185, a municipal utility, as defined in s. 196.377 (2) (a) 3., or a municipal  
13 electric company, as defined in s. 66.0825 (3) (d), from acquiring an interest in an  
14 electric generating facility that is constructed pursuant to a leased generation  
15 contract or from acquiring an interest in land on which such an electric generating  
16 facility is located.”.

17 **1299.** Page 999, line 6: delete lines 6 to 12 and substitute:

18 “**SECTION 3011jc.** 196.795 (5) (k) 3. of the statutes is created to read:

19 196.795 (5) (k) 3. For the purpose of implementing a leased generation  
20 contract, as defined in s. 196.52 (9) (a) 3., that is approved under s. 196.52 (3), a public  
21 utility affiliate may transfer to a nonutility affiliate, at book value determined on the  
22 basis of the regulated books of account at the time of the transfer, any of the following:

23 a. Land that is held or used for the provision of utility service.

1           b. Electric generating equipment or associated facilities that are located on the  
2 land on which an electric generating facility subject to a leased generation contract  
3 is to be constructed, and that are part of an electric generating facility on that land  
4 that is no longer used or useful for the provision of utility service and that has been  
5 retired from the provision of utility service.”.

6           **1300.** Page 1003, line 6: after that line insert:

7           “**SECTION 3020h.** 200.49 (1) (a) of the statutes is amended to read:

8           200.49 (1) (a) “Minority business” means a ~~sole proprietorship, partnership,~~  
9 ~~limited liability company, joint venture or corporation that is at least 51% owned and~~  
10 ~~controlled by one or more minority group members and that is engaged in~~  
11 ~~construction or construction-related activities~~ business that is certified by the  
12 department of commerce under s. 560.036 (2).

13           **SECTION 3020i.** 200.49 (3) (intro.) of the statutes is amended to read:

14           200.49 (3) **REQUEST FOR PROPOSALS.** (intro.) The executive director shall request  
15 proposals for prime contracts from bondable general contractors or construction  
16 contractors that are ~~bona fide independent~~ minority businesses. Each proposal  
17 submitted shall include all of the following conditions:

18           **SECTION 3020j.** 200.49 (3) (b) of the statutes is amended to read:

19           200.49 (3) (b) A subcontracting plan that provides sufficient detail to enable  
20 the executive director to determine that the prime contractor has made or will make  
21 a good faith effort to award at least 20% of the total contract amount to ~~bona fide~~  
22 ~~independent~~ minority business subcontractors.

23           **SECTION 3020k.** 200.49 (4) of the statutes is repealed.”.

24           **1301.** Page 1003, line 6: after that line insert:

1           **SECTION 3020e.** 218.0101 (19m) of the statutes is created to read:

2           218.0101 **(19m)** “Low-speed vehicle” has the meaning given in s. 340.01 (27m).

3           **SECTION 3020j.** 218.0101 (23) (a) 2. of the statutes is amended to read:

4           218.0101 **(23)** (a) 2. Is engaged wholly or in part in the business of selling or  
5 leasing motor vehicles, including motorcycles and low-speed vehicles, whether or  
6 not the motor vehicles are owned by that person, firm or corporation.

7           **SECTION 3020n.** 218.0114 (5) (a) of the statutes is amended to read:

8           218.0114 **(5)** (a) A motor vehicle dealer or an applicant for a motor vehicle  
9 dealer license shall provide and maintain in force a bond or irrevocable letter of credit  
10 of not less than \$25,000 or, if the dealer or applicant sells or proposes to sell  
11 motorcycles or low-speed vehicles, or both, and not other types of motor vehicles, a  
12 bond or irrevocable letter of credit of not less than \$5,000. The bond or letter of credit  
13 shall be executed in the name of the department of transportation for the benefit of  
14 any person who sustains a loss because of an act of a motor vehicle dealer that  
15 constitutes grounds for the suspension or revocation of a license under ss. 218.0101  
16 to 218.0163.

17           **SECTION 3020q.** 218.0122 (3) of the statutes is amended to read:

18           218.0122 **(3)** This section does not apply to motorcycles or low-speed vehicles  
19 that are delivered in a crated, disassembled condition to the dealer or the dealer’s  
20 agent.

21           **SECTION 3020t.** 218.0171 (2) (b) 2. b. of the statutes is amended to read:

22           218.0171 **(2)** (b) 2. b. Accept return of the motor vehicle and refund to the  
23 consumer and to any holder of a perfected security interest in the consumer’s motor  
24 vehicle, as their interest may appear, the full purchase price plus any sales tax,  
25 finance charge, amount paid by the consumer at the point of sale and collateral costs,

1 less a reasonable allowance for use. Under this subdivision, a reasonable allowance  
2 for use may not exceed the amount obtained by multiplying the full purchase price  
3 of the motor vehicle by a fraction, the denominator of which is 100,000 or, for a  
4 motorcycle or low-speed vehicle, 20,000, and the numerator of which is the number  
5 of miles the motor vehicle was driven before the consumer first reported the  
6 nonconformity to the motor vehicle dealer.”.

7 **1302.** Page 1003, line 6: after that line insert:

8 “**SECTION 3023.** 221.0320 (2) (a) (intro.) of the statutes is amended to read:

9 221.0320 (2) (a) (intro.) A liability secured by warehouse receipts issued by  
10 warehouse keepers licensed and bonded in this state under ss. 99.02 and 99.03 or  
11 under the federal bonded warehouse act or holding a ~~registration certificate~~ license  
12 under ~~ch. 127 s. 126.26~~, if all of the following requirements are met:”.

13 **1303.** Page 1003, line 6: after that line insert:

14 “**SECTION 3020d.** 198.167 of the statutes is amended to read:

15 **198.167 Certified public accountant; annual report.** The directors of the  
16 district shall employ annually the commission or a certified public accountant  
17 licensed or certified under ch. 442 approved by said commission who shall be  
18 qualified to, and who shall with all due diligence, examine and report upon the  
19 system of accounts kept by the district, all the contracts of whatsoever kind made and  
20 entered into by the board of directors within the year immediately preceding, and the  
21 properties and investments of the district. ~~Said~~ The certified public accountant shall  
22 in the report make such recommendations and suggestions as to the certified public  
23 accountant shall seem proper and required for the good of the district, and the  
24 efficient and economical or advantageous management and operation of the public

1 utility or utilities of the district; and the certified public accountant shall in the  
2 report make such recommendations and suggestions as to the system of accounts  
3 kept, or in the certified public accountant's judgment to be kept, by the district, in  
4 connection with each public utility, the classification of the public utilities of the  
5 district and the establishment of a system of accounts for each class, the manner in  
6 which such accounts shall be kept, the form of accounts, records, and memoranda  
7 kept or to be kept, including accounts, records, and memoranda of receipts and  
8 expenditures of money, and depreciation and sinking fund accounts, as in the  
9 certified public accountant's judgment may be proper and necessary, and shall not  
10 conflict with the requirements of the commission.

11 **SECTION 3020h.** 214.76 (2) and (4) of the statutes are amended to read:

12 214.76 (2) The certified public accountant shall deliver the audit report to a  
13 committee composed of 3 or more members of the board of directors, none of whom  
14 may be an officer, employee or agent of the savings bank. The committee shall  
15 present the nature, extent and conclusions of the report at the next meeting of the  
16 board of directors. A written summary of the committee's presentation, together  
17 with a copy of the audit report and a list of all criticisms made by the certified public  
18 accountant conducting the audit and any response of any member of the board of  
19 directors or any officer of the savings bank, shall be personally served or sent by  
20 certified mail to all members of the board of directors.

21 (4) The audit report filed with the division shall be certified by the certified  
22 public accountant conducting the audit. If a savings bank fails to cause an audit to  
23 be made, the division shall order an audit to be made by an independent certified  
24 public accountant at the savings bank's expense. Instead of the audit required under  
25 sub. (1), the division may accept an audit or portion of an audit made exclusively for



1 a deposit insurance corporation or for a financial regulator of another state if the  
2 home office of the savings bank is located in that state.

3 **SECTION 3020p.** 215.523 (2) of the statutes is amended to read:

4 215.523 (2) Legal counsel, certified public accountants licensed or certified  
5 under ch. 442, or other persons as to matters the director or officer believes in good  
6 faith are within the person's professional or expert competence.

7 **SECTION 3020t.** 217.08 (2) of the statutes is amended to read:

8 217.08 (2) ANNUAL LICENSE FEE; ADDITIONS AND DELETIONS OF LOCATIONS. Each  
9 licensee shall file with the division on or before December 1 of each year a statement  
10 listing the locations of the offices of the licensee and the names and locations of the  
11 agents authorized by the licensee. Every licensee shall also on or before December  
12 1 of each year file a financial statement of its assets and liabilities as of a date not  
13 earlier than the preceding August 31 or, if the licensee is audited annually by an  
14 independent certified public accountant licensed or certified under ch. 442 at the end  
15 of each fiscal year, the licensee may submit financial statements certified by said the  
16 certified public accountant for the licensee's latest fiscal year. Such statement shall  
17 be accompanied by the annual licensee fee for the calendar year beginning the  
18 following January 1 in an amount determined under s. 217.05. The amount of the  
19 surety bond or deposit of securities required by s. 217.06 shall be adjusted to reflect  
20 the number of such locations. Licensees which do not pay the maximum license fee  
21 under s. 217.05 and which do not maintain a bond or deposit of securities in the  
22 maximum sum of \$300,000 as provided in s. 217.06 shall also file a supplemental  
23 statement setting forth any changes in the list of offices and agents with the division  
24 on or before April 1, July 1 and October 1 of each year, and the principal sum of the  
25 corporate surety bond or deposit of securities required by s. 217.06 shall be adjusted

1 to reflect any increase or decrease in the number of such locations. Any additional  
2 license fees which may become due under s. 217.05 shall be paid to the division.”.

3 **1304.** Page 1003, line 6: after that line insert:

4 “**SECTION 3020d.** Chapter 218 (title) of the statutes is amended to read:

5 **CHAPTER 218**

6 **FINANCE COMPANIES, AUTO**

7 **DEALERS, ADJUSTMENT COMPANIES**

8 **AND, COLLECTION AGENCIES,**

9 **RENTAL-PURCHASE COMPANIES, AND**

10 **RENT-TO-OWN AGREEMENTS**

11 **SECTION 3020f.** Subchapter XI of chapter 218 [precedes 218.61] of the statutes  
12 is created to read:

13 **CHAPTER 218**

14 **SUBCHAPTER XI**

15 **RENTAL-PURCHASE COMPANIES AND**

16 **RENT-TO-OWN AGREEMENTS**

17 **218.61 Definitions.** In this subchapter:

18 **(1)** “Division” means the division of banking in the department of financial  
19 institutions.

20 **(2)** “Lessee” means an individual who rents personal property under a  
21 rent-to-own agreement.

22 **(3)** “Licensee” means a rental-purchase company holding a license issued by  
23 the division under this subchapter.

1           **(4)** “Rental property” means personal property rented under a rent-to-own  
2 agreement.

3           **(5)** “Rental-purchase company” means a person engaged in the business of  
4 entering into rent-to-own agreements in this state or acquiring or servicing  
5 rent-to-own agreements that are entered into in this state.

6           **(6)** “Rent-to-own agreement” means an agreement between a  
7 rental-purchase company and a lessee for the use of personal property if all of the  
8 following conditions are met:

9           (a) The personal property that is rented under the agreement is to be used  
10 primarily for personal, family, or household purposes.

11           (b) The agreement has an initial term of 4 months or less and is automatically  
12 renewable with each payment after the initial term.

13           (c) The agreement does not obligate or require the lessee to renew the  
14 agreement beyond the initial term.

15           (d) The agreement permits, but does not obligate, the lessee to acquire  
16 ownership of the personal property.

17           **218.612 Scope. (1) INAPPLICABILITY OF OTHER LAWS.** A rent-to-own agreement  
18 under this subchapter is not governed by the laws relating to a security interest, as  
19 defined in s. 401.201 (37), or a lease, as defined in s. 411.103 (1) (j), and is not  
20 governed by chs. 421 to 427 and 429.

21           **(2) EXCLUSIONS.** This subchapter does not apply to any of the following:

22           (a) A lease or bailment of personal property that is incidental to the lease of real  
23 property.

24           (b) A lease of a motor vehicle, as defined in s. 218.0101 (22).

1 (c) A credit sale, as defined in 15 USC 1602 (g) and in the regulations  
2 promulgated under that section.

3 **218.614 Territorial application.** For the purposes of this subchapter, a  
4 rent-to-own agreement is entered into in this state if any of the following applies:

5 (1) A writing signed by a lessee and evidencing the obligation under the  
6 rent-to-own agreement or an offer of a lessee is received by a rental-purchase  
7 company in this state.

8 (2) The rental-purchase company induces a lessee who is a resident of this  
9 state to enter into the rent-to-own agreement by face-to-face solicitation or by mail  
10 or telephone solicitation directed to the particular lessee in this state.

11 **218.616 Obligation of good faith.** Every agreement or duty under this  
12 subchapter imposes an obligation of good faith in its performance or enforcement.  
13 In this section, “good faith” means honesty in fact in the conduct or transaction  
14 concerned and the observance of reasonable commercial standards of fair dealing.

15 **218.617 License required.** No person may operate as a rental-purchase  
16 company without a valid license issued by the division under this subchapter.

17 **218.618 Application for license; fees; bond.** (1) APPLICATION. (a) An  
18 application for a license under this subchapter shall be made to the division, in  
19 writing, in the form prescribed by the division. An application for a license under this  
20 subchapter shall include all of the following:

21 1. If the applicant is an individual, the applicant’s social security number.

22 2. If the applicant is not an individual, the applicant’s federal employer  
23 identification number.

24 (b) The division may not disclose any information received under par. (a) 1. or  
25 2. to any person except as follows:

1           1. The division may disclose information received under par. (a) 1. or 2. to the  
2 department of revenue for the sole purpose of requesting certifications under s.  
3 73.0301.

4           2. The division may disclose information received under par. (a) 1. to the  
5 department of workforce development in accordance with a memorandum of  
6 understanding entered into under s. 49.857.

7           **(2) APPLICATION FEES.** At the time of applying to the division for a license under  
8 this subchapter, the applicant shall pay any applicable fee specified in the rules  
9 promulgated under s. 218.63 (3).

10           **(3) BOND.** The division may require any applicant or licensee to file with the  
11 division and maintain in force a bond, in a form prescribed by and acceptable to the  
12 division, and in an amount determined by the division.

13           **218.62 Issuance or denial of license. (1) INVESTIGATION.** Upon the filing  
14 of an application under s. 218.618 (1) and the payment of any applicable fee, the  
15 division shall perform an investigation. Except as provided in sub. (3), if the division  
16 finds that the character, general fitness, and financial responsibility of the applicant;  
17 the members of the applicant, if the applicant is a partnership, limited liability  
18 company, or association; and the officers and directors of the applicant, if the  
19 applicant is a corporation warrant the belief that the business will be operated in  
20 compliance with this subchapter, the division shall issue a license to the applicant.

21           **(2) DENIAL; NOTICE; HEARING.** Except as provided in sub. (3), the division may  
22 deny an application made under s. 218.618 (1) by providing written notice to the  
23 applicant stating the grounds for the denial. Except as provided in sub. (3), a person  
24 whose application is denied may request a hearing under s. 227.44 within 30 days

1 after the date of denial. The division may appoint a hearing examiner under s. 227.46  
2 to conduct the hearing.

3 **(3) DENIAL; CHILD OR FAMILY SUPPORT OR TAX DELINQUENCY.** The division may not  
4 issue a license under this subchapter if any of the following applies:

5 (a) The applicant fails to provide the information required under s. 218.618 (1)

6 (a).

7 (b) The department of revenue certifies under s. 73.0301 that the applicant is  
8 liable for delinquent taxes. An applicant for whom a license is not issued under this  
9 paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and  
10 a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing  
11 under this section.

12 (c) The applicant fails to comply, after appropriate notice, with a subpoena or  
13 warrant issued by the department of workforce development or a county child  
14 support agency under s. 59.53 (5) and related to paternity or child support  
15 proceedings or is delinquent in making court-ordered payments of child or family  
16 support, maintenance, birth expenses, medical expenses, or other expenses related  
17 to the support of a child or former spouse, as provided in a memorandum of  
18 understanding entered into under s. 49.857. An applicant whose application is  
19 denied under this paragraph for delinquent payments is entitled to a notice and  
20 hearing under s. 49.857 but is not entitled to any other notice or hearing under this  
21 section.

22 **218.622 License; other business. (1) LICENSED LOCATIONS.** A license issued  
23 under this subchapter shall specify the location at which the licensee is permitted  
24 to conduct business. A separate license shall be required for each place of business  
25 maintained by the licensee.

1           **(2) ASSIGNMENT.** A license issued under this subchapter is not assignable.

2           **(3) POSTING.** A licensee shall post its license in a conspicuous place at the  
3 location specified in the license.

4           **(4) TERM OF LICENSE; FEE.** Every license shall remain in force until suspended  
5 or revoked in accordance with this subchapter or surrendered by the licensee. Every  
6 licensee shall, on or before June 1 of each year, pay to the division the annual license  
7 fee specified in rules promulgated under s. 218.63 (3) and, if required by the division,  
8 provide a rider or endorsement to increase the amount of any bond required under  
9 s. 218.618 (3).

10           **(5) OTHER BUSINESS PROHIBITED.** No licensee may conduct business as a  
11 rental–purchase company within any office, room, or place of business in which any  
12 other business is solicited or engaged in, unless the licensee is authorized to do so,  
13 in writing, by the division.

14           **218.624 Revocation, suspension, and restriction of license. (1)**  
15 **DISCRETIONARY SUSPENSION OR REVOCATION.** The division may issue an order  
16 suspending or revoking any license issued under this subchapter if the division finds  
17 that any of the following applies:

18           (a) The licensee has violated any of the provisions of this subchapter, any rules  
19 promulgated under s. 218.63 (3), or any lawful order of the division under s. 218.63  
20 (1).

21           (b) A fact or condition exists that, if it had existed at the time of the original  
22 application for the license, would have warranted the division in refusing to issue the  
23 license.

24           (c) The licensee has made a material misstatement in an application for a  
25 license or in information furnished to the division.

1 (d) The licensee has failed to pay the annual license fee required under s.  
2 218.622 (4) or has failed to maintain in effect any bond required under s. 218.618 (3).

3 (e) The licensee has failed to provide any additional information, data, and  
4 records required by the division, within the time period prescribed under s. 218.626  
5 (2).

6 (f) The licensee has failed to pay any penalties due under s. 218.682 (1) or (2)  
7 within 30 days after receiving notice, by certified mail, that the penalties are due.

8 **(2) MANDATORY RESTRICTION OR SUSPENSION; CHILD OR FAMILY SUPPORT.** The  
9 division shall restrict or suspend a license issued under this subchapter if the  
10 division finds that the licensee is an individual who fails to comply, after appropriate  
11 notice, with a subpoena or warrant issued by the department of workforce  
12 development or a county child support agency under s. 59.53 (5) and related to  
13 paternity or child support proceedings or who is delinquent in making court–ordered  
14 payments of child or family support, maintenance, birth expenses, medical expenses,  
15 or other expenses related to the support of a child or former spouse, as provided in  
16 a memorandum of understanding entered into under s. 49.857. A licensee whose  
17 license is restricted or suspended under this subsection is entitled to a notice and  
18 hearing only as provided in a memorandum of understanding entered into under s.  
19 49.857 and is not entitled to any other notice or hearing under this section.

20 **(3) MANDATORY REVOCATION; DELINQUENT TAXES.** The division shall revoke a  
21 license issued under this subchapter if the department of revenue certifies under s.  
22 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is  
23 revoked under this subsection for delinquent taxes is entitled to a notice under s.  
24 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any  
25 other notice or hearing under this section.



1           **(4) REVOCATION AND SUSPENSION PROCEDURE.** Except as provided in subs. (2) and  
2           (3), the following procedure applies to every order of the division that suspends or  
3           revokes a license issued under this subchapter:

4           (a) The division shall provide a written notice to the licensee of the division's  
5           intent to issue an order suspending or revoking the licensee's license. The notice  
6           shall specify the grounds for and the effective date of the proposed order.

7           (b) The licensee may file with the division a written response to the allegations  
8           contained in the notice within 20 days after receiving the notice. The licensee's  
9           written response may contain a request for a contested case hearing under s. 227.42.  
10          If the written response does not contain a request for a contested case hearing under  
11          s. 227.42, the right to a contested case hearing is waived.

12          (c) If a written response containing a request for a contested case hearing under  
13          s. 227.42 is received by the division within the time provided under par. (b) and if,  
14          in the opinion of the division, the matter satisfies all of the conditions specified in s.  
15          227.42 (l) (a) to (d), the matter shall be scheduled for a contested case hearing to  
16          commence within 60 days after the date on which the division receives the written  
17          response.

18          (d) If the licensee fails to file a written response within the time provided under  
19          par. (b), files a timely written response but fails to request a contested case hearing  
20          under s. 227.42 or files a timely written response requesting a contested case hearing  
21          but, in the opinion of the division, the matter fails to satisfy all of the conditions  
22          specified in s. 227.42 (l) (a) to (d), the division may issue an order suspending or  
23          revoking the license. If the licensee files a timely written response containing a  
24          proper request for a contested case hearing under s. 227.42, any order of the division

1 suspending or revoking the licensee's license shall be stayed pending completion of  
2 proceedings under ch. 227.

3 **218.626 Modification of license. (1) CHANGE IN PLACE OF BUSINESS.** No  
4 licensee may change its place of business to another location without the prior  
5 approval of the division. A licensee shall provide the division with at least 15 days'  
6 prior written notice of a proposed change under this subsection and shall pay any  
7 applicable fees specified in the rules promulgated under s. 218.63 (3). Upon approval  
8 by the division of the new location, the division shall issue an amended license,  
9 specifying the date on which the amended license is issued and the new location.

10 **(2) OTHER CHANGES.** Except as provided in sub. (1), a licensee shall notify the  
11 division of any material change to the information provided in the licensee's original  
12 application for a license under this subchapter or provided in a previous notice of  
13 change filed by the licensee with the division under this subsection. A licensee shall  
14 provide the notice required under this subsection within 10 days after the change.  
15 The licensee shall provide any additional information, data, and records about the  
16 change to the division within 20 days after the division requests the information,  
17 data, or records. The division shall determine the cost of investigating and  
18 processing the change. The licensee shall pay the division's cost within 30 days after  
19 the division demands payment.

20 **(3) DIVISION APPROVAL OF OTHER CHANGES.** Any change that is subject to the  
21 notice requirement under sub. (2) is subject to the approval of the division. In  
22 reviewing the change, the division shall apply the same criteria as the criteria for  
23 approval of an original license application.

24 **218.628 Annual report; records. (1) ANNUAL REPORT.** On or before March  
25 31 of each year, a licensee shall file a report with the division giving such reasonable

1 and relevant information as the division may require concerning the business and  
2 operations conducted by the licensee. The licensee shall make the report in the form  
3 prescribed by the division.

4 (2) BOOKS AND RECORDS. A licensee shall keep such books and records in the  
5 licensed location as, in the opinion of the division, will enable the division to  
6 determine whether the provisions of this subchapter are being observed. Every  
7 licensee shall preserve its records of a rent-to-own agreement for at least 3 years  
8 after making the final entry with respect to the rent-to-own agreement.

9 **218.63 Powers and duties of division; administration. (1) ORDERS.** The  
10 division may issue any general order, as defined in s. 217.02 (3), or special order, as  
11 defined in s. 217.02 (10), in execution of or supplementary to this subchapter, except  
12 that the division may not issue a general order or special order that conflicts with this  
13 subchapter.

14 (2) INVESTIGATIONS AND EXAMINATIONS. For the purpose of discovering violations  
15 of this subchapter, the division may cause an investigation or examination to be  
16 made of the business of a licensee transacted under this subchapter. The place of  
17 business, books of accounts, papers, records, safes, and vaults of the licensee shall  
18 be open to the division for the purpose of an investigation or examination, and the  
19 division has authority to examine under oath all persons whose testimony is required  
20 for an investigation or examination. The division shall determine the cost of an  
21 investigation or examination. The licensee shall pay the cost of an investigation or  
22 examination. The licensee shall pay the cost of any hearing held for the purpose of  
23 this subsection, including witness fees, unless the division or a court finds that the  
24 licensee has not violated any provision of this subchapter. The licensee shall pay all  
25 costs owing under this subsection within 30 days after the division demands

1 payment. The state may maintain an action for the recovery of any costs owing under  
2 this subsection.

3 (3) RULES. The division may promulgate rules for the administration of this  
4 subchapter.

5 (4) TESTIMONIAL POWERS AND POWERS TO SECURE EVIDENCE. The division has the  
6 same power to conduct hearings, take testimony, and secure evidence as is provided  
7 in ss. 217.17 and 217.18.

8 (5) ENFORCEMENT. The division has the duty, power, jurisdiction, and authority  
9 to investigate, ascertain, and determine whether this subchapter or any lawful  
10 orders issued under sub. (1) are being violated. The division may report violations  
11 of this subchapter to the attorney general or the district attorney of the proper county  
12 for prosecution.

13 **218.632 General requirements of disclosure. (1) FORM, LOCATION, SIZE, AND**  
14 **TIME OF DISCLOSURE.** The information required under s. 218.634 to be included in a  
15 rent-to-own agreement shall satisfy all of the following requirements:

16 (a) The information shall be clearly and conspicuously disclosed.

17 (b) The information shall be disclosed in writing.

18 (c) The information shall be disclosed on the face of the rent-to-own agreement  
19 above the line for the lessee's signature.

20 (d) The information shall be disclosed in not less than 8-point standard type.

21 (e) The information shall be disclosed before the time that the lessee becomes  
22 legally obligated under the rent-to-own agreement.

23 (2) ACCURACY OF DISCLOSURE. The information required under s. 218.634 must  
24 be accurate as of the time that it is disclosed to the lessee. If any information

1 subsequently becomes inaccurate as a result of any act, occurrence, or agreement by  
2 the lessee, the resulting inaccuracy is not a violation of this subchapter.

3 **(3) COPY OF RENT-TO-OWN AGREEMENT.** The rental-purchase company shall  
4 provide the lessee with a copy of the completed rent-to-own agreement signed by the  
5 lessee. If more than one lessee is legally obligated under the same rent-to-own  
6 agreement, delivery of a copy of the completed rent-to-own agreement to one of the  
7 lessees shall satisfy this subsection.

8 **(4) SINGLE INSTRUMENT.** In a rent-to-own agreement, the lessee's payment  
9 obligations shall be evidenced by a single instrument, which shall include the  
10 signature of the rental-purchase company, the signature of the lessee, and the date  
11 on which the instrument is signed.

12 **218.634 Required provisions of rent-to-own agreement.** A  
13 rental-purchase company shall include all of the following information, to the extent  
14 applicable, in every rent-to-own agreement:

15 **(1) DESCRIPTION.** A brief description of the rental property, sufficient to identify  
16 the rental property to the lessee and the rental-purchase company, including any  
17 identification number, and a statement indicating whether the rental property is  
18 new or used. A statement that incorrectly indicates that new rental property is used  
19 is not a violation of this subchapter.

20 **(2) CASH PRICE.** The price at which the rental-purchase company would sell the  
21 rental property to the lessee if the lessee were to pay for the rental property in full  
22 on the date on which the rent-to-own agreement is executed, along with a statement  
23 that, if the lessee intends to acquire ownership of the rental property and is able to  
24 pay for the property in full or is able to obtain credit to finance the purchase, the  
25 lessee may be able to purchase similar property from a retailer at a lower cost.

1           **(3) RENTAL PAYMENT.** The periodic rental payment for the rental property.

2           **(4) UP-FRONT PAYMENT.** Any payment required of the lessee at the time that the  
3 agreement is executed or at the time that the rental property is delivered, including  
4 the initial rental payment, any application or processing charge, any delivery fee, the  
5 applicable tax, and any charge for a liability damage waiver or for other optional  
6 services agreed to by the lessee.

7           **(5) PERIODIC RENTAL PAYMENTS TO ACQUIRE OWNERSHIP.** The total number, total  
8 dollar amount, and timing of all periodic rental payments necessary to acquire  
9 ownership of the rental property.

10           **(6) OTHER CHARGES AND FEES TO ACQUIRE OWNERSHIP.** The dollar amount, both  
11 itemized and in total, of all taxes, liability damage waiver fees, fees for optional  
12 services, processing fees, application fees, and delivery charges that the lessee would  
13 incur if the lessee were to rent the rental property until the lessee acquires  
14 ownership, assuming that the lessee does not add or decline the liability damage  
15 waiver or optional services after signing the rent-to-own agreement.

16           **(7) TOTAL PAYMENTS TO ACQUIRE OWNERSHIP.** The total of all charges to be paid  
17 by the lessee to acquire ownership of the rental property, which shall consist of the  
18 sum of the total dollar amount of all periodic rental payments disclosed under sub.  
19 (5) and the total dollar amount of all other charges and fees disclosed under sub. (6),  
20 along with a statement that this is the amount a lessee will pay to acquire ownership  
21 of the rental property if the tax rates do not change and if the lessee does not add or  
22 decline the liability damage waiver or optional services after signing the  
23 rent-to-own agreement.

24           **(8) OTHER CHARGES.** An itemized description of any other charges or fees that  
25 the rental-purchase company may charge the lessee.

1           **(9) SUMMARY OF EARLY-PURCHASE OPTION.** A statement summarizing the terms  
2 of the lessee's option to acquire ownership of the rental property, including a  
3 statement indicating that the lessee has the right to acquire ownership of the rental  
4 property at any time after the first payment by paying all past-due payments and  
5 fees and an amount not to exceed an amount equal to the cash price of the rental  
6 property multiplied by a fraction that has as its numerator the number of periodic  
7 rental payments remaining under the rent-to-own agreement and that has as its  
8 denominator the total number of periodic rental payments.

9           **(10) RESPONSIBILITY FOR THEFT OR DAMAGE.** A statement that, unless otherwise  
10 agreed, the lessee is responsible for the fair market value of the rental property,  
11 determined according to the early-purchase option formula under sub. (9), if the  
12 rental property is stolen, damaged, or destroyed while in the possession of or subject  
13 to the control of the lessee. The statement shall indicate that the fair market value  
14 will be determined as of the date on which the rental property is stolen, damaged,  
15 or destroyed.

16           **(11) SERVICE AND WARRANTY.** A statement that during the term of the  
17 rent-to-own agreement, the rental-purchase company is required to service the  
18 rental property to maintain it in good working condition, as long as no other person  
19 has serviced the rental property. In lieu of servicing the rental property, the  
20 rental-purchase company may, at its option, replace the rental property. The  
21 rental-purchase company's obligation to provide service is limited to defects in the  
22 property not caused by improper use or neglect by the lessee or harmful conditions  
23 outside the control of the rental-purchase company or manufacturer.

1           **(12) TERMINATION AT OPTION OF LESSEE.** A statement that the lessee may  
2 terminate the agreement at any time without penalty by voluntarily surrendering  
3 or returning the rental property in good repair.

4           **(13) RIGHT TO REINSTATE.** A brief explanation of the lessee’s right to reinstate  
5 a rent-to-own agreement under s. 218.654.

6           **(14) RENTAL, NOT PURCHASE.** A statement that the lessee will not own the rental  
7 property until the lessee has made all payments necessary to acquire ownership or  
8 has exercised the lessee’s early-purchase option. The rental-purchase company  
9 shall also include a notice reading substantially as follows: “You are renting this  
10 property. You will not own the property until you make all payments necessary to  
11 acquire ownership or until you exercise your early-purchase option. If you do not  
12 make your payments as scheduled or exercise your early-purchase option, the lessor  
13 may repossess the property.”

14           **(15) INFORMATION ABOUT RENTAL-PURCHASE COMPANY AND LESSEE.** The names of  
15 the rental-purchase company and the lessee, the rental-purchase company’s  
16 business address and telephone number, the lessee’s address, and the date on which  
17 the rent-to-own agreement is executed.

18           **218.636 Prohibited provisions of rent-to-own agreement.** A  
19 rental-purchase company may not include any of the following provisions in a  
20 rent-to-own agreement:

21           **(1) CONFESSION.** A confession of judgment.

22           **(2) SECURITY.** A provision granting the rental-purchase company a security  
23 interest in any property except the rental property delivered by the rental-purchase  
24 company under the rent-to-own agreement.



1           **(3) REPOSSESSION.** A provision authorizing the rental–purchase company or an  
2 agent of the rental–purchase company to enter the lessee’s premises or to commit a  
3 breach of the peace in the repossession of rental property provided by the  
4 rental–purchase company under the rent–to–own agreement.

5           **(4) WAIVER.** A waiver of a defense or counterclaim, a waiver of any right to  
6 assert any claim that the lessee may have against the rental–purchase company or  
7 against an agent of the rental–purchase company, or a waiver of any provision of this  
8 subchapter.

9           **(5) OVERPAYMENT.** A provision requiring periodic rental payments totaling more  
10 than the total dollar amount of all periodic rental payments necessary to acquire  
11 ownership, as disclosed in the rental–purchase agreement.

12           **(6) INSURANCE.** A provision requiring the lessee to purchase insurance from the  
13 rental–purchase company to insure the rental property.

14           **(7) ATTORNEY FEES.** A provision requiring the lessee to pay attorney fees.

15           **218.638 Liability waiver.** A rental–purchase company may offer a liability  
16 waiver to the lessee. The terms of the waiver shall be provided to the lessee in  
17 writing, and the face of the writing shall clearly disclose that the lessee is not  
18 required to purchase the waiver. The fee for the waiver may not exceed 10% of the  
19 periodic rental payment due under the rent–to–own agreement. The lessee shall be  
20 entitled to cancel the waiver at the end of any rental term.

21           **218.64 Early–purchase option.** An early–purchase option under a  
22 rent–to–own agreement shall permit the lessee to purchase the rental property at  
23 any time after the initial periodic rental payment for an amount determined  
24 according to the early–purchase option formula under s. 218.634 (9). As a condition  
25 of exercising the early–purchase option, the rental–purchase company may require

1 the lessee to be current on the payments under the lessee's rent-to-own agreement  
2 or to pay any past-due rental charges and other outstanding fees that are owed.

3 **218.642 Receipts and statements. (1) RECEIPTS.** A rental-purchase  
4 company shall provide a written receipt to a lessee for any payment made by the  
5 lessee in cash, or upon the request of the lessee, for any other type of payment.

6 **(2) STATEMENT DUE TO LESSEE.** Subject to sub. (4), upon the request of a lessee,  
7 a rental-purchase company shall provide a written statement to the lessee showing  
8 the lessee's payment history under each rent-to-own agreement between the lessee  
9 and the rental-purchase company. A rental-purchase company is not required to  
10 provide a statement covering any rent-to-own agreement that terminated more  
11 than one year prior to the date of the lessee's request. A rental-purchase company  
12 may provide a single statement covering all rent-to-own agreements or separate  
13 statements for each rent-to-own agreement, at the rental-purchase company's  
14 option.

15 **(3) STATEMENT DUE TO 3RD PARTY.** Subject to sub. (4), upon the written request  
16 of a lessee, made during the term of or no later than one year after the termination  
17 of a rent-to-own agreement, a rental-purchase company shall provide a written  
18 statement to any person designated by the lessee, showing the lessee's payment  
19 history under the rent-to-own agreement.

20 **(4) FEE FOR STATEMENT.** A lessee or, if appropriate, a lessee's designee is entitled  
21 to receive one statement under subs. (2) and (3) without charge once every 12  
22 months. A rental-purchase company shall provide an additional statement if the  
23 lessee pays the rental-purchase company's reasonable costs of preparing and  
24 furnishing the statement.

1           **218.644 Price cards displayed. (1)** PRICE CARDS; GENERALLY. Except as  
2 provided under sub. (2), a rental–purchase company shall display a card or tag that  
3 clearly and conspicuously states all of the following information on or next to any  
4 property displayed or offered by the rental–purchase company for rent under a  
5 rent–to–own agreement:

6           (a) The cash price that an individual would pay to purchase the property.

7           (b) The amount of the periodic rental payment and the term over which the  
8 payment must be made.

9           (c) The total number and total dollar amount of all periodic rental payments  
10 necessary to acquire ownership of the property under a rent–to–own agreement.

11           (d) Whether the property is new or used.

12           **(2) EXCEPTIONS.** If property is offered for rent under a rent–to–own agreement  
13 through a catalog, or if the size of the property is such that displaying a card or tag  
14 on or next to the property is impractical, a rental–purchase company may make the  
15 disclosures required under sub. (1) in a catalog or list that is readily available to  
16 prospective lessees.

17           **218.646 Advertising. (1)** DISCLOSURE REQUIRED. Except as provided under  
18 sub. (2), if an advertisement for a rent–to–own agreement refers to or states the  
19 amount of a payment for a specific item of property, the rental–purchase company  
20 shall ensure that the advertisement clearly and conspicuously states all of the  
21 following:

22           (a) That the transaction advertised is a rent–to–own agreement.

23           (b) The total number and total dollar amount of all periodic rental payments  
24 necessary to acquire ownership of the property.

1 (c) That the lessee does not acquire ownership of the property if the lessee fails  
2 to make all periodic rental payments or other payments necessary to acquire  
3 ownership of the property.

4 (2) EXCEPTION. Subsection (1) does not apply to an in-store display or to an  
5 advertisement that is published in the yellow pages of a telephone directory or in a  
6 similar directory of businesses.

7 **218.648 Referral transactions. (1) PROHIBITED REFERRAL TRANSACTIONS.** No  
8 rental-purchase company may induce any individual to enter into a rent-to-own  
9 agreement by giving or offering to give a rebate or discount to the individual in  
10 consideration of the individual giving to the rental-purchase company the names of  
11 prospective lessees if the earning of the rebate or discount is contingent on the  
12 occurrence of any event that takes place after the time that the individual enters into  
13 the rent-to-own agreement.

14 (2) AUTHORIZED REFERRAL TRANSACTIONS. After entering into a rent-to-own  
15 agreement, a rental-purchase company may give or offer to give a rebate or discount  
16 to the lessee under the rent-to-own agreement in consideration of the lessee giving  
17 to the rental-purchase company the names of prospective lessees. A rebate or  
18 discount under this subsection may be contingent on the occurrence of any event that  
19 takes place after the time that the names are given to the rental-purchase company.

20 **218.65 Termination of rent-to-own agreement.** The termination date of  
21 a rent-to-own agreement is the earlier of the following:

22 (1) The day specified in the rent-to-own agreement as the day on which the  
23 rental term ends, unless a different day has been established pursuant to the terms  
24 of the rent-to-own agreement.

25 (2) The date on which the lessee voluntarily surrenders the rental property.

1           **218.652 Late payment, grace period, and late fees. (1) LATE FEE;**  
2           GENERALLY. If a lessee fails to make a periodic rental payment when due under a  
3           rent-to-own agreement or if, at the end of any rental term, the lessee fails to return  
4           the rental property or to renew the rent-to-own agreement for an additional term,  
5           the rental-purchase company may require the lessee to pay a late fee. Except as  
6           provided under sub. (4), this subsection does not apply if the lessee's failure to return  
7           the rental property or failure to renew the rent-to-own agreement at the end of the  
8           rental term is due to the lessee's exercise of an early-purchase option under the  
9           rent-to-own agreement or is due to the lessee making all periodic rental payments  
10          necessary to acquire ownership of the rental property.

11          **(2) GRACE PERIODS.** The following grace periods shall apply to periodic rental  
12          payments made with respect to a rental-purchase agreement:

13           (a) For an agreement that is renewed on a weekly basis, no late fee may be  
14           assessed for a periodic rental payment that is made within 2 days after the date on  
15           which the payment is due.

16           (b) For an agreement that is renewed for a term that is longer than one week,  
17           no late fee may be assessed for a periodic rental payment that is made within 5 days  
18           after the date on which the payment is due.

19          **(3) COLLECTION, RECORDING, AND LIMITATION OF LATE FEES.** Late fees are subject  
20          to all of the following limitations:

21           (a) A late fee may not exceed \$5 for each past-due periodic rental payment.

22           (b) A late fee may be collected only once on each periodic rental payment due,  
23           regardless of how long the payment remains past due.

24           (c) Payments received shall be applied first to the payment of any rent that is  
25           due and then to late fees and any other charges.

1 (d) A late fee may be collected at the time that the late fee accrues or at any time  
2 afterward.

3 **(4) EFFECT OF OUTSTANDING LATE FEE ON TRANSFER OF OWNERSHIP.** A  
4 rental–purchase company may require payment of any outstanding late fees before  
5 transferring ownership of rental property to a lessee.

6 **218.654 Reinstatement of terminated rent-to-own agreement. (1)**

7 REINSTATEMENT, GENERALLY. A lessee may reinstate a terminated rent-to-own  
8 agreement without losing any rights or options previously acquired if all of the  
9 following conditions apply:

10 (a) The lessee returned or surrendered the rental property within 5 days after  
11 the termination of the rent-to-own agreement.

12 (b) Not more than 21 days have passed after the date on which the rental  
13 property was returned to the rental–purchase company or, if the lessee has paid  
14 two-thirds or more of the total number of periodic rental payments necessary to  
15 acquire ownership of the rental property, not more than 45 days have passed since  
16 the date on which the rental property was returned to the rental–purchase company.

17 **(2) AUTHORIZED CONDITIONS ON REINSTATEMENT.** As a condition of reinstatement  
18 under this section, the rental–purchase company may require the payment of all  
19 past–due rental charges, any applicable late fees, a reinstatement fee not to exceed  
20 \$5, and the periodic rental payment for the next term.

21 **(3) EFFECT OF REPOSSESSION ON REINSTATEMENT.** Nothing in this section prohibits  
22 a rental–purchase company from attempting to repossess rental property upon  
23 termination of a rent-to-own agreement, but repossession efforts do not affect the  
24 lessee’s right to reinstate the rent-to-own agreement as long as the rental property

1 is voluntarily returned or surrendered within 5 days after the termination of the  
2 rent-to-own agreement.

3 **(4) PROPERTY AVAILABLE UPON REINSTATEMENT.** Upon reinstatement, the  
4 rental-purchase company shall provide the lessee with the same rental property, if  
5 the property is available and is in the same condition as when it was returned to the  
6 rental-purchase company, or with substitute rental property of comparable quality  
7 and condition.

8 **218.656 Reduced periodic rental payment due to reduced income. (1)**  
9 REDUCTION IN AMOUNT OF PERIODIC RENTAL PAYMENTS; REQUIRED EVIDENCE. (a)  
10 *Reduction in amount of periodic rental payments.* If a lessee's monthly income is  
11 reduced by 25% or more due to pregnancy, disability, involuntary job loss, or  
12 involuntary reduction in the amount of hours worked or wages earned, the  
13 rental-purchase company shall reduce the amount of each periodic rental payment  
14 due under the rent-to-own agreement by the same percentage that the lessee's  
15 monthly income is reduced or by 50%, whichever is less, for the period of time during  
16 which the lessee's income is reduced. This paragraph applies only if all of the  
17 following conditions are satisfied:

18 1. The total dollar amount of periodic rental payments made by the lessee  
19 under the rent-to-own agreement equals more than 50% of the total dollar amount  
20 of periodic rental payments necessary to acquire ownership of the rental property.

21 2. The lessee has provided the rental-purchase company with reasonable  
22 evidence of the amount and cause of the reduction in the lessee's monthly income.

23 (b) *Evidence of continued reduction in income.* At reasonable intervals after  
24 reducing the amount of a periodic rental payment under par. (a), a rental-purchase  
25 company may require the lessee to provide evidence of the lessee's monthly income

1 and evidence that the cause of the reduction in the lessee's monthly income has not  
2 abated.

3 (2) INCREASE IN NUMBER OF PERIODIC RENTAL PAYMENTS. Except as provided in  
4 sub. (4), if a rental-purchase company reduces the amount of a periodic rental  
5 payment under sub. (1) (a), the rental-purchase company may increase the total  
6 number of periodic rental payments necessary to acquire ownership of the rental  
7 property.

8 (3) INCREASE IN AMOUNT OF PERIODIC RENTAL PAYMENTS. Except as provided in  
9 sub. (4), if a rental-purchase company reduces the amount of a periodic rental  
10 payment under sub. (1) (a) and if, subsequently, the lessee's monthly income is  
11 increased, the rental-purchase company may increase, by the same percentage that  
12 the lessee's monthly income is increased, the amount of each periodic rental payment  
13 due after the date on which the lessee's monthly income is increased.

14 (4) LIMITATION ON INCREASES. If a rental-purchase company, under sub. (2) or  
15 (3), increases the amount or number of periodic rental payments due under a  
16 rent-to-own agreement, the increase affects only the rights or duties of the lessee  
17 to the extent authorized in sub. (2) or (3). No rental-purchase company, acting under  
18 sub. (2) or (3), may increase the total dollar amount of periodic rental payments  
19 necessary to acquire ownership of the rental property, or the amount of a periodic  
20 rental payment, to greater than the amount disclosed in the rent-to-own agreement.

21 **218.658 Default and right to cure. (1) DEFAULT; GENERALLY.** A lessee is in  
22 default under a rent-to-own agreement if any of the following occurs:

23 (a) The lessee fails to return the rental property within 7 days after the date  
24 on which the last term for which a periodic rental payment was made expires, unless



1 the lessee has exercised an early-purchase option or has made all periodic rental  
2 payments necessary to acquire ownership of the rental property.

3 (b) The lessee materially breaches any other provision of the rent-to-own  
4 agreement.

5 **(2) DEFAULT; NECESSARY FOR LESSEE LIABILITY.** No cause of action shall accrue  
6 against a lessee with respect to the lessee's obligations under a rent-to-own  
7 agreement except upon default and the expiration of any applicable period of time  
8 allowed for cure of the default.

9 **(3) NOTICE OF DEFAULT; GENERAL REQUIREMENT.** Except as provided in sub. (4),  
10 as a condition precedent to bringing an action against a lessee arising out of the  
11 lessee's default, a rental-purchase company shall provide a written notice of the  
12 default and of the right to cure the default to the lessee. The notice shall specify the  
13 default and the action required to cure the default and shall inform the lessee that,  
14 if the default is not cured within 15 days after the notice is given, the rental-purchase  
15 company will have the right to bring an action against the lessee.

16 **(4) NOTICE OF DEFAULT; EXCEPTION.** A rental-purchase company is not required  
17 to provide a notice of default and right to cure as a condition precedent to bringing  
18 an action against a lessee if each of the following occurred twice during the 12 months  
19 before the date of the current default with respect to the same rent-to-own  
20 agreement:

21 (a) The lessee was in default.

22 (b) The rental-purchase company gave the lessee written notice of the default  
23 and of the lessee's right to cure under sub. (3).

24 (c) The lessee cured the default.

1           **(5) REQUEST FOR VOLUNTARY SURRENDER OF PROPERTY.** A rental–purchase  
2 company may request the voluntary return or surrender of rental property prior to  
3 the declaration of a default and the sending of written notice of default and right to  
4 cure. A request under this subsection is subject to the requirements of s. 218.66.

5           **218.66 Rental–purchase company collection practices.** In attempting to  
6 recover possession of rental property or to collect past–due periodic rental payments  
7 or other charges owed under a rent–to–own agreement, a rental–purchase company  
8 may not do any of the following:

9           **(1) USE OF FORCE.** Use or threaten to use force or violence to cause physical harm  
10 to the lessee or the lessee’s property or to a person related to the lessee.

11           **(2) CRIMINAL PROSECUTION.** Threaten criminal prosecution. It is not a violation  
12 of this subsection for a rental–purchase company to inform a lessee of the existence  
13 of s. 943.20 (1) (e) and the consequences of violating that section.

14           **(3) DISCLOSURE OF FALSE INFORMATION.** Disclose or threaten to disclose  
15 information adversely affecting the lessee’s reputation for creditworthiness with  
16 knowledge or reason to know that the information is false.

17           **(4) COMMUNICATION WITH LESSEE’S EMPLOYER.** Initiate or threaten to initiate  
18 communication with the lessee’s employer prior to obtaining final judgment against  
19 the lessee, except for the purpose of enforcing an assignment of earnings authorized  
20 under s. 218.68. This subsection does not prohibit a rental–purchase company from  
21 communicating with a lessee’s employer solely to verify employment status or  
22 earnings or to determine if the employer has an established debt counseling service  
23 or procedure.

24           **(5) DISCLOSURE OF INFORMATION RELATING TO LESSEE’S REPUTATION.** Disclose or  
25 threaten to disclose to a person other than the lessee or the lessee’s spouse

1 information affecting the lessee’s reputation, whether or not for creditworthiness,  
2 with knowledge or reason to know that the other person does not have a legitimate  
3 business need for the information, except that this subsection does not prohibit any  
4 of the following:

5 (a) The disclosure to another person of information permitted to be disclosed  
6 to that person by statute.

7 (b) An inquiry solely for the purpose of determining the location of the lessee  
8 or the rental property.

9 **(6) DISCLOSURE OF INFORMATION REGARDING A DISPUTED DEBT.** Disclose or threaten  
10 to disclose information concerning the existence of a debt known to be reasonably  
11 disputed by the lessee without disclosing the fact that the lessee disputes the debt.

12 **(7) HARASSMENT.** Communicate with the lessee or a person related to the lessee  
13 with such frequency, at such unusual hours, or in such a manner as can reasonably  
14 be expected to threaten or harass the lessee or a person related to the lessee, or  
15 engage in any other conduct that can reasonably be expected to threaten or harass  
16 the lessee or a person related to the lessee.

17 **(8) USE OF OBSCENE OR THREATENING LANGUAGE.** Use obscene or threatening  
18 language in communicating with the lessee or a person related to the lessee.

19 **(9) USE OF THREAT TO ENFORCE FALSE RIGHT.** Threaten to enforce a right with  
20 knowledge that the right does not exist.

21 **(10) USE OF FALSE PROCESS.** Use a communication that simulates legal or  
22 judicial process or that gives the appearance of being authorized, issued, or approved  
23 by a government, government agency, or attorney-at-law when it is not.

24 **(11) USE OF THREAT TO SUE.** Threaten to file a civil action against the lessee  
25 unless the civil action is of a type that the rental-purchase company files in the

1 regular course of business or unless the rental–purchase company intends to file the  
2 civil action against the lessee.

3 **218.68 Assignment of earnings.** No rental–purchase company may take or  
4 arrange for an assignment of earnings of an individual for payment or as security for  
5 payment of an obligation arising out of a rent–to–own agreement unless the  
6 assignment is revocable at will by the individual.

7 **218.682 Penalties. (1)** FAILURE TO PAY FEES AND PROVIDE REPORTS, INFORMATION,  
8 AND NOTICES; GENERALLY. A licensee that fails to file its annual report by the date  
9 specified in s. 218.628 (1), fails to pay the annual license fee by the date specified in  
10 s. 218.622 (4), fails to provide any required rider or endorsement to increase the  
11 amount of its bond by the date specified in s. 218.622 (4), fails to provide examination  
12 records by the date required by the division, fails to notify the division in writing of  
13 a relocation of the licensee’s place of business by the date specified in s. 218.626 (1),  
14 or fails to provide notice to the division of other changes as required under s. 218.626  
15 (2) by the date specified in s. 218.626 (2) may be required to forfeit not more than \$50.  
16 Each day that a failure described in this subsection continues constitutes a separate  
17 offense.

18 **(2)** FAILURE TO PROVIDE CERTAIN INFORMATION. A licensee that fails to provide any  
19 additional information, data, or records requested by the division under s. 218.626  
20 (2) by the date specified in s. 218.626 (2) may be required to forfeit not more than  
21 \$100. Each day that a failure described in this subsection continues constitutes a  
22 separate offense.

23 **(3)** MISDEMEANORS. Any person who violates s. 218.63 (2) or any provision of  
24 ss. 218.617 to 218.628 other than those provisions described in subs. (1) and (2) may  
25 be fined not more than \$1,000, imprisoned for not more than 6 months, or both.

1           **218.684 Civil actions and defenses. (1) LIABILITY; GENERALLY.** Except as  
2 provided under subs. (2) to (6), a rental–purchase company that violates any  
3 provision of this subchapter is liable to a lessee damaged as a result of that violation  
4 for the costs of the action and, notwithstanding s. 814.04 (1), for reasonable attorney  
5 fees as determined by the court, plus an amount equal to the greater of the following:

6           (a) The actual damages, including any incidental and consequential damages,  
7 sustained by the lessee as a result of the violation.

8           (b) An amount equal to 25% of the total amount of payments due in one month  
9 under the lessee’s rent–to–own agreement, except that liability under this  
10 paragraph may not be less than \$100 nor more than \$1,000.

11           **(2) LIABILITY; CERTAIN VIOLATIONS.** Except as provided in subs. (4) and (5), if a  
12 rental–purchase company violates s. 218.636, the lessee may retain the rental  
13 property under the rent–to–own agreement without obligation to pay any amount  
14 and may recover any amounts paid to the rental–purchase company under the  
15 rent–to–own agreement.

16           **(3) CLASS ACTION.** In the case of a class action, a rental–purchase company that  
17 violates this subchapter is liable to the members of the class in an amount  
18 determined by the court, except that the total recovery for all lessees whose recovery  
19 is computed under sub. (1) (b) may not exceed \$100,000 plus the costs of the action  
20 and, notwithstanding s. 814.04 (1), reasonable attorney fees as determined by the  
21 court. In determining the amount to award under this subsection, the court shall  
22 consider, among other relevant factors, the amount of actual damages sustained by  
23 the members of the class, the frequency and persistence of the violations by the  
24 rental–purchase company, the resources of the rental–purchase company, the  
25 number of persons damaged by the violation, the presence or absence of good faith

1 on the part of the rental–purchase company, and the extent to which the violation  
2 was intentional.

3 **(4) DEFENSE; ERROR NOTIFICATION AND CORRECTION.** A rental–purchase company  
4 is not liable for a violation of this subchapter resulting from an error by the  
5 rental–purchase company if, within 60 days after discovering the error, the  
6 rental–purchase company notifies the lessee of the error and makes any adjustments  
7 necessary to correct the error.

8 **(5) DEFENSE; UNINTENTIONAL ERROR.** A rental–purchase company is not liable  
9 for a violation of this subchapter if the rental–purchase company shows by a  
10 preponderance of the evidence that the violation was not intentional, that the  
11 violation resulted from a bona fide error notwithstanding the maintenance of  
12 procedures reasonably adopted to avoid the error, and that the rental–purchase  
13 company has acted to correct the error. A bona fide error under this subsection  
14 includes a clerical error, an error in making calculations, an error due to computer  
15 malfunction or to computer programming, or a printing error.

16 **(6) LIABILITY FOR MULTIPLE VIOLATIONS.** Multiple violations of this subchapter  
17 in connection with the same rent–to–own agreement shall entitle the lessee to only  
18 a single recovery under sub. (1), except that a violation of s. 218.66 that occurs after  
19 recovery has been granted with respect to that rent–to–own agreement may entitle  
20 the lessee to an additional recovery under sub. (1).

21 **(7) NECESSARY PARTIES.** If more than one lessee is a party to the same  
22 rent–to–own agreement, all of the lessees that are parties to the rent–to–own  
23 agreement shall be joined as plaintiffs in any action under sub. (1), and the lessees  
24 are entitled to only a single recovery under sub. (1).

1           **218.686 Limitation on actions.** An action brought by a lessee under this  
2 subchapter shall be commenced within one year after the date on which the alleged  
3 violation occurred, 2 years after the date on which the rent-to-own agreement was  
4 entered into, or one year after the date on which the last payment was made under  
5 the rent-to-own agreement, whichever is later.

6           **218.688 Venue. (1) GENERALLY.** The venue for a claim arising out of a  
7 rent-to-own agreement is any of the following counties:

8           (a) Where the lessee resides or is personally served.

9           (b) Where the rental property is located.

10           (c) Where the lessee sought or acquired the rental property or signed the  
11 document evidencing his or her obligation under the terms of the rent-to-own  
12 agreement.

13           **(2) CHANGE IN VENUE.** When it appears from the return of service of a summons  
14 or otherwise that the county in which an action is pending under sub. (1) is not a  
15 proper place of trial for the action, unless the defendant appears and waives the  
16 improper venue, the court shall transfer the action to any county that is a proper  
17 place of trial.

18           **(3) MULTIPLE DEFENDANTS.** If there are several defendants in an action arising  
19 out of a rent-to-own agreement, and if venue is based on residence, venue may be  
20 in the county of residence of any of the defendants.

21           **SECTION 3021v.** 220.02 (2) (b) of the statutes is amended to read:

22           220.02 **(2) (b)** The lending of money under s. 138.09 or those relating to finance  
23 companies, motor vehicle dealers, adjustment service companies, community  
24 currency exchanges, rental-purchase companies, and collection agencies under ch.  
25 218.

1           **SECTION 3021w.** 220.02 (3) of the statutes is amended to read:

2           220.02 (3) It is the intent of sub. (2) to give the division jurisdiction to enforce  
3 and carry out all laws relating to banks or banking in this state, including those  
4 relating to state banks, trust company banks, and also all laws relating to small loan  
5 companies or other loan companies or agencies, finance companies, motor vehicle  
6 dealers, adjustment service companies, community currency exchanges,  
7 rental-purchase companies, and collection agencies, and those relating to sellers of  
8 checks under ch. 217, whether doing business as corporations, individuals, or  
9 otherwise, but to exclude laws relating to credit unions.”.

10           **1305.** Page 1003, line 9: after that line insert:

11           “**SECTION 3024m.** 221.0616 (2) of the statutes is amended to read:

12           221.0616 (2) EXPERTS. Legal counsel, certified public accountants licensed or  
13 certified under ch. 442, or other persons as to matters that the director or officer  
14 believes in good faith are within the person’s professional or expert competence.”.

15           **1306.** Page 1003, line 12: after that line insert:

16           “**SECTION 3036e.** 229.64 (2) of the statutes is amended to read:

17           229.64 (2) The legislature determines that a district including a county with  
18 a population of more than ~~500,000~~ 600,000 serves a public purpose in that county and  
19 all counties that are contiguous to that county by providing recreation, by  
20 encouraging economic development and tourism, by reducing unemployment and by  
21 bringing needed capital into the multicounty area for the benefit of people in the  
22 multicounty area.

23           **SECTION 3036g.** 229.67 of the statutes is amended to read:



1           **229.67 Jurisdiction.** A district’s jurisdiction is any county with a population  
2 of more than ~~500,000~~ 600,000 and all counties that are contiguous to that county and  
3 that are not already included in a different district. Once created, a district’s  
4 jurisdiction is fixed even if the population of other counties within the district  
5 subsequently ~~exceed 500,000~~ exceeds 600,000. Once a county is included in a  
6 district’s jurisdiction the county remains in the district until the district is dissolved  
7 under s. 229.71. In this section, “contiguous” includes a county that touches another  
8 county only at a corner.”.

9           **1307.** Page 1003, line 12: after that line insert:

10           “**SECTION 3037h.** 229.46 (1) (a) of the statutes is amended to read:

11           229.46 (1) (a) “Minority business” ~~has the meaning given in s. 200.49 (1) (a)~~  
12 means a business that is certified by the department of commerce under s. 560.036  
13 (2).”.

14           **1308.** Page 1003, line 12: after that line insert:

15           “**SECTION 3034d.** 227.20 (1) of the statutes is amended to read:

16           227.20 (1) ~~An~~ Within 30 days after legislative review of a rule is completed  
17 under s. 227.19, the agency shall file a certified copy of each the proposed rule it  
18 ~~promulgates~~ in the office of the secretary of state and in the office of the revisor. No  
19 rule is valid until the certified copies have been filed. A certified copy shall be typed  
20 or duplicated on 8 1/2 by 11 inch paper, leaving sufficient room for the secretary of  
21 state’s stamp at the top of the first page. Forms that are filed need not comply with  
22 the specifications of this subsection.

23           **SECTION 3034j.** 227.24 (1) (c) of the statutes is amended to read:

1           227.24 (1) (c) A rule promulgated under par. (a) takes effect upon publication  
2 in the official state newspaper or on any later date specified in the rule and, except  
3 as provided under sub. (2), remains in effect only for ~~150~~ 90 days.

4           **SECTION 3034k.** 227.24 (2) (a) of the statutes is amended to read:

5           227.24 (2) (a) At the request of an agency, the joint committee for review of  
6 administrative rules may, at any time prior to the expiration date of a rule  
7 promulgated under sub. (1) (a), extend the effective period of the emergency rule or  
8 part of the emergency rule for a period specified by the committee not to exceed ~~60~~  
9 90 days. Any number of extensions may be granted under this paragraph, but the  
10 total period for all extensions may not exceed ~~120~~ 180 days.”.

11           **1309.** Page 1003, line 12: after that line insert:

12           “**SECTION 3035c.** 227.43 (1) (bd) of the statutes is created to read:

13           227.43 (1) (bd) Assign a hearing examiner to preside over any hearing of a  
14 contested case which is required to be conducted by the department of forestry and  
15 which is not conducted by the secretary of forestry.

16           **SECTION 3035g.** 227.43 (2) (am) of the statutes is created to read:

17           227.43 (2) (am) The department of forestry shall notify the division of hearings  
18 and appeals of every pending hearing to which the administrator of the division is  
19 required to assign a hearing examiner under sub. (1) (bd) after the department of  
20 forestry is notified that a hearing on the matter is required.

21           **SECTION 3035n.** 227.43 (3) (am) of the statutes is created to read:

22           227.43 (3) (am) The administrator of the division of hearings and appeals may  
23 set the fees to be charged for any services rendered to the department of forestry by

1 a hearing examiner under this section. The fees shall cover the total cost of the  
2 services less any costs covered by the appropriation under s. 20.505 (4) (f).

3 **SECTION 3035r.** 227.43 (4) (am) of the statutes is created to read:

4 227.43 (4) (am) The department of forestry shall pay all costs of the services  
5 of a hearing examiner assigned to the department under sub. (1) (bd), according to  
6 the fees set under sub. (3) (am).

7 **SECTION 3035w.** 227.46 (8) of the statutes is amended to read:

8 227.46 (8) If the hearing examiner assigned under s. 227.43 (1) (b) renders the  
9 final decision in a contested case and the decision is subject to judicial review under  
10 s. 227.52, the department of natural resources may petition for judicial review. If the  
11 hearing examiner assigned under s. 227.43 (1) (bd) renders the final decision in a  
12 contested case and the decision is subject to judicial review under s. 227.52, the  
13 department of forestry may petition for judicial review. If the hearing examiner  
14 assigned under s. 227.43 (1) (br) renders the final decision in a contested case and  
15 the decision is subject to judicial review under s. 227.52, the department of  
16 transportation may petition for judicial review.”.

17 **1310.** Page 1003, line 24: after that line insert:

18 “**SECTION 3037p.** 229.70 (1) (a) of the statutes is amended to read:

19 229.70 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
20 means a business that is certified by the department of commerce under s. 560.036  
21 (2).

22 **SECTION 3037q.** 229.8273 (1) (b) of the statutes is amended to read:

1           229.8273 (1) (b) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
2           means a business that is certified by the department of commerce under s. 560.036  
3           (2).

4           **SECTION 3037r.** 229.845 (1) (a) of the statutes is amended to read:

5           229.845 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
6           means a business that is certified by the department of commerce under s. 560.036  
7           (2).”.

8           **1311.** Page 1004, line 9: after that line insert:

9           “**SECTION 3047p.** 230.08 (2) (dm) of the statutes is created to read:

10           230.08 (2) (dm) Instructional staff employed by the board of regents of the  
11           University of Wisconsin System who provide services for a charter school established  
12           by contract under s. 118.40 (2r) (cm).”.

13           **1312.** Page 1004, line 12: delete lines 12 to 18.

14           **1313.** Page 1004, line 20: after that line insert:

15           “**SECTION 3051.** 230.08 (2) (e) 13. of the statutes is amended to read:

16           230.08 (2) (e) 13. Veterans affairs — ~~2~~ 3.”.

17           **1314.** Page 1004, line 20: after that line insert:

18           “**SECTION 3050g.** 230.08 (2) (e) 4p. of the statutes is created to read:

19           230.08 (2) (e) 4p. Forestry — 1.

20           **SECTION 3050r.** 230.08 (2) (e) 8. of the statutes is amended to read:

21           230.08 (2) (e) 8. Natural resources — ~~7~~ 6.”.

22           **1315.** Page 1004, line 21: delete lines 21 to 25.

23           **1316.** Page 1005, line 1: delete lines 1 to 16.

1           **1317.** Page 1005, line 18: delete “commandant of the” and substitute  
2 “commandants of the Wisconsin Veterans Home at King and the”.

3           **1318.** Page 1005, line 20: delete lines 20 to 25.

4           **1319.** Page 1006, line 1: delete lines 1 to 13.

5           **1320.** Page 1006, line 13: after that line insert:

6           “**SECTION 3060p.** 230.10 (2) of the statutes is amended to read:

7           230.10 (2) The compensation plan in effect at the time that a representative  
8 is recognized or certified to represent employees in a collective bargaining unit and  
9 the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time  
10 that a representative is certified to represent employees in a collective bargaining  
11 unit under subch. V of ch. 111 constitute the compensation plan or employee salary  
12 and benefit provisions for employees in the collective bargaining unit until a  
13 collective bargaining agreement becomes effective for that unit. If a collective  
14 bargaining agreement under subch. V of ch. 111 expires prior to the effective date of  
15 a subsequent agreement, and a representative continues to be recognized or certified  
16 to represent employees specified in s. 111.81 (7) (a) or certified to represent  
17 employees specified in s. 111.81 (7) (b) ~~or (e)~~ to (f) in that collective bargaining unit,  
18 the wage rates of the employees in such a unit shall be frozen until a subsequent  
19 agreement becomes effective, and the compensation plan under s. 230.12 and salary  
20 and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the  
21 unit.”.

22           **1321.** Page 1007, line 14: after that line insert:

23           “**SECTION 3061r.** 230.143 of the statutes is created to read:

1           **230.143 Appointment; selective service registration.** A person who is  
2 required to register with the selective service system under 50 USC, Appendix,  
3 sections 451 to 473, but has not registered, may not receive any of the following  
4 during the period that the person is required to register:

5           **(1)** An original appointment to a position in the classified service.

6           **(2)** An appointment to a position described in s. 230.08 (2) (k).

7           **(3)** An appointment to a position as a corps enrollee with the Wisconsin  
8 conservation corps program under s. 106.215 (1) (c).

9           **SECTION 3061t.** 230.15 (1) of the statutes is amended to read:

10           230.15 **(1)** Appointments Subject to the restriction under s. 230.143,  
11 appointments to, and promotions in, the classified service shall be made only  
12 according to merit and fitness, which shall be ascertained so far as practicable by  
13 competitive examination. The administrator may waive competitive examination  
14 for appointments made under subs. (1m) and (2) and shall waive competitive  
15 examination for appointments made under sub. (2m).”.

16           **1322.** Page 1007, line 14: after that line insert:

17           **“SECTION 3072h.** 230.26 (4) of the statutes is amended to read:

18           230.26 **(4)** Fringe benefits specifically authorized by statutes, with the  
19 exception of deferred compensation plan participation under subch. VII of ch. 40,  
20 worker’s compensation, unemployment insurance, group insurance, retirement, and  
21 social security coverage, shall be denied employees hired under this section. Such  
22 employees may not be considered permanent employees and do not qualify for  
23 tenure, vacation, paid holidays, sick leave, performance awards, or the right to  
24 compete in promotional examinations.”.

1           **1323.** Page 1007, line 14: after that line insert:

2           “**SECTION 3078d.** 230.35 (1) (a) (intro.) of the statutes is amended to read:

3           230.35 **(1)** (a) (intro.) Except as provided in subs. (1m) ~~and~~, (1r), and (1s),  
4           appointing authorities shall grant to each person in their employ, except  
5           limited–term employees, based on accumulated continuous state service, annual  
6           leave of absence without loss of pay at the rate of:”.

7           **1324.** Page 1007, line 18: after that line insert:

8           “**SECTION 3079e.** 230.35 (2r) (b) of the statutes is amended to read:

9           230.35 **(2r)** (b) The secretary may establish, by rule, a catastrophic leave  
10          program that permits ~~classified~~ employees to donate certain types and amounts of  
11          leave credits to other ~~classified~~ employees who have been ~~granted an unpaid leave~~  
12          of absence on account of absent from pay status because of a catastrophic need for  
13          which absence there is no paid leave benefits or replacement income available. The  
14          secretary shall determine the types and amounts of leave credits that may be  
15          donated.

16          **SECTION 3079r.** 230.35 (2r) (c) of the statutes is amended to read:

17          230.35 **(2r)** (c) No ~~classified~~ employee may grieve under an agency’s grievance  
18          procedure any appointing authority’s decision relating to a catastrophic leave  
19          program under this subsection or appeal any such decision to the commission under  
20          s. 230.44 or 230.45 (1) (c).”.

21          **1325.** Page 1007, line 18: after that line insert:

22          “**SECTION 3079r.** 230.35 (1s) of the statutes is created to read:

23          230.35 **(1s)** Annual leave of absence with pay for instructional staff employed  
24          by the board of regents of the University of Wisconsin System who provide services

1 for a charter school established by contract under s. 118.40 (2r) (cm) shall be  
2 determined by the governing board of the charter school established by contract  
3 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of  
4 Wisconsin–Parkside and subject to the terms of any collective bargaining agreement  
5 under subch. V of ch. 111 covering the instructional staff.”.

6 **1326.** Page 1007, line 21: delete “the naval militia.”.

7 **1327.** Page 1008, line 10: delete “. naval militia.”.

8 **1328.** Page 1008, line 16: after that line insert:

9 “**SECTION 3080m.** 230.36 (1m) (b) 1. (intro.) of the statutes is amended to read:

10 230.36 **(1m)** (b) 1. (intro.) A state forest ranger or field employee of the  
11 department of natural resources or the department of forestry who is subject to call  
12 for forest fire control duty or fire watcher employed at the Wisconsin Veterans Home  
13 at King or at the facilities operated by the department of veterans affairs under s.  
14 45.385, and lifeguard, at all times while:”.

15 **1329.** Page 1008, line 23: after that line insert:

16 “**SECTION 3081d.** 230.36 (1m) (b) 2. (intro.) of the statutes, as affected by 2001  
17 Wisconsin Act .... (this act), is amended to read:

18 230.36 **(1m)** (b) 2. (intro.) A conservation warden, state forest ranger,  
19 conservation patrol boat captain, conservation patrol boat engineer, member of the  
20 state patrol, state motor vehicle inspector, University of Wisconsin System police  
21 officer, security officer, or security person, other state facilities police officer, special  
22 tax agent, excise tax investigator employed by the department of revenue, and  
23 special criminal investigation agent employed by the department of justice at all  
24 times while:



1           **SECTION 3081t.** 230.36 (2m) (a) 5. of the statutes is amended to read:

2           230.36 **(2m)** (a) 5. A conservation field employee of the department of natural  
3 resources or the department of forestry who is subject to call for fire control duty.”.

4           **1330.** Page 1011, line 6: after that line insert:

5           “**SECTION 3095j.** 232.05 (2) (d) of the statutes is amended to read:

6           232.05 **(2)** (d) Seek to enter into contracts for the purchase of goods and services  
7 with minority businesses that are certified by the department of commerce under s.  
8 560.036 (2).”.

9           **1331.** Page 1011, line 6: after that line insert:

10          “**SECTION 3095r.** 233.10 (2) (b) of the statutes is amended to read:

11          233.10 **(2)** (b) The kinds of leave to which an employee of the authority is  
12 entitled, including paid annual leave of absence, paid sick leave, and unpaid leave  
13 of absence, except that unused sick leave accumulated prior to July 1, 1997, shall be  
14 carried over and made available for the employee’s use for appropriate sick leave  
15 purposes or for conversion as provided under s. 40.05 (4) (b), ~~(bd)~~, (be), (bm), or (bp).”.

16          **1332.** Page 1011, line 15: after that line insert:

17          “**SECTION 3097e.** 234.01 (4n) (a) 3m. d. of the statutes is amended to read:

18          234.01 **(4n)** (a) 3m. d. The facility is owned or controlled by a minority business  
19 that is certified by the department of commerce under s. 560.036 (2) or that is more  
20 than 50% owned or controlled by women or minorities.

21          **SECTION 3098v.** 234.65 (1) (g) of the statutes is amended to read:

22          234.65 **(1)** (g) In granting loans under this section the authority shall give  
23 preference to businesses ~~which~~ that are minority businesses certified by the  
24 department of commerce under s. 560.036 (2) or that are more than 50% owned or

1 controlled by women ~~or minorities~~, to businesses that, together with all of their  
2 affiliates, subsidiaries, and parent companies, have current gross annual sales of  
3 \$5,000,000 or less or that employ 25 or fewer persons, and to new businesses that  
4 have less than 50% of their ownership held or controlled by another business and  
5 have their principal business operations in this state.”.

6 **1333.** Page 1018, line 11: after that line insert:

7 “**SECTION 3127b.** 236.02 (2m) of the statutes is created to read:

8 236.02 **(2m)** “Correction instrument” means an instrument drafted by a  
9 licensed land surveyor that complies with the requirements of s. 236.295 and that,  
10 upon recording, corrects a subdivision plat or a certified survey map.

11 **SECTION 3127bm.** 236.15 (1) (a) of the statutes is amended to read:

12 236.15 **(1)** (a) The external boundaries of a subdivision shall be monumented  
13 in the field by monuments of concrete containing a ferrous rod one-fourth inch in  
14 diameter or greater imbedded its full length, not less than ~~30~~ 18 inches in length, not  
15 less than 4 inches square or 5 inches in diameter, and marked on the top with a cross,  
16 brass plug, iron rod, or other durable material securely embedded; or by iron rods or  
17 pipes at least ~~30~~ 18 inches long and 2 inches in diameter weighing not less than 3.65  
18 pounds per lineal foot. Solid round or square iron bars of equal or greater length or  
19 weight per foot may be used in lieu of pipes wherever pipes are specified in this  
20 section. These monuments shall be placed at all corners, at each end of all curves,  
21 at the point where a curve changes its radius, at all angle points in any line and at  
22 all angle points along the meander line, said points to be not less than 20 feet back  
23 from the ordinary high water mark of the lake or from the bank of the stream, except

1 that when such corners or points fall within a street, or proposed future street, the  
2 monuments shall be placed in the side line of the street.

3 **SECTION 3127c.** 236.15 (1) (c) of the statutes is amended to read:

4 236.15 (1) (c) All lot, outlot, park and public access corners and the corners of  
5 land dedicated to the public shall be monumented in the field by iron pipes at least  
6 ~~24~~ 18 inches long and one inch in diameter, weighing not less than 1.13 pounds per  
7 lineal foot, or by round or square iron bars at least ~~24~~ 18 inches long and weighing  
8 not less than 1.13 pounds per lineal foot.

9 **SECTION 3127cm.** 236.15 (1) (d) of the statutes is amended to read:

10 236.15 (1) (d) The lines of lots, outlots, parks and public access and land  
11 dedicated to the public that extend to lakes or streams shall be monumented in the  
12 field by iron pipes at least ~~24~~ 18 inches long and one inch in diameter weighing not  
13 less than 1.13 pounds per lineal foot, or by round or square iron bars at least ~~24~~ 18  
14 inches long and weighing not less than 1.13 pounds per lineal foot. These  
15 monuments shall be placed at the point of intersection of the lake or stream lot line  
16 with a meander line established not less than 20 feet back from the ordinary high  
17 water mark of the lake or from the bank of the stream.

18 **SECTION 3127d.** 236.15 (1) (f) of the statutes is amended to read:

19 236.15 (1) (f) Any durable metal or concrete monuments may be used in lieu  
20 of the iron pipes listed in pars. (c) and (d) provided that they are uniform within the  
21 platted area and have a permanent magnet embedded near the top or bottom or both.

22 **SECTION 3127dm.** 236.18 (2) (d) of the statutes is created to read:

23 236.18 (2) (d) A county coordinate system as approved by the department of  
24 transportation or a coordinate system that is mathematically relatable to a  
25 Wisconsin coordinate system.

1           **SECTION 3127e.** 236.20 (1) (b) of the statutes is amended to read:

2           236.20 (1) (b) For processing under s. 236.12 (6) the original shall be on  
3 ~~muslin-backed white paper 22 inches wide by 30 inches long prepared with~~  
4 ~~nonfading black image. These sheets may be provided by the county through the~~  
5 ~~register of deeds on such terms as the county board determines~~ and on any material  
6 that is capable of clearly legible reproduction.

7           **SECTION 3127em.** 236.20 (1) (c) of the statutes is amended to read:

8           236.20 (1) (c) For processing under s. 236.12 (2), the original copy of the final  
9 plat ~~may be of any size~~ shall be 22 inches wide by 30 inches long and on any material  
10 that is capable of clearly legible reproduction.

11           **SECTION 3127f.** 236.20 (2) (b) of the statutes is amended to read:

12           236.20 (2) (b) All monuments erected, corners, and other points established in  
13 the field in their proper places. The material of which the monuments, corners, or  
14 other points are made shall be noted at the representation thereof or by legend,  
15 except lot, outlot, and meander corners need not be shown. The legend for metal  
16 monuments shall indicate the kind of metal, the outside diameter, length, and weight  
17 per lineal foot of the monuments.

18           **SECTION 3127fm.** 236.20 (2) (e) of the statutes is amended to read:

19           236.20 (2) (e) All lots and outlots in each block consecutively numbered within  
20 blocks and the subdivision and throughout numbered additions to the subdivision.

21           **SECTION 3127g.** 236.21 (1) (b) of the statutes is amended to read:

22           236.21 (1) (b) A clear and concise description of the land surveyed, divided, and  
23 mapped by government lot, recorded private claim, quarter-quarter section, section,  
24 township, range, and county and by metes and bounds commencing with a  
25 monument at a section or quarter section corner of the quarter section and that is not

1 at the center of the section, or commencing with a monument at the end of a boundary  
2 line of a recorded private claim or federal reservation in which the subdivision is  
3 located. If the land is located in a recorded subdivision or recorded addition thereto,  
4 the land shall be described by the number or other description of the lot, block or  
5 subdivision thereof, that has previously been tied to a corner marked and established  
6 by the U.S. public land survey.

7 **SECTION 3127gm.** 236.25 (2) (b) of the statutes is amended to read:

8 236.25 (2) (b) The plat is offered for record within ~~30 days~~ 6 months after the  
9 date of the last approval of the plat and within 24 months after the first approval;

10 **SECTION 3127h.** 236.295 (1) (intro.) of the statutes is amended to read:

11 236.295 (1) (intro.) Correction instruments ~~may~~ shall be recorded in the office  
12 of the register of deeds in the county in which the plat or certified survey map is  
13 recorded and may include any of the following:

14 **SECTION 3127hf.** 236.295 (1) (a) of the statutes is amended to read:

15 236.295 (1) (a) Affidavits to correct distances, angles, directions, bearings,  
16 chords, block or lot numbers, street names, or other details shown on a recorded plat  
17 or certified survey map. A correction instrument may not be used to reconfigure lots  
18 or outlots.

19 **SECTION 3127hm.** 236.295 (2) of the statutes is amended to read:

20 236.295 (2) Each affidavit in sub. (1) (a) correcting a plat ~~shall~~ or certified  
21 survey map that changes areas dedicated to the public or restrictions for the public  
22 benefit must be approved prior to recording by the governing body of the municipality  
23 or town in which the subdivision is located. The register of deeds shall note on the  
24 plat or certified survey map a reference to the page and volume in which the affidavit  
25 or instrument is recorded. The record of the affidavit or instrument, or a certified

1 copy of the record, is prima facie evidence of the facts stated in the affidavit or  
2 instrument.

3 **SECTION 3127im.** 236.34 (1) (intro.) of the statutes is amended to read:

4 236.34 (1) PREPARATION. (intro.) A certified survey map of not more than 4  
5 parcels of land consisting of lots or outlots may be recorded in the office of the register  
6 of deeds of the county in which the land is situated. A certified survey map may be  
7 used to change the boundaries of lots and outlots within a recorded plat, recorded  
8 assessor's plat under s. 70.27 or recorded, certified survey map if the ~~redivision~~  
9 reconfiguration does not result in a subdivision or violate a local subdivision  
10 regulation. A certified survey map may not alter ~~the exterior boundary of a recorded~~  
11 ~~plat, a recorded assessor's plat,~~ areas previously dedicated to the public or a  
12 restriction placed on the platted land by covenant, by grant of an easement, or by any  
13 other manner. A certified survey map that crosses the exterior boundary of a  
14 recorded plat or assessor's plat shall apply to the reconfiguration of fewer than 5  
15 parcels by a single owner, or if no additional parcels are created. Such a certified  
16 survey map must be approved in the same manner as a final plat of a subdivision  
17 must be approved under s. 236.10, must be monumented in accordance with s. 236.15  
18 (1), and shall contain owners' and mortgagees' certificates that are in substantially  
19 the same form as required under s. 236.21 (2) (a). A certified survey must meet the  
20 following requirements:

21 **SECTION 3127j.** 236.34 (1) (b) of the statutes is amended to read:

22 236.34 (1) (b) All corners shall be monumented in accordance with s. 236.15 (1)  
23 (c) ~~and~~, (d), ~~and~~ (g).

24 **SECTION 3127jm.** 236.34 (1) (c) of the statutes is amended to read:

1           236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a),  
2           (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b) ~~on a~~, (d), and (e) at a graphic scale  
3           of not more than 500 feet to ~~the~~ an inch, which shall be shown on each sheet showing  
4           layout features. The map shall be prepared with a binding margin 1.5 inches wide  
5           and a 0.5 inch margin on all other sides on durable white paper 8 1/2 inches wide by  
6           14 inches long with nonfading black image or reproduced with photographic silver  
7           haloid image on double matt polyester film of not less than 4 mil thickness which is  
8           8 1/2 inches wide by 14 inches long. When more than one sheet is used for any map,  
9           each sheet shall be numbered consecutively and shall contain a notation giving the  
10          total number of sheets in the map and showing the relationship of that sheet to the  
11          other sheets. “CERTIFIED SURVEY MAP” shall be printed on the map in prominent  
12          letters with the location of the land by government lot, recorded private claim,  
13          quarter-quarter section, section, township, range and county noted. Seals or  
14          signatures reproduced on images complying with this paragraph shall be given the  
15          force and effect of original signatures and seals.

16           **SECTION 3127k.** 236.34 (1) (d) 2. of the statutes is amended to read:

17           236.34 (1) (d) 2. A clear and concise description of the land surveyed, divided,  
18          and mapped by government lot, recorded private claim, quarter-quarter section,  
19          section, township, range and county; and by metes and bounds commencing with a  
20          monument at a section or quarter section corner of the quarter section ~~or~~ that is not  
21          the center of a section, or commencing with a monument at the end of a boundary line  
22          of a recorded private claim or federal reservation in which the ~~certified map~~ land is  
23          located; or if the land is located in a recorded subdivision or recorded addition to a  
24          recorded subdivision, then by the number or other description of the lot, block or

1 subdivision, which has previously been tied to a corner marked and established by  
2 the U.S. public land survey.

3 **SECTION 3127km.** 236.34 (1) (f) of the statutes is created to read:

4 236.34 (1) (f) Within 90 days of submitting a certified survey map for approval,  
5 the approving authority, or its agent authorized to approve certified survey maps,  
6 shall take action to approve, approve conditionally, or reject the certified survey map  
7 and shall state in writing any conditions of approval or reasons for rejection, unless  
8 the time is extended by agreement with the subdivider. Failure of the approving  
9 authority or its agent to act within the 90 days, or any extension of that period,  
10 constitutes an approval of the certified survey map and, upon demand, a certificate  
11 to that effect shall be made on the face of the map by the clerk of the authority that  
12 has failed to act.

13 **SECTION 3127L.** 236.34 (2) of the statutes is renumbered 236.34 (2) (a).

14 **SECTION 3127Lm.** 236.34 (2) (b) of the statutes is created to read:

15 236.34 (2) (b) If the certified survey map is approved by a local unit of  
16 government, the register of deeds may not accept the certified survey map for record  
17 unless all of the following apply:

18 1. The certified survey map is offered for record within 6 months after the date  
19 of the last approval of the map and within 24 months after the first approval of the  
20 map.

21 2. The certified survey map shows on its face all of the certificates and affidavits  
22 required under sub. (1).

23 **SECTION 3127m.** 236.45 (2) (a) (intro.) of the statutes is amended to read:

24 236.45 (2) (a) (intro.) To accomplish the purposes listed in sub. (1), any  
25 municipality, town or county which has established a planning agency may adopt



1 ordinances governing the subdivision or other division of land which are more  
2 restrictive than the provisions of this chapter. Such ordinances may include  
3 provisions regulating divisions of land into parcels larger than 1 1/2 acres or  
4 divisions of land into less than 5 parcels, and may prohibit the division of land in  
5 areas where such prohibition will carry out the purposes of this section. Such  
6 ordinances ~~may~~ shall make applicable to such divisions any all of the provisions of  
7 this chapter, or may provide other surveying, monumenting, mapping and approving  
8 requirements for such division. The governing body of the municipality, town, or  
9 county ~~may~~ shall require that a ~~map, plat or sketch~~ of such division be recorded with  
10 the register of deeds and kept in a book provided for that purpose. “COUNTY PLAT,”  
11 “MUNICIPAL PLAT,” or “TOWN PLAT” shall be printed on the map in prominent  
12 letters with the location of the land by government lot, recorded private claim,  
13 quarter-quarter section, section, township, range, and county noted. When so  
14 recorded, the lots included in the ~~map, plat or sketch~~ may shall be described by  
15 reference to it by ~~lot number and by volume and page of the book provided for that~~  
16 use “COUNTY PLAT,” “MUNICIPAL PLAT,” or “TOWN PLAT.” the name of the plat  
17 and the lot and block in the plat, for all purposes, including those of assessment,  
18 taxation, devise, descent, and conveyance as defined in s. 706.01 (4). Such ordinance,  
19 insofar as it may apply to divisions of less than 5 parcels, shall not apply to”.

20 **1334.** Page 1031, line 17: after that line insert:

21 **“SECTION 3128pd.** 250.01 (4) (a) 2. of the statutes is amended to read:

22 250.01 (4) (a) 2. A city-county health department established under s. 251.02

23 (1) (1m).

1           **SECTION 3128pe.** 251.01 (1) of the statutes is renumbered 251.01 (1r) and  
2 amended to read:

3           251.01 (1r) “County board of health” means a board of health for a single county  
4 health department or for a multiple county health department.

5           **SECTION 3128pf.** 251.01 (1g) of the statutes is created to read:

6           251.01 (1g) “City–county board of health” means a board of health for a  
7 city–county health department.

8           **SECTION 3128pg.** 251.01 (2) of the statutes is repealed.

9           **SECTION 3128ph.** 251.01 (3) of the statutes is amended to read:

10          251.01 (3) “County health officer” means the position of a local health officer  
11 in a single county health department or in a multiple county health department.

12          **SECTION 3128pi.** 251.01 (7m) of the statutes is created to read:

13          251.01 (7m) “Represented employee” means an employee in a collective  
14 bargaining unit for which a representative is recognized or certified under subch. IV  
15 of ch. 111.

16          **SECTION 3128pj.** 251.02 (1) of the statutes is amended to read:

17          251.02 (1) In counties with a population of less than 500,000, unless a county  
18 board establishes a city–county health department under sub. (1m) jointly with the  
19 governing body of a city or establishes a multiple county health department under  
20 sub. (3) in conjunction with another county, the county board shall establish a single  
21 county health department ~~that meets, which shall meet~~ the requirements of this  
22 chapter. The county health department shall serve all areas of the county that are  
23 not served by a city health department that was established prior to  
24 January 1, 1994, by a town or village health department established under sub.  
25 (3m), or by a multiple municipal local health department established under sub. (3r).

1 No ~~governing body of a city may establish a city health department may be~~  
2 ~~established after January 1, 1994, but a city-county health department may be~~  
3 ~~established after that date.~~

4 **SECTION 3128pk.** 251.02 (1m) of the statutes is created to read:

5 251.02 **(1m)** Subject to sub. (1r), in counties with a population of less than  
6 500,000, the county board and the governing body of a city that has a city health  
7 department may jointly establish a city-county health department, which shall meet  
8 the requirements of this chapter. A city-county health department shall serve all  
9 areas of the county that are not served by a city health department that was  
10 established prior to January 1, 1994, by a town or village health department  
11 established under sub. (3m), or by a multiple municipal local health department  
12 established under sub. (3r). A city-county health department established under this  
13 subsection after the effective date of this subsection .... [revisor inserts date], is  
14 subject to the control of the city and county acting jointly under an agreement  
15 entered into under s. 66.0301 that specifies, in conformity with this chapter, all of the  
16 following:

17 (a) The powers and duties of the city-county health department.

18 (b) The powers and duties of the city-county board of health for the city-county  
19 health department.

20 (c) The relative powers and duties of the city and county with respect to  
21 governance of the city-county health department and the city-county board of  
22 health.

23 **SECTION 3128pL.** 251.02 (1r) of the statutes is created to read:

24 251.02 **(1r)** If a city that assigns represented employees to its city health  
25 department and if a county that assigns represented employees to its county health

1 department jointly establish a city–county health department under an agreement  
2 specified under sub. (1m), all of the following shall apply, but only if the represented  
3 employees at the city health department and at the county health department who  
4 perform similar functions are included in collective bargaining units that are  
5 represented by the same representative:

6 (a) The city–county health department shall offer employment to all city and  
7 county employees who are represented employees and who perform functions for the  
8 city and county that are transferred to the city–county health department in the  
9 agreement under sub. (1m).

10 (b) Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that  
11 is initially created at the city–county health department, all of the former city and  
12 county employees were represented by the same representative when they were  
13 employed by the city or county, that representative shall become the initial  
14 representative of the employees in the collective bargaining unit without the  
15 necessity of filing a petition or conducting an election.

16 (c) Unless otherwise prohibited by law, with respect to city–county health  
17 department employees who were formerly represented employees at the city or  
18 county, the city–county health department shall adhere to the terms of the collective  
19 bargaining agreements that covered these employees while they were employed by  
20 the city or county until such time that the city–county health department and the  
21 representative of the employees have entered into a collective bargaining agreement.

22 **SECTION 3128pm.** 251.02 (3) of the statutes is amended to read:

23 251.02 (3) A county board may, in conjunction with the county board of another  
24 county, establish a multiple county health department ~~in conjunction with the~~  
25 ~~county board of another county, which shall meet the requirements of this chapter.~~

1 A multiple county health department shall serve all areas of the respective counties  
2 that are not served by a city health department that was established prior to January  
3 1, 1994, by a town or village health department established under sub. (3m), or by  
4 a multiple municipal local health department established under sub. (3r).

5 **SECTION 3128pn.** 251.04 (1) of the statutes is amended to read:

6 251.04 (1) ~~A city or county board of health shall govern each local health~~  
7 ~~department other than a local health department~~ Except as authorized in s. 251.02  
8 (3m) and (3r) ~~and a, a city board of health shall govern a city health department, a~~  
9 county board of health shall govern a county health department or multiple county  
10 health department, and a city-county board of health shall govern a city-county  
11 health department. A city or board of health, a county board of health, a city-county  
12 board of health, or a board of health for a local health department as authorized in  
13 s. 251.02 (3m) and (3r) shall assure the enforcement of state public health statutes  
14 and public health rules of the department as prescribed for a Level I local health  
15 department. A local board of health may contract or subcontract with a public or  
16 private entity to provide public health services. The contractor's staff shall meet the  
17 appropriate qualifications for positions in a Level I local health department.

18 **SECTION 3128pp.** 251.08 of the statutes is amended to read:

19 **251.08 Jurisdiction of local health department.** The jurisdiction of the  
20 local health department shall extend to the entire area represented by the governing  
21 body of the county, city, village or town that established the local health department,  
22 except that the jurisdiction of a single or multiple county health department or of a  
23 city-county health department does not extend to cities, villages and towns that  
24 have local health departments. Cities, towns and villages having local health  
25 departments may by vote of their local boards of health determine to come under the

1 jurisdiction of the county health department. No part of any expense incurred under  
2 this section by a county health department may be levied against any property  
3 within any city, village or town that has a local health department and that has not  
4 determined to come under the jurisdiction of the county health department.

5 **SECTION 3128pq.** 251.11 (1) of the statutes is amended to read:

6 251.11 (1) The local board of health of every multiple county health department  
7 established under s. 251.02 (3) and of every city–county health department  
8 established under s. 251.02 (4) (1m) shall annually prepare a budget of its proposed  
9 expenditures for the ensuing fiscal year and determine the proportionate cost to each  
10 participating county and city on the basis of equalized valuation. A certified copy of  
11 the budget, which shall include a statement of the amount required from each county  
12 and city, shall be delivered to the county board of each participating county and to  
13 the mayor or city manager of each participating city. The appropriation to be made  
14 by each participating county and city shall be determined by the governing body of  
15 the county and city. No part of the cost apportioned to the county shall be levied  
16 against any property within the city.

17 **SECTION 3128pr.** 251.11 (2) of the statutes is amended to read:

18 251.11 (2) The local board of health of every a multiple county health  
19 department established under s. 251.02 (3) ~~and of every city–county health~~  
20 ~~department established under s. 251.02 (4)~~ shall, under this section, determine the  
21 compensation for the employees of the multiple county health departments ~~and~~  
22 ~~city–county health departments~~ The local board of health of a city–county health  
23 department established under s. 251.02 (1m) shall, under this section, determine the  
24 compensation for the employees of the city–county health department.

25 **SECTION 3128ps.** 251.15 (2) of the statutes is amended to read:

1           251.15 (2) A city that had established a local health department prior to  
2           deciding to participate in a city–county health department established under s.  
3           251.02 (4) (1m) may withdraw from the city–county health department if the  
4           common council of the city gives written notice to the county board of the  
5           participating county.”.

6           **1335.** Page 1034, line 12: after that line insert:

7           “SECTION 3140c. 252.12 (2) (a) 8. of the statutes is amended to read:

8           252.12 (2) (a) 8. ‘Life care and early intervention services.’ The department  
9           shall award not more than \$1,994,900 in each fiscal year 2001–02 and not more than  
10          \$2,069,900 in each fiscal year thereafter in grants to applying state–designated HIV  
11          service organizations for the provision of needs assessments; assistance in procuring  
12          financial, medical, legal, social and pastoral services and housing assistance;  
13          counseling and therapy; homecare services and supplies; advocacy; and case  
14          management services. These services shall include early intervention services. The  
15          department shall also award not more than \$74,000 in each year from the  
16          appropriation under s. 20.435 (7) (md) for the services under this subdivision. The  
17          state share of payment for case management services that are provided under s.  
18          49.45 (25) (be) to recipients of medical assistance shall be paid from the  
19          appropriation under s. 20.435 (5) (am).”.

20          **1336.** Page 1034, line 12: after that line insert:

21          “SECTION 3140c. 252.12 (2) (a) 9. of the statutes is created to read:

22          252.12 (2) (a) 9. ‘Grant for family resource center.’ The department shall award  
23          a grant in each fiscal year to develop and implement an African–American family  
24          resource center in the city of Milwaukee that targets activities toward the prevention

1 and treatment of HIV infection and related infections, including hepatitis C virus  
2 infection, of minority group members, as defined in s. 560.036 (1) (f).”.

3 **1337.** Page 1034, line 13: delete lines 13 to 21 and substitute:

4 “**SECTION 3141d.** 252.12 (2) (c) 2. of the statutes is amended to read:

5 252.12 **(2)** (c) 2. From the appropriation under s. 20.435 (5) (am), the  
6 department shall award \$75,000 in each fiscal year as grants for services to prevent  
7 HIV infection and related infections, including hepatitis C virus infection. Criteria  
8 for award of the grants shall include the criteria specified under subd. 1. The  
9 department shall award 60% of the funding to applying organizations that receive  
10 funding under par. (a) 8. and 40% of the funding to applying community-based  
11 organizations that are ~~operated by minority group members, as defined in s. 560.036~~  
12 ~~(1) (f)~~ minority businesses certified by the department of commerce under s. 560.036  
13 (2).”.

14 **1338.** Page 1037, line 12: after that line insert:

15 “**SECTION 3147w.** 254.47 (1) of the statutes is amended to read:

16 254.47 **(1)** Except as provided in sub. (1g) and ss. 250.041 and 254.115, the  
17 department or a local health department granted agent status under s. 254.69 (2)  
18 shall issue permits to and regulate campgrounds and camping resorts, recreational  
19 and educational camps and public swimming pools. No person or state or local  
20 government who has not been issued a permit under this section may conduct,  
21 maintain, manage or operate a campground and camping resort, recreational camp  
22 and educational camp or public swimming pool, as defined by departmental rule.

23 **SECTION 3147x.** 254.47 (1g) of the statutes is created to read:



1           254.47 **(1g)** A campground permit is not required for camping at county or  
2 district fairs at which 4–H Club members exhibit, for the 4 days preceding the county  
3 or district fair, the duration of the county or district fair, and the 4 days following the  
4 county or district fair.”.

5           **1339.** Page 1043, line 12: after that line insert:

6           “**SECTION 3160q.** 280.25 of the statutes is created to read:

7           **280.25 Air filtration for residential wells.** The owner of a residential well,  
8 other than a driven well, that has a casing shall filter air that enters the well to  
9 prevent airborne bacteria from contaminating the well water if any of the following  
10 applies:

11           **(1)** The construction of the well begins after the effective date of this subsection  
12 .... [revisor inserts date].

13           **(2)** The water from the well tests positive for bacteria.”.

14           **1340.** Page 1045, line 11: after that line insert:

15           “**SECTION 3161u.** 281.57 (10e) of the statutes is created to read:

16           281.57 **(10e)** LOAN FOR WATER TOWER IN THE VILLAGE OF ATHENS.  
17 Notwithstanding subs. (2), (4) to (10), and (12), during the 2001–03 fiscal biennium,  
18 the department shall provide a loan of \$320,000 to the village of Athens for  
19 construction of a water tower and related costs, if the village applies for a loan. The  
20 department may not charge any interest on the loan.

21           **SECTION 3161uc.** 281.57 (10f) of the statutes is created to read:

22           281.57 **(10f)** LOAN FOR WATER TOWER IN THE VILLAGE OF WESTON.  
23 Notwithstanding subs. (2), (4) to (10), and (12), during the 2001–03 fiscal biennium,  
24 the department shall provide a loan of \$400,000 to the village of Weston for

1 construction of a water tower and related costs, if the village applies for a loan. The  
2 department may not charge any interest on the loan.”.

3 **1341.** Page 1049, line 20: after that line insert:

4 “**SECTION 3173j.** 281.65 (4e) of the statutes is created to read:

5 281.65 (4e) If the department issues a notice of discharge under ch. 283 to an  
6 animal feeding operation, the department shall provide a cost-sharing grant for the  
7 costs of measures needed to correct the unacceptable practices identified in the notice  
8 of discharge. Notwithstanding sub. (8) (f), the department may provide a  
9 cost-sharing grant under this subsection that exceeds 70% of the cost of the  
10 corrective measures in cases of economic hardship, as defined by the department by  
11 rule. If the department provides funds for a cost-sharing grant under this subsection  
12 from the appropriation account under s. 20.866 (2) (te), the department shall pay the  
13 grant to another governmental unit. If the department provides funds for a  
14 cost-sharing grant under this subsection from the appropriation account under s.  
15 20.370 (6) (aa), (ag), or (aq), the department may pay the funds to the landowner or  
16 operator or to another governmental unit.”.

17 **1342.** Page 1049, line 21: delete the material beginning with that line and  
18 ending with page 1050, line 3.

19 **1343.** Page 1050, line 17: substitute “2005” for “2006”.

20 **1344.** Page 1051, line 4: substitute “2005” for “2006”.

21 **1345.** Page 1054, line 12: after that line insert:

22 “**SECTION 3200m.** 281.69 (1b) (bn) of the statutes is created to read:

23 281.69 (1b) (bn) “Nonprofit conservation organization” has the meaning given  
24 in s. 23.0955 (1).”.

1           **1346.** Page 1054, line 20: delete “as defined in s. 23.0955 (1),” and substitute  
2           “as defined in s. ~~23.0955 (1)~~.”.

3           **1347.** Page 1055, line 6: after that line insert:

4           “**SECTION 3207v.** 281.74 of the statutes is created to read:

5           **281.74 Land spreading reduction pilot program.** If the Elcho Sanitary  
6           District charges not more than \$30 per thousand gallons to accept septic tank waste  
7           for treatment and not more than \$6 per thousand gallons to accept holding tank  
8           waste for treatment, the department shall provide the funds available under s.  
9           20.370 (6) (dc) to the Elcho Sanitary District.”.

10          **1348.** Page 1055, line 6: after that line insert:

11          “**SECTION 3207p.** 281.73 of the statutes is created to read:

12          **281.73 Wastewater and drinking water grant.** The department of natural  
13          resources shall provide a grant from the appropriation under s. 20.370 (6) (bk) to the  
14          Town of Swiss, Burnett County, and the St. Croix Band of Chippewa for design,  
15          engineering, and construction of wastewater and drinking water treatment  
16          facilities.”.

17          **1349.** Page 1055, line 6: after that line insert:

18          “**SECTION 3206m.** 281.69 (3) (b) 5. of the statutes is created to read:

19          281.69 (3) (b) 5. A wetland enhancement or restoration project under sub. (3m).

20          **SECTION 3206r.** 281.69 (3m) of the statutes is created to read:

21          281.69 (3m) GRANTS FOR WETLANDS. (a) The department shall provide grants  
22          of \$10,000 each from the appropriation under s. 20.370 (6) (ar) for lake management  
23          projects to eligible recipients, other than nonprofit conservation organizations, that  
24          have completed a comprehensive land use plan that includes a wetland

1 enhancement or restoration project. The grant shall be used for the implementation  
2 of the wetland enhancement or restoration project. The 75% limitation under sub.  
3 (2) (a) does not apply to these grants.

4 (b) The department shall provide up to 25 grants per fiscal year during fiscal  
5 years 2001–02 and 2002–03. The department shall award the grants to eligible  
6 recipients who qualify for the grants in the order in which the grant applications are  
7 received by the department.”.

8 **1350.** Page 1057, line 7: after that line insert:

9 “**SECTION 3219L.** 285.30 (5) (c) of the statutes is amended to read:

10 285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except  
11 that a motor vehicle owned by the United States is not exempt unless it comes under  
12 par. (a), (b), (d), (e), (f), (g) ~~or~~ (h), or (j).

13 **SECTION 3219v.** 285.30 (5) (j) of the statutes is created to read:

14 285.30 (5) (j) A low–speed vehicle, as defined in s. 340.01 (27m).”.

15 **1351.** Page 1057, line 16: after that line insert:

16 “**SECTION 3221.** 285.60 (2m) of the statutes is created to read:

17 285.60 (2m) GENERAL CONSTRUCTION PERMITS. The department may, by rule,  
18 specify types of stationary sources that may obtain general construction permits. A  
19 general construction permit may cover numerous similar stationary sources. A  
20 general construction permit shall require any stationary source that is covered by  
21 the general construction permit to comply with ss. 285.61 to 285.69. The department  
22 shall issue a general construction permit using the procedures and criteria in ss.  
23 285.61, 285.63, 285.65, 285.66, and 285.69.”.

24 **1352.** Page 1057, line 21: after that line insert:

1           “**SECTION 3222e.** 287.03 (1) (e) and (f) of the statutes are created to read:

2           287.03 **(1)** (e) Promulgate rules to implement s. 287.07 (7) (a) and (10) (a).

3           (f) Promulgate rules, for the purposes of s. 287.235 (1) (b), that specify the  
4 minimum elements of coordinated program delivery, including all of the following:

5           1. The joint provision of, a single program operated by the responsible unit for,  
6 or a single contract for, the collection from single-family residences of materials that  
7 are separated for recycling under an effective recycling program.

8           2. The joint provision of, a single program operated by the responsible unit for,  
9 or a single contract for, the processing and marketing of recyclable materials  
10 collected under an effective recycling program.

11           3. The joint or coordinated planning of solid waste management services within  
12 the responsible unit.

13           **SECTION 3222f.** 287.07 (7) (a) of the statutes is amended to read:

14           287.07 **(7)** (a) The prohibitions in subs. (3) and (4) do not apply with respect to  
15 solid waste, except medical waste, as defined in par. (c) 1. cg., ~~that is generated in a~~  
16 ~~region that has an effective recycling program, as determined under s. 287.11~~ if the  
17 solid waste contains no more than an incidental amount of materials specified in  
18 subs. (3) and (4), as provided by the department by rule. This paragraph does not  
19 apply to solid waste that is separated for recycling as part of an effective recycling  
20 program under s. 287.11.

21           **SECTION 3222g.** 287.07 (9) of the statutes is created to read:

22           287.07 **(9)** ACCEPTANCE BY SOLID WASTE FACILITY. (a) Except as provided under  
23 pars. (b) and (c), no person operating a solid waste facility may accept solid waste  
24 from a building containing 5 or more dwelling units or a commercial, retail,  
25 industrial, or governmental facility that does not provide for the collection of

1 materials that are subject to subs. (3) and (4) and that are separated from other solid  
2 waste by users or occupants of the building or facility.

3 (b) The department may grant exceptions to par. (a) on a case-by-case basis  
4 as necessary to protect public health.

5 (c) 1. Paragraph (a) does not apply to a person operating a solid waste facility  
6 if the person has implemented a program to minimize the acceptance of recyclable  
7 materials at the solid waste facility, and the program complies with the rules  
8 promulgated under subd. 2.

9 2. The department shall promulgate rules that specify minimum standards for  
10 a program that minimizes the acceptance of recyclable materials at a solid waste  
11 facility for the purposes of subd. 1.

12 **SECTION 3222h.** 287.07 (10) of the statutes is created to read:

13 287.07 (10) TRANSPORTATION TO FACILITY. (a) Except as provided in par. (b), no  
14 person operating a solid waste facility that provides a collection and transportation  
15 service may transport solid waste for delivery to a solid waste disposal facility or a  
16 solid waste treatment facility that converts solid waste into fuel or that burns solid  
17 waste if the solid waste contains more than incidental amounts of materials specified  
18 in subs. (3) and (4), as provided by the department by rule.

19 (b) Paragraph (a) does not apply with respect to solid waste to which the  
20 prohibitions in subs. (3) and (4) do not apply because of sub. (7) (b), (bg), (c) 2., (d),  
21 (f), (g), or (h).

22 **SECTION 3222m.** 287.11 (4) of the statutes is created to read:

23 287.11 (4) PILOT PROGRAM FOR ALTERNATE METHOD OF COMPLIANCE. (a) The  
24 department shall administer a pilot program that provides an alternate method of

1 complying with sub. (2) (b). The department shall promulgate rules for the pilot  
2 program under this subsection that do all of the following:

3 1. Set goals for amounts of materials to be recycled as a percentage of solid  
4 waste generated in the geographic area served by a responsible unit.

5 2. Include a list of recyclable materials, including the materials identified  
6 under s. 287.07 (3) and (4), that a responsible unit may choose under this subsection  
7 to require to be separated for recycling under its recycling program.

8 3. Specify a procedure for a responsible unit to identify the materials that it will  
9 require to be separated for recycling under its recycling program.

10 4. Specify a procedure to be used by the department to determine whether a  
11 responsible unit has achieved the goals under par. (a).

12 (b) The department shall select 3 responsible units with a population of less  
13 than 5,000, 3 responsible units with a population of at least 5,000 but less than  
14 25,000, and 3 responsible units with a population of at least 25,000 to participate in  
15 the pilot program under this subsection.

16 (c) A responsible unit participating in the pilot program under this subsection  
17 shall be considered to comply with sub. (2) (b).

18 (d) The department shall submit reports on the pilot program under this  
19 subsection to the appropriate standing committees of the legislature, under s. 13.172  
20 (3), and to the joint committee on finance no later than January 1, 2003, and no later  
21 than January 1, 2005. The department shall include all of the following in its reports:

22 1. A description of the participation in the pilot program and of the results to  
23 the date of the report.

24 2. A description of any changes in the recycling percentage rate achieved by the  
25 participants.

1           3. A description of any cost or program efficiencies obtained by participants.

2           4. Any recommendations for statutory changes to modify the pilot program or  
3 to expand it statewide.

4           5. Any recommendations about whether s. 287.07 (3) and (4) should be modified  
5 and, if so, in what manner.

6           (e) The pilot program under this subsection ends on December 31, 2005.

7           **SECTION 3222p.** 287.23 (2) of the statutes is renumbered 287.23 (2) (a) and  
8 amended to read:

9           287.23 (2) (a) The department shall develop, implement, and administer a  
10 program to provide financial assistance to responsible units. The department shall  
11 develop criteria for reporting on and evaluating the program.

12           (b) Each year the department, in cooperation with the University of  
13 Wisconsin–Extension, shall audit review the recycling programs of at least 5% of the  
14 recipients of grants in the previous year to ~~ensure that programs and activities~~  
15 ~~funded by grants under this section meet the requirements of this section.~~ do all of  
16 the following:

17           **SECTION 3222q.** 287.23 (2) (b) 1. to 3. of the statutes are created to read:

18           287.23 (2) (b) 1. Ensure compliance with s. 287.07 (1m), (2), (3), and (4).

19           2. Ensure compliance with s. 287.11 and rules promulgated under that section.

20           3. Identify activities, methods, or procedures that would enable the responsible  
21 units to make their recycling programs more efficient or effective.

22           **SECTION 3222r.** 287.23 (2) (c) of the statutes is created to read:

23           287.23 (2) (c) By June 30 annually, the department shall report to the joint  
24 committee on finance the number of recycling programs reviewed under par. (b)  
25 during the previous year.”.



1           **1353.** Page 1058, line 2: after that line insert:

2           “**SECTION 3225c.** 287.23 (5b) (title) and (intro.) of the statutes are amended to  
3 read:

4           287.23 **(5b)** (title) GRANT AWARD FOR 2000 AND 2001. (intro.) ~~The~~ For 2000 and  
5 2001, the department shall award a grant under this subsection to each eligible  
6 responsible unit that submits a complete grant application under sub. (4) for  
7 expenses allowable under sub. (3) (b). The department shall determine the amount  
8 of the grants under this subsection as follows:

9           **SECTION 3225f.** 287.23 (5d) of the statutes is created to read:

10          287.23 **(5d)** GRANT AMOUNT FOR YEARS AFTER 2001. (a) Beginning with grants for  
11 the year 2002, the department shall award a grant under this subsection to each  
12 eligible responsible unit that submits a complete grant application under sub. (4) for  
13 expenses allowable under sub. (3) (b).

14          (b) Except as provided in pars. (c), (d), (e), (f), and (g) and sub. (5p), the  
15 department shall award an eligible responsible unit a grant under this subsection  
16 equal to \$5.30 times the population of the responsible unit.

17          (c) A grant under this subsection may not exceed the allowable expenses under  
18 sub. (3) (b) that the responsible unit incurred in the year 2 years before the year for  
19 which the grant is made.

20          (d) For a county that is the responsible unit for at least 75% of the population  
21 of the county, the department shall award a grant under this subsection equal to the  
22 greater of \$100,000 or the amount determined under par. (a), but not more than the  
23 allowable expenses under sub. (3) (b).

1 (e) For grants for the year 2002, the department shall award a grant to a  
2 responsible unit that received an award in 2001 that is equal to at least 80% of the  
3 amount received in 2001.

4 (f) Beginning with grants for the year 2005, the department shall reduce a  
5 grant calculated under par. (b) by \$1.50 times the population of the responsible unit  
6 if the responsible unit is not eligible for a grant under s. 287.235.

7 (g) If the available funds are insufficient to pay the grant amounts determined  
8 under this subsection, the department shall achieve the necessary reduction in the  
9 total amount of the grants by reducing the amount of each grant determined under  
10 this subsection, except a grant determined under par. (d) or (e), by an equal  
11 percentage.”.

12 **1354.** Page 1058, line 6: after that line insert:

13 “**SECTION 3226c.** 287.23 (6) of the statutes is renumbered 287.23 (6) (a) and  
14 amended to read:

15 287.23 (6) (a) The Except as provided in par. (b), the department shall disburse  
16 a grant to the applicant after approval, but no later than June 1 of the year for which  
17 the grant is made.

18 **SECTION 3226d.** 287.23 (6) (b) of the statutes is created to read:

19 287.23 (6) (b) For grants for the year 2002, the department shall disburse a  
20 total of \$19,500,000 no later than June 1, 2002, and a total of \$5,000,000 after June  
21 30, 2002, but no later than December 1, 2002.

22 **SECTION 3226k.** 287.235 of the statutes is created to read:

1           **287.235 Recycling efficiency incentive grants. (1) ELIGIBILITY.** Beginning  
2 in fiscal year 2002–03 the department shall make a recycling efficiency incentive  
3 grant to a responsible unit that satisfies all of the following criteria:

4           (a) The responsible unit is one of the following:

5           1. A county.

6           2. A responsible unit, other than a county, with a population of 50,000 or more.

7           3. A responsible unit that is formed by the merger of 3 or more responsible units  
8 or that is the responsible unit for 3 or more municipalities.

9           (b) The responsible unit engages in coordinated program delivery, as specified  
10 under s. 287.03 (1) (f).

11           **(2) GRANT AMOUNT.** (a) Except as provided in pars. (b) and (c) and sub. (3) (a),  
12 the department shall provide a grant amount to an eligible responsible unit equal to  
13 \$1 times the population of the responsible unit.

14           (b) If the available funds are insufficient to pay the grant amount determined  
15 under par. (a), the department shall achieve the necessary reduction in the total  
16 amount of the grants by reducing the grant amount determined under par. (a) for  
17 each eligible responsible unit by an equal percentage.

18           (c) A grant under this section plus a grant under s. 287.23 may not exceed the  
19 allowable expenses under s. 287.23 (3) (b) that the responsible unit incurred in the  
20 year 2 years before the year for which the grants are made.

21           **(3) APPLICATION AND PAYMENT.** (a) Applications for grants under this subsection  
22 are due on October 1 of the year preceding the year for which the grant is sought.  
23 If a responsible unit submits its application after that date, the department shall  
24 reduce the grant, or deny the application, as provided in s. 287.23 (5p).

1 (b) The department shall disburse 50% of a grant to the applicant no later than  
2 June 1 of the year for which the grant is made and the balance no later than  
3 December 1 of the year for which the grant is made. For grants for 2002, the  
4 department shall disburse a total of \$3,800,000.

5 **SECTION 3227e.** 287.95 (3) (b) of the statutes is amended to read:

6 287.95 (3) (b) After December 31, 1996, any person who violates s. 287.07 (3)  
7 ~~and, (4), (9), or (10)~~ may be required to forfeit \$50 for a first violation, may be required  
8 to forfeit \$200 for a 2nd violation, and may be required to forfeit not more than \$2,000  
9 for a 3rd or subsequent violation.”.

10 **1355.** Page 1058, line 7: delete lines 7 to 9.

11 **1356.** Page 1059, line 9: after that line insert:

12 “**SECTION 3228db.** 289.645 (3) (intro.) and (a) of the statutes are consolidated,  
13 renumbered 289.645 (3) and amended to read:

14 289.645 (3) AMOUNT OF RECYCLING FEE. The fee imposed under this section is  
15 as follows: ~~(a) For \$3 per ton for all solid waste other than high-volume industrial~~  
16 ~~waste, 30 cents per ton.”.~~

17 **1357.** Page 1059, line 16: after that line insert:

18 “**SECTION 3229.** 292.11 (9) (e) 1m. f. of the statutes is amended to read:

19 292.11 (9) (e) 1m. f. The local governmental unit acquired the property using  
20 funds appropriated under s. 20.866 (2) ~~(ta) or (tz)~~.

21 **SECTION 3230.** 292.13 (1m) (intro.) of the statutes is amended to read:

22 292.13 (1m) EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. (intro.) A  
23 person is exempt from s. 292.11 (3), (4) and (7) (b) and (c) with respect to the existence

1 of a hazardous substance in the soil, including sediments, on property possessed or  
2 controlled by the person if all of the following apply:

3 **SECTION 3231.** 292.15 (2) (a) 4. of the statutes is amended to read:

4 292.15 (2) (a) 4. ~~The~~ If the voluntary party owns or controls the property, the  
5 voluntary party maintains and monitors the property as required under rules  
6 promulgated by the department and any contract entered into under those rules.

7 **SECTION 3232.** 292.15 (2) (ae) 4. of the statutes is amended to read:

8 292.15 (2) (ae) 4. ~~The~~ If the voluntary party owns or controls the property, the  
9 voluntary party maintains and monitors the property as required under rules  
10 promulgated by the department and any contract entered into under those rules.

11 **SECTION 3234.** 292.15 (2) (ag) of the statutes is amended to read:

12 292.15 (2) (ag) *Property affected by off-site discharge.* Except as provided in  
13 sub. (6) or (7), for a property on which there exists a hazardous substance for which  
14 a voluntary party is exempt from liability under s. 292.13 (1) or (1m), a voluntary  
15 party is exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1),  
16 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31  
17 (8), and rules promulgated under those provisions, with respect to discharges of  
18 hazardous substances on or originating from the property, if the release of those  
19 hazardous substances occurred prior to the date on which the department approves  
20 the environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4.  
21 to 6. apply and all of the following occur at any time before or after the date of  
22 acquisition:

23 1. The environment is restored to the extent practicable with respect to the  
24 discharges and the harmful effects from the discharges are minimized in accordance  
25 with rules promulgated by the department and any contract entered into under those

1 rules, except that this requirement does not apply with respect to the hazardous  
2 substance for which the voluntary party is exempt from liability under s. 292.13 (1)  
3 or (1m).

4 2. The voluntary party obtains a certificate of completion from the department  
5 stating that the environment has been satisfactorily restored to the extent  
6 practicable with respect to the discharges and that the harmful effects from the  
7 discharges have been minimized, except with respect to the hazardous substance for  
8 which the voluntary party is exempt from liability under s. 292.13 (1) or (1m).

9 3. The voluntary party obtains a written determination from the department  
10 under s. 292.13 (2) with respect to the hazardous substance for which the voluntary  
11 party is exempt from liability under s 292.13 (1) or (1m).

12 4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)  
13 (d) to (g) or (1m) (d) to (g).

14 **SECTION 3236.** 292.15 (2) (b) 4. of the statutes is created to read:

15 292.15 (2) (b) 4. If the voluntary party does not own or control the property, the  
16 person who owns or controls the property fails to maintain and monitor the property  
17 as required under rules promulgated by the department or any contract entered into  
18 under those rules.”.

19 **1358.** Page 1060, line 6: after that line insert:

20 “**SECTION 3260b.** 292.35 (1) (am) of the statutes is created to read:

21 292.35 (1) (am) “Financial assistance” means money, other than a loan,  
22 provided by a governmental unit that is not a responsible party to pay a portion of  
23 the cost of investigation and remedial action for a site or facility.

1           **SECTION 3262b.** 292.35 (2) of the statutes is renumbered 292.35 (2) (intro.) and  
2 amended to read:

3           292.35 **(2)** APPLICABILITY. (intro.) This section only applies to a site or facility  
4 if ~~the~~ one of the following criteria is satisfied:

5           (a) The site or facility is owned by a local governmental unit. This section does  
6 not apply to a landfill until January 1, 1996.

7           **SECTION 3263b.** 292.35 (2) (b) of the statutes is created to read:

8           292.35 **(2)** (b) A local governmental unit that owns a portion of the site or  
9 facility commits itself, by resolution of its governing body, to paying more than 50%  
10 of the amount equal to the difference between the cost of investigation and remedial  
11 action for the site or facility and any financial assistance received for the site or  
12 facility.”.

13           **1359.** Page 1067, line 7: delete “municipalities” and substitute “the city of  
14 Platteville, the city of Fond du Lac and other municipalities that are”.

15           **1360.** Page 1067, line 14: delete that line and substitute:

16           “**SECTION 3324db.** 292.77 (4) of the statutes is repealed and recreated to read:  
17           292.77 **(4)** During the 2001–03 fiscal biennium, the department shall make  
18 \$150,000 available to the City of Platteville and \$250,000 available to the City of  
19 Fond du Lac under sub. (2).”.

20           **1361.** Page 1068, line 2: after that line insert:

21           “**SECTION 3327q.** 301.03 (2p) of the statutes is created to read:  
22           301.03 **(2p)** Offer the same level of alcohol or other drug abuse treatment to  
23 female inmates as to male inmates.”.

24           **1362.** Page 1068, line 2: after that line insert:

1           “**SECTION 3325k.** 295.33 (4) of the statutes is amended to read:

2           295.33 **(4)** No person may conduct drilling operations for the exploration for or  
3 production of oil or gas ~~from~~ if the drilling extends beneath the beds of the Great  
4 Lakes or bays or harbors that are adjacent to the Great Lakes, ~~unless all drilling~~  
5 ~~operations originate from locations above and on the landward side of the ordinary~~  
6 ~~high-water mark and are conducted according to the terms of a written lease~~  
7 ~~obtained from the department under~~, notwithstanding s. 30.20 (2) (b).”.

8           **1363.** Page 1068, line 2: after that line insert:

9           “**SECTION 3325q.** 301.029 (2) (a) of the statutes is amended to read:

10          301.029 **(2)** (a) The department may not enter into any contract or other  
11 agreement if, in the performance of the contract or agreement, a prisoner would  
12 perform data entry or telemarketing services and have access to an individual’s  
13 financial transaction card numbers, checking or savings account numbers; or social  
14 security number or to any personal identifying information, as defined in s. 943.201  
15 (1) (b), of an individual who is not a prisoner.”.

16          **1364.** Page 1068, line 2: after that line insert:

17          “**SECTION 3327j.** 301.03 (2t) of the statutes is created to read:

18          301.03 **(2t)** Promote efficient use of resources for alcohol and other drug abuse  
19 intervention and treatment services by doing all of the following:

20           (a) Developing one or more methods to evaluate the effectiveness of, and  
21 developing performance standards for, alcohol and other drug abuse intervention  
22 and treatment services that are administered by the department.

23           (b) Adopting policies to ensure that, to the extent possible under state and  
24 federal law, funding for alcohol and other drug abuse intervention and treatment



1 services that are administered by the department is distributed giving primary  
2 consideration to the effectiveness of the services in meeting department performance  
3 standards for alcohol and other drug abuse services.

4 (c) Requiring every application for funding from the department for alcohol and  
5 other drug abuse intervention or treatment services to include a plan for the  
6 evaluation of the effectiveness of the services in reducing alcohol and other drug  
7 abuse by recipients of the services.

8 (d) Requiring every person receiving funding from the department for alcohol  
9 and other drug abuse intervention or treatment services to provide the department  
10 the results of the evaluation conducted under par. (c).”.

11 **1365.** Page 1068, line 3: delete lines 3 to 9.

12 **1366.** Page 1069, line 25: after that line insert:

13 “**SECTION 3329x.** 301.03 (25) of the statutes is created to read:

14 301.03 (25) Jointly, with the department of health and family services, develop  
15 a gender-specific program for addressing the individual treatment needs of female  
16 inmates.”.

17 **1367.** Page 1069, line 25: after that line insert:

18 “**SECTION 3330g.** 301.03 (34) of the statutes is created to read:

19 301.03 (34) Comply with guidelines established by the U.S. attorney general  
20 under 42 USC 13704 (2) in reporting, on a quarterly basis, information regarding the  
21 death of any person in the custody of the department, including inmates incarcerated  
22 in facilities located outside this state, and provide this information to the Wisconsin  
23 attorney general at the same time that it is submitted to the U.S. attorney general.”.

24 **1368.** Page 1069, line 25: after that line insert:

1           **“SECTION 3330e.** 301.03 (32) of the statutes is created to read:

2           301.03 **(32)** On its Internet web site that is accessible to the public, publish  
3 statistical information regarding adult corrections, including the total adult  
4 population; adult population in each institution; commitments to the adult  
5 correctional system; releases from the adult correctional system; average adult  
6 inmate sentence length; and offenses, race, gender, educational level, marital status,  
7 parental status, religion, and county of commitment of adult inmates.

8           **SECTION 3330f.** 301.03 (33) of the statutes is created to read:

9           301.03 **(33)** On its Internet web site that is accessible to the public, publish  
10 statistical information regarding juvenile corrections, including the total juvenile  
11 population; juvenile population in each institution; average juvenile population;  
12 admissions to the juvenile correctional system; releases from the juvenile  
13 correctional system; and offenses, race, gender, average age, and county of  
14 commitment of juveniles.”.

15           **1369.** Page 1069, line 25: after that line insert:

16           **“SECTION 3330c.** 301.03 (30) of the statutes is created to read:

17           301.03 **(30)** Create and maintain an inmate tracking system that includes the  
18 inmate’s criminal history, medical and mental health history, alcohol and other drug  
19 abuse history, victimization history, violence history, education and vocational  
20 history, religion, marital status, and status of all of his or her children.

21           **SECTION 3330d.** 301.03 (31) of the statutes is created to read:

22           301.03 **(31)** Collect and maintain information that determines the number of  
23 inmates that return to prison due to a probation or parole revocation and whether

1 the revocation is due to the inmate committing a new crime or violating a condition  
2 or rule of probation or parole.”.

3 **1370.** Page 1070, line 1: delete lines 1 to 9.

4 **1371.** Page 1070, line 9: after that line insert:

5 “**SECTION 3333j.** 301.047 of the statutes is created to read:

6 **301.047 Inmate rehabilitation and aftercare. (1) PROGRAM.** The  
7 department may permit one or more nonprofit community-based organizations  
8 meeting the requirements of this section to operate an inmate rehabilitation  
9 program in any department facility if the department determines that operation of  
10 that program does not constitute a threat to the security of the facility or the safety  
11 of inmates or the public and that operation of the program is in the best interest of  
12 the inmates.

13 **(2) PROGRAM REQUIREMENTS.** (a) An organization seeking to operate a  
14 rehabilitation program under sub. (1) shall submit to the department a detailed  
15 proposal for the operation of the program. The proposal shall include all of the  
16 following:

17 1. A description of the services to be provided, including aftercare services, and  
18 a description of the geographic area in which aftercare services will be provided.

19 2. A description of the activities to be undertaken and the approximate daily  
20 schedule of programming for inmates participating in the program.

21 3. A statement of the qualifications of the individuals providing services.

22 4. A statement of the organization’s policies regarding eligibility of inmates to  
23 participate in the program.

24 5. A statement of the goals of the program.

1           6. A description of the methods by which the organization will evaluate the  
2 effectiveness of the program in attaining the goals under subd. 5.

3           7. Any other information specified by the department.

4           (b) An organization seeking to operate a rehabilitation program under sub. (1)  
5 shall agree in writing to all of the following:

6           1. The organization may not receive compensation from the department for  
7 services provided in the rehabilitation program.

8           2. The organization may not deny an inmate the opportunity to participate in  
9 the program for any reason related to the inmate's religious beliefs or nonbelief.

10          3. An inmate may stop participating in the program at any time.

11          4. Upon the inmate's release, the organization shall provide community-based  
12 aftercare services for each inmate who completes the program and who resides in the  
13 geographic area described in par. (a) 1.

14          **(3) DUTIES AND AUTHORITY OF THE DEPARTMENT.** (a) The department shall  
15 establish policies that provide an organization operating a rehabilitation program  
16 under sub. (1) reasonable access to inmates.

17          (b) The department shall designate a specific portion of the facility for  
18 operation of a rehabilitation program, if one is established, under sub. (1). To the  
19 extent possible, inmates participating in the program shall be housed in the portion  
20 of the facility in which the program is operated.

21          (c) The department may not require an inmate to participate in a rehabilitation  
22 program under sub. (1).

23          (d) The department may not base any decision regarding an inmate's conditions  
24 of confinement, including discipline, or an inmate's eligibility for release, on an

1 inmate's decision to participate or not to participate in a rehabilitation program  
2 under sub. (1).

3 (e) The treatment of inmates, including the provision of housing, activities in  
4 which an inmate may participate, freedom of movement, and work assignments,  
5 shall be substantially the same for inmates who participate in a rehabilitation  
6 program under sub. (1) and inmates who do not participate in such a program.

7 (f) The department may restrict an inmate's participation in a rehabilitation  
8 program under sub. (1) only if the restriction is necessary for the security of the  
9 facility or the safety of the inmates or the public.

10 (g) The department may suspend or terminate operation of a rehabilitation  
11 program under sub. (1) if the organization operating the program fails to comply with  
12 any of the requirements under this section and shall suspend or terminate the  
13 operation of a program if the department determines that suspension or termination  
14 of the program is necessary for the security of the facility or the safety of the inmates  
15 or the public or is in the best interests of the inmates.

16 (h) 1. Except as provided in subd. 2., if an organization operating a  
17 rehabilitation program under sub. (1) promotes or informs the department that the  
18 organization intends to promote sectarian worship, instruction, or proselytization in  
19 connection with the rehabilitation program, the department shall permit all other  
20 religious organizations meeting the requirements of this section to operate an  
21 inmate rehabilitation program under sub. (1).

22 2. The department is not required under subd. 1. to permit a religious  
23 organization to operate an inmate rehabilitation program under sub. (1) if the  
24 department determines that the organization's operation of that program

1 constitutes a threat to the security of the facility or the safety of the inmates or the  
2 public.

3 (4) EVALUATION. The department shall evaluate or contract with a public or  
4 private agency for an evaluation of the effectiveness of each rehabilitation program  
5 operated under sub. (1) in reducing recidivism and alcohol and other drug abuse  
6 among program participants. The department shall collect the data and information  
7 necessary to evaluate the program. No later than 3 years from the date on which the  
8 rehabilitation program begins operating, the department shall submit a report of the  
9 evaluation to the governor and to the appropriate standing committees of the  
10 legislature, as determined by the speaker of the assembly and the president of the  
11 senate, under s. 13.172 (3).

12 (5) SUSPENSION OR TERMINATION OF AN INMATE'S PARTICIPATION. Notwithstanding  
13 sub. (2) (b) 2., an organization operating a rehabilitation program under sub. (1) may  
14 suspend or terminate an inmate's participation in a program for reasons unrelated  
15 to religious beliefs, including the inmate's failure to participate meaningfully in the  
16 program.

17 SECTION 3334j. 301.065 of the statutes is created to read:

18 **301.065 Religious organizations; contract powers. (1) RELIGIOUS**  
19 ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the  
20 department to contract with, or award grants to, religious organizations, under any  
21 program administered by the department relating to the prevention of delinquency  
22 and crime or the rehabilitation of offenders, on the same basis as any other  
23 nongovernmental provider, without impairing the religious character of such  
24 organizations, and without diminishing the religious freedom of beneficiaries of  
25 assistance funded under such program.

1           **(2) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.** If the department is  
2 authorized under ch. 16 to contract with a nongovernmental entity, or to award  
3 grants to a nongovernmental entity, religious organizations are eligible, on the same  
4 basis as any other private organization, to be contractors and grantees under any  
5 program administered by the department so long as the programs are implemented  
6 consistently with the first amendment to the U.S. Constitution and article I, section  
7 18, of the Wisconsin constitution. Except as provided in sub. (11), the department  
8 may not discriminate against an organization that is or applies to be a contractor or  
9 grantee on the basis that the organization does or does not have a religious character  
10 or because of the specific religious nature of the organization.

11           **(3) RELIGIOUS CHARACTER AND FREEDOM.** (a) The department shall allow a  
12 religious organization with which the department contracts or to which the  
13 department awards a grant to retain its independence from government, including  
14 the organization's control over the definition, development, practice, and expression  
15 of its religious beliefs.

16           (b) The department may not require a religious organization to alter its form  
17 of internal governance or to remove religious art, icons, scripture, or other symbols  
18 to be eligible for a contract or grant.

19           **(4) RIGHTS OF BENEFICIARIES OF ASSISTANCE.** (a) If the department contracts with  
20 or awards grants to a religious organization for the provisions of crime prevention  
21 or offender rehabilitation assistance under a program administered by the  
22 department, an individual who is eligible for this assistance shall be informed in  
23 writing that assistance of equal value and accessibility is available from a  
24 nonreligious provider upon request.

1           (b) The department shall provide an individual who is otherwise eligible for  
2 assistance from an organization described under par. (a) with assistance of equal  
3 value from a nonreligious provider if the individual objects to the religious character  
4 of the organization described under par. (a) and requests assistance from a  
5 nonreligious provider. The department shall provide such assistance within a  
6 reasonable period of time after the date of the objection and shall ensure that it is  
7 accessible to the individual.

8           **(6) NONDISCRIMINATION AGAINST BENEFICIARIES.** A religious organization may not  
9 discriminate against an individual in regard to rendering assistance that is funded  
10 under any program administered by the department on the basis of religion, a  
11 religious belief or nonbelief, or a refusal to actively participate in a religious practice.

12           **(7) FISCAL ACCOUNTABILITY.** (a) Except as provided in par. (b), any religious  
13 organization that contracts with, or receives a grant from, the department is subject  
14 to the same laws and rules as other contractors and grantees regarding accounting,  
15 in accord with generally accepted auditing principles, for the use of the funds  
16 provided under such programs.

17           (b) If the religious organization segregates funds provided under programs  
18 administered by the department into separate accounts, only the financial  
19 assistance provided with those funds shall be subject to audit.

20           **(8) COMPLIANCE.** Any party that seeks to enforce its rights under this section  
21 may bring a civil action for injunctive relief against the entity that allegedly commits  
22 the violation.

23           **(9) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.** No funds provided  
24 directly to religious organizations by the department may be expended for sectarian  
25 worship, instruction, or proselytization.



1           **(10)** CERTIFICATION OF COMPLIANCE. Every religious organization that contracts  
2 with, or receives a grant from, the department to provide delinquency and crime  
3 prevention or offender rehabilitation services to eligible recipients shall certify in  
4 writing that it has complied with the requirements of subs. (6) and (9) and submit  
5 to the department a copy of this certification and a written description of the policies  
6 the organization has adopted to ensure that it has complied with the requirements  
7 under subs. (6) and (9).

8           **(11)** PREEMPTION. Nothing in this section may be construed to preempt any  
9 other statute that prohibits or restricts the expenditure of federal or state funds by  
10 or the granting of federal or state funds to religious organizations.”.

11           **1372.** Page 1071, line 1: delete lines 1 to 4 and substitute:

12           “(b) “Correctional facility” means an institution or facility, or a portion of an  
13 institution or facility, that is used to confine juveniles alleged or found to be  
14 delinquent or a prison, jail, house of correction, or lockup facility but does not include  
15 a secured group home, as defined in s. 938.02 (15p).”.

16           **1373.** Page 1073, line 12: delete lines 12 to 19 and substitute:

17           “**SECTION 3344e.** 301.26 (7) (a) (intro.) of the statutes is renumbered 301.26 (7)  
18 (a) and amended to read:

19           301.26 (7) (a) For community youth and family aids under this section,  
20 amounts not to exceed ~~\$42,091,800~~ \$43,615,200 for the last 6 months of 1999,  
21 ~~\$85,183,700 for 2000~~ \$87,760,300 for 2002, and ~~\$43,091,900~~ \$44,145,100 for  
22 the first 6 months of ~~2001~~ 2003.

23           **(b)** Of ~~those~~ the amounts specified in par. (a), the department shall allocate  
24 ~~\$1,000,000~~ \$2,000,000 for the last 6 months of 1999, ~~\$3,000,000 for 2000~~ and

1     ~~\$2,000,000~~ 2001, \$4,000,000 for 2002, and \$2,000,000 for the first 6 months of 2001  
2     2003 to counties based on each of the following factors weighted equally:

3             **SECTION 3344f.** 301.26 (7) (a) 1. to 3. of the statutes are renumbered 301.26 (7)  
4     (b) 1. to 3.

5             **SECTION 3344g.** 301.26 (7) (c) of the statutes is created to read:

6             301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate  
7     \$523,300 for the last 6 months of 2001, \$1,576,600 for 2002, and \$1,053,300 for the  
8     first 6 months of 2003 to counties based on each of the factors specified in par. (b) 1.  
9     to 3. weighted equally, except that no county may receive an allocation under this  
10    paragraph that is less than 93% nor more than 115% of the amount that the county  
11    would have received under this paragraph if the allocation had been distributed only  
12    on the basis of the factor specified in par. (b) 3.”.

13            **1374.** Page 1076, line 7: after that line insert:

14            “**SECTION 3352u.** 301.46 (2s) of the statutes is created to read:

15            301.46 (2s) PROVIDING INFORMATION TO THE UNIVERSITY OF WISCONSIN SYSTEM.

16            (a) In this subsection:

17            1. “Board of regents” means the board of regents of the University of Wisconsin  
18     System.

19            2. “University of Wisconsin employee” means a person employed by the board  
20     of regents.

21            3. “University of Wisconsin student” means a person attending an institution  
22     within the University of Wisconsin System.

23            (b) When a University of Wisconsin employee or student registers with the  
24     department under s. 301.45 (2) or a person who is registered with the department

1 under s. 301.45 (2) becomes a University of Wisconsin employee or student, the  
2 department shall immediately provide in writing the following information about  
3 the person to the board of regents:

4 1. The person's name, including any aliases used by the person.

5 2. Information sufficient to identify the person, including date of birth, gender,  
6 race, height, weight, and hair and eye color.

7 3. The statute that the person violated, the date of conviction, adjudication, or  
8 commitment, and the county or, if the state is not this state, the state in which the  
9 person was convicted, adjudicated, or committed.

10 4. The address at which the person is residing.

11 5. If the person is a University of Wisconsin employee, the name and address  
12 of any institution at which the person works.

13 6. If the person is a University of Wisconsin student, the name and address of  
14 the institution that the person attends.

15 7. The most recent date on which the information under s. 301.45 was updated.

16 (c) When an individual described in par. (b) (intro.) updates information under  
17 s. 301.45 (4), the department shall immediately provide the updated information in  
18 writing to the board of regents.

19 **SECTION 3352w.** 301.46 (5) (a) (intro.) of the statutes is amended to read:

20 301.46 (5) (a) (intro.) The department or a police chief or sheriff may provide  
21 the information specified in par. (b) concerning a specific person required to register  
22 under s. 301.45 to a person who is not provided notice or access under ~~subs.~~ sub. (2)  
23 ~~to, (2m), (3), or (4)~~ if, in the opinion of the department or the police chief or sheriff,  
24 providing the information is necessary to protect the public and if the person  
25 requesting the information does all of the following:".

1           **1375.** Page 1076, line 7: after that line insert:

2           “**SECTION 3352r.** 301.46 (4) (d) of the statutes is created to read:

3           301.46 (4) (d) The department shall coordinate with the department of health  
4 and family services the sharing of address information of persons regarding whom  
5 notification bulletins are issued under sub. (2m) (a) or (am).”.

6           **1376.** Page 1077, line 8: delete lines 8 to 16.

7           **1377.** Page 1077, line 23: after that line insert:

8           “**SECTION 3354j.** 302.11 (1g) (b) 2. of the statutes is amended to read:

9           302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or  
10 treatment that the social service and clinical staff of the institution determines is  
11 necessary for the inmate, including pharmacological treatment using an  
12 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious  
13 child sex offender as defined in s. 304.06 (1q) (a). The parole commission may not  
14 deny presumptive mandatory release to an inmate because of the inmate’s refusal  
15 to participate in a rehabilitation program under s. 301.047.”.

16           **1378.** Page 1078, line 3: delete lines 3 to 11.

17           **1379.** Page 1078, line 17: delete the material beginning with that line and  
18 ending on page 1080, line 2.

19           **1380.** Page 1080, line 3: delete lines 3 to 6.

20           **1381.** Page 1080, line 7: delete lines 7 to 11.

21           **1382.** Page 1080, line 20: delete the material beginning with that line and  
22 ending with page 1083, line 21.

1           **1383.** Page 1084, line 4: delete the material beginning with that line and  
2 ending with page 1086, line 9.

3           **1384.** Page 1088, line 5: delete lines 5 to 11 and substitute:

4           “**SECTION 3386d.** 302.18 (7) of the statutes is amended to read:

5           302.18 (7) Except as provided in s. 973.013 (3m), the department shall keep all  
6 ~~prisoners~~ a person under 15 years of age who has been sentenced to the Wisconsin  
7 state prisons in a secured juvenile correctional facilities ~~or facility or a secured child~~  
8 ~~caring institutions~~ institution, but the department may transfer ~~them~~ that person  
9 to an adult correctional institutions institution after ~~they attain~~ the person attains  
10 15 years of age. The department may not transfer any person under 18 years of age  
11 to the correctional institution authorized in s. 301.16 (1n).”.

12           **1385.** Page 1088, line 12: delete lines 12 to 16.

13           **1386.** Page 1088, line 24: delete that line.

14           **1387.** Page 1089, line 1: delete lines 1 to 4.

15           **1388.** Page 1090, line 13: after that line insert:

16           “**SECTION 3389gm.** 303.04 of the statutes is amended to read:

17           **303.04 Correctional farms.** The board of commissioners of public lands, the  
18 department of natural resources, the department of forestry, and the department  
19 may select from the state forest reserves a quantity of land not to exceed 5,000 acres  
20 and convert the same into farms for the state prisons.”.

21           **1389.** Page 1093, line 12: delete lines 12 to 22.

22           **1390.** Page 1094, line 6: after that line insert:

23           “**SECTION 3390u.** 340.01 (4) (a) of the statutes is amended to read:

1           340.01 **(4)** (a) Type 1 is a motor vehicle designed and used primarily for carrying  
2 persons but which does not come within the definition of a low-speed vehicle, motor  
3 bus, motorcycle, moped or motor bicycle.

4           **SECTION 3390v.** 340.01 (19d) of the statutes is created to read:

5           340.01 **(19d)** “Golf cart” means a vehicle whose speed attainable in one mile  
6 does not exceed 20 miles per hour on a paved, level surface, and is used to convey one  
7 or more persons and equipment to play the game of golf in an area designated as a  
8 golf course.

9           **SECTION 3390x.** 340.01 (27m) of the statutes is created to read:

10          340.01 **(27m)** “Low-speed vehicle” means a low-speed vehicle, as defined in 49  
11 CFR 571.3, that satisfies the equipment standards under 49 CFR 571.500 and which  
12 was originally manufactured to meet the applicable equipment standards under 49  
13 CFR 571.500. “Low-speed vehicle” does not include a golf cart.

14          **SECTION 3390y.** 341.067 of the statutes is amended to read:

15          **341.067 Registration of special vehicles.** The department shall register a  
16 specially designed vehicle which is authorized for operation by a person holding a  
17 special restricted operator’s license under s. 343.135 if the special vehicle meets the  
18 equipment standards established under s. 347.02 (6) or (8).”.

19          **1391.** Page 1094, line 6: after that line insert:

20          **“SECTION 3390v.** 341.09 (8) of the statutes is amended to read:

21          341.09 **(8)** The department may issue a temporary operation plate to a person  
22 who is eligible for the issuance of a special plate for a motorcycle under s. 341.14 (1e)  
23 if the department determines that the person’s disability is temporary. The plate  
24 shall contain the information specified in sub. (1m) and comply with s. 341.13 (2m).

1 if applicable. The plate shall otherwise be similar to or identical to plates issued  
2 under s. 341.14 (1e). No charge in addition to the registration fee may be made for  
3 the issuance of a plate under this subsection.

4 **SECTION 3390w.** 341.13 (2m) of the statutes is created to read:

5 341.13 (2m) A registration plate issued for a motorcycle shall have a white  
6 background and black lettering and shall be 4 inches by 7 inches in size. No plates  
7 may be issued under this subsection until the manufacturer of such plates for the  
8 department has depleted the existing stock of sheeting material used to manufacture  
9 the plates or until July 1, 2003, whichever occurs first.”.

10 **1392.** Page 1094, line 6: after that line insert:

11 “**SECTION 3390v.** 340.01 (3) (b) of the statutes is amended to read:

12 340.01 (3) (b) Conservation wardens’ vehicles, state forest rangers’ vehicles or  
13 foresters’ trucks, whether publicly or privately owned.”.

14 **1393.** Page 1094, line 20: on lines 20 and 21, delete “55., or 56.” and substitute  
15 “or 55.”.

16 **1394.** Page 1095, line 4: on lines 4 and 20, delete “55., or 56.” and substitute  
17 “or 55.”.

18 **1395.** Page 1098, line 7: delete lines 7 to 19.

19 **1396.** Page 1098, line 20: delete the material beginning with “statutes” and  
20 ending with “(this act),” on line 21 and substitute “statutes”.

21 **1397.** Page 1098, line 24: delete “~~55., or 56.~~” and substitute “~~or 55.~~”.

22 **1398.** Page 1099, line 2: delete “~~55., or 56.~~” and substitute “~~or 55.~~”.

1           **1399.** Page 1101, line 10: delete the material beginning with that line and  
2 ending on page 1103, line 14.

3           **1400.** Page 1103, line 14: after that line insert:

4           “**SECTION 3406p.** 341.14 (6w) of the statutes is created to read:

5           341.14 (6w) Upon application to register a motorcycle by any person who is a  
6 resident of this state and a veteran of the U.S. armed forces, the department shall  
7 issue to the person a special plate whose colors and design shall indicate that the  
8 vehicle is owned by a veteran of the U.S. armed forces. The department shall specify  
9 the design of the special plate. Notwithstanding s. 341.13 (2m), the special plate  
10 shall be colored red, white, and blue and be 4 inches by 7 inches in size. An additional  
11 fee of \$15 shall be charged for the issuance or reissuance of the plate.”.

12           **1401.** Page 1103, line 23: after that line insert:

13           “**SECTION 3407e.** 341.25 (title) of the statutes is amended to read:

14           **341.25** (title) **Annual and biennial registration fees; ~~biennial~~**  
15 **motorcycle fees.**

16           **SECTION 3407h.** 341.25 (1) (b) of the statutes is amended to read:

17           341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds  
18 or less, except a specially designed vehicle under s. 341.067, which is designed for the  
19 transportation of persons rather than property, and for each low-speed vehicle, a  
20 biennial fee of \$23.

21           **SECTION 3407p.** 341.297 (1) of the statutes is amended to read:

22           341.297 (1) A motorcycle ~~or~~, moped, or low-speed vehicle, as specified in s.  
23 341.25 (1) (b).

24           **SECTION 3407r.** 341.31 (1) (b) 5. of the statutes is amended to read:



1           341.31 (1) (b) 5. The vehicle is a motorcycle ~~which~~ or low-speed vehicle that has  
2           been transferred or leased to the applicant and for which a current registration  
3           plates plate had been issued to the previous owner; or

4           **SECTION 3407v.** 341.31 (4) (c) of the statutes is amended to read:

5           341.31 (4) (c) A person retaining a set of plates plate removed from a motorcycle  
6           or low-speed vehicle may receive credit for the unused portion of the registration fee  
7           paid when registering a replacement motorcycle vehicle of the same type.”.

8           **1402.** Page 1103, line 23: after that line insert:

9           **“SECTION 3407g.** 341.145 (1) (f) of the statutes is created to read:

10          341.145 (1) (f) A registration plate of the same color and design as provided in  
11          s. 341.14 (6w) for a vehicle specified in s. 341.14 (6w), which displays a registration  
12          number composed of numbers or letters, or both, not exceeding 5 positions and not  
13          less than one position, requested by an applicant.

14          **SECTION 3407n.** 341.145 (1g) (e) of the statutes is created to read:

15          341.145 (1g) (e) The department may issue personalized registration plates  
16          under sub. (1) (f) to a person who qualifies for special plates under s. 341.14 (6w).

17          **SECTION 3407s.** 341.16 (1) (b) of the statutes is amended to read:

18          341.16 (1) (b) Upon satisfactory proof of the loss or destruction of a special plate  
19          issued under s. 341.14 (6m) (a) ~~or~~, (6r) (b), or (6w) or a special personalized plate  
20          issued under s. 341.145 (1) (b) ~~or~~, (c), or (f) and upon payment of a fee of \$5 for each  
21          plate or, if the plate is for a special group specified under s. 341.14 (6r) (f) 35. to 47.  
22          or 53., \$6 for each plate, the department shall issue a replacement.”.

23          **1403.** Page 1103, line 23: after that line insert:

24          **“SECTION 3407m.** 341.65 (2) (b) of the statutes is amended to read:

1           341.65 (2) (b) Any municipal or university police officer, sheriff's deputy, county  
2 traffic patrolman, state traffic officer, state forest ranger or conservation warden who  
3 discovers any unregistered motor vehicle located upon any highway may cause the  
4 motor vehicle to be immobilized with an immobilization device or removed to a  
5 suitable place of impoundment. Upon immobilization or removal of the motor  
6 vehicle, the officer, state forest ranger or conservation warden shall notify the sheriff  
7 or chief of police of the location of the immobilized or impounded motor vehicle and  
8 the reason for the immobilization or impoundment.”.

9           **1404.** Page 1104, line 13: after that line insert:

10           “**SECTION 3408t.** 342.15 (4) (a) of the statutes is amended to read:

11           342.15 (4) (a) If the vehicle being transferred is a motorcycle or low-speed  
12 vehicle or an automobile registered under s. 341.27 or a motor home or a motor truck,  
13 dual purpose motor home, or dual purpose farm truck which has a gross weight of  
14 not more than 8,000 pounds or a farm truck which has a gross weight of not more than  
15 12,000 pounds, the owner shall remove the registration plate or plates and retain and  
16 preserve ~~them~~ the plate or plates for use on any other vehicle of the same type and  
17 gross weight which may subsequently be registered in his or her name.

18           **SECTION 3408v.** 342.34 (1) (c) of the statutes is amended to read:

19           342.34 (1) (c) If the vehicle is a motorcycle or low-speed vehicle or an  
20 automobile registered under s. 341.27 or a motor home or a motor truck, dual purpose  
21 motor home, or dual purpose farm truck which has a gross weight of not more than  
22 8,000 pounds or a farm truck which has a gross weight of not more than 12,000  
23 pounds, the owner shall remove the registration plate or plates and retain and  
24 preserve ~~them~~ the plate or plates for use on any other vehicle of the same type which

1 may subsequently be registered in his or her name. If the vehicle is not a motorcycle  
2 or low-speed vehicle or an automobile registered under s. 341.27, or a motor home  
3 or a motor truck, dual purpose motor home, or dual purpose farm truck which has  
4 a gross weight of not more than 8,000 pounds or a farm truck which has a gross  
5 weight of not more than 12,000 pounds, he or she shall remove and destroy the plate  
6 or plates.

7 **SECTION 3408y.** 343.08 (1) (a) and (2) (a) of the statutes are amended to read:

8 343.08 (1) (a) The department must be satisfied that it is necessary for the  
9 applicant to operate an automobile, farm truck, dual purpose farm truck, low-speed  
10 vehicle, Type 1 motorcycle powered with an engine of not more than 125 cubic  
11 centimeters displacement, Type 2 motorcycle, moped or motor bicycle owned and  
12 registered by the applicant's parent or guardian or a farm truck leased to the  
13 applicant's parent or guardian.

14 (2) (a) A restricted license issued pursuant to this section is valid only until the  
15 licensee secures an operator's license issued pursuant to s. 343.03 or reaches 18 years  
16 of age and, except as provided in par. (b), entitles the licensee to operate an  
17 automobile, farm truck, dual purpose farm truck, low-speed vehicle, Type 1  
18 motorcycle powered with an engine of not more than 125 cubic centimeters  
19 displacement, Type 2 motorcycle, moped or motor bicycle owned and registered by  
20 the licensee's parent or guardian or a farm truck leased to the licensee's parent or  
21 guardian or any combination of these vehicles, depending on the restrictions placed  
22 by the department on the particular license.”.

23 **1405.** Page 1104, line 13: after that line insert:

24 “**SECTION 3408t.** 342.40 (3) (a) of the statutes is amended to read:

1           342.40 (3) (a) Any municipal or university police officer, police officer appointed  
2 under s. 16.84 (2), sheriff’s deputy, county traffic patrolman, state traffic officer, state  
3 forest ranger or conservation warden who discovers any motor vehicle, trailer,  
4 semitrailer, or mobile home on any public highway or private or public property  
5 which has been abandoned shall cause the vehicle to be removed to a suitable place  
6 of impoundment. Upon removal of the vehicle the officer, state forest ranger or  
7 conservation warden shall notify the sheriff or chief of police of the abandonment and  
8 of the location of the impounded vehicle.”.

9           **1406.** Page 1106, line 2: after that line insert:

10           “**SECTION 3409n.** 343.135 (2) (a) 1. of the statutes is amended to read:

11           343.135 (2) (a) 1. Motor bicycles or mopeds; ~~or~~.

12           **SECTION 3409r.** 343.135 (2) (a) 1m. of the statutes is created to read:

13           343.135 (2) (a) 1m. Low-speed vehicles.”.

14           **1407.** Page 1118, line 21: after that line insert:

15           “**SECTION 3427t.** 345.11 (1t) of the statutes is created to read:

16           345.11 (1t) The uniform traffic citation may be used by a traffic officer  
17 employed under s. 110.07 for a violation of s. 167.10 (3) (a) when committed on a  
18 highway.

19           **SECTION 3427tg.** 345.20 (2) (h) of the statutes is created to read:

20           345.20 (2) (h) Sections 23.50 to 23.85 apply to actions in circuit court to recover  
21 forfeitures for violations of s. 167.10 (3) (a). No demerit points may be assessed  
22 against the driving record of a person convicted of a violation of s. 167.10 (3) (a). No  
23 report of conviction of a violation of s. 167.10 (3) (a) may be forwarded to the  
24 department.”.

1           **1408.** Page 1125, line 10: after that line insert:

2           “**SECTION 3442d.** 346.16 (2) (a) of the statutes is amended to read:

3           346.16 **(2)** (a) Except as provided in par. (b), no pedestrian or person riding a  
4 bicycle or other nonmotorized vehicle and no person operating a low-speed vehicle,  
5 moped or motor bicycle may go upon any expressway or freeway when official signs  
6 ~~have been erected~~ prohibiting such person from using the expressway or freeway  
7 have been erected as provided in s. 349.105.”.

8           **1409.** Page 1129, line 6: after that line insert:

9           “**SECTION 3445c.** 346.94 (18) of the statutes is created to read:

10           346.94 **(18)** LOW-SPEED VEHICLES ON ROADWAY. (a) A person may operate a  
11 low-speed vehicle upon any roadway that is under the jurisdiction of a local  
12 authority and that has a speed limit of 25 or less miles per hour.

13           (b) No person may operate a low-speed vehicle upon any roadway that is under  
14 the jurisdiction of a local authority and that has a speed limit of more than 25 miles  
15 per hour but not more than 35 miles per hour unless the roadway is designated for  
16 low-speed vehicle operation by municipal or county ordinance enacted under s.  
17 349.237 (1).

18           (c) No person may operate a low-speed vehicle upon any highway that has a  
19 speed limit of more than 35 miles per hour. Except at crossings authorized under s.  
20 349.237 (2), and at intersections where traffic is controlled by an official traffic  
21 control device, no person may operate a low-speed vehicle upon a state trunk  
22 highway or connecting highway. This paragraph does not apply to vehicles  
23 registered under s. 341.26 (2m) or vehicles exempted from this paragraph by the  
24 department by rule.

1           **SECTION 3445d.** 346.95 (8) of the statutes is created to read:

2           346.95 **(8)** Any person violating s. 346.94 (18) may be required to forfeit not less  
3 than \$30 nor more than \$300.

4           **SECTION 3445e.** 347.02 (8) of the statutes is created to read:

5           347.02 **(8)** Notwithstanding the requirements of this chapter or s. 340.01  
6 (27m), the department may, by rule, establish for low-speed vehicles special  
7 equipment standards that differ from the equipment standards established under  
8 this chapter. Special equipment standards established under this subsection shall  
9 be identical to the federal standards established in 49 CFR 571.500, except that the  
10 department may establish additional standards for equipment not required under  
11 49 CFR 571.500.”.

12           **1410.** Page 1129, line 6: after that line insert:

13           “**SECTION 3445dg.** 347.14 (2) of the statutes is amended to read:

14           347.14 **(2)** A stop lamp shall be so constructed as to be actuated upon  
15 application of the service or foot brake or separate trailer brake and shall emit a red  
16 ~~or amber~~ light. The stop lamp for a motorcycle may emit, in addition to the red light,  
17 a blue light that is located in the center of the lamp and that comprises less than 10%  
18 of the surface area of the lamp. A stop lamp under this subsection shall be plainly  
19 visible and understandable from all distances up to 300 feet to the rear during  
20 normal sunlight when viewed from the driver’s seat of the vehicle following.

21           **SECTION 3445dm.** 347.25 (4) of the statutes is amended to read:

22           347.25 **(4)** ~~No~~ Except as provided in s. 347.14 (2), no vehicle may be equipped  
23 with or display any blue colored light or lamp unless the vehicle is used in police work

1 authorized by the state or a political subdivision of the state or is used by a fire  
2 department as authorized under sub. (1s).”.

3 **1411.** Page 1129, line 6: after that line insert:

4 “**SECTION 3445c.** 347.06 (1) of the statutes is amended to read:

5 347.06 (1) Except as provided in subs. (2) ~~and (4)~~, and (5), no person may  
6 operate a vehicle upon a highway during hours of darkness unless all headlamps, tail  
7 lamps, and clearance lamps with which such vehicle is required to be equipped are  
8 lighted. Parking lamps as defined in s. 347.27 shall not be used for this purpose.

9 **SECTION 3445d.** 347.06 (5) of the statutes is created to read:

10 347.06 (5) A state forest ranger appointed under s. 28.92 may operate a vehicle  
11 owned or leased by the department of forestry upon a highway during hours of  
12 darkness without lighted headlamps, tail lamps, or clearance lamps in the  
13 performance of his or her duties.”.

14 **1412.** Page 1130, line 24: after that line insert:

15 “**SECTION 3445p.** 348.16 (3) of the statutes is amended to read:

16 348.16 (3) Any motor vehicle whose operation is pickup or delivery, including  
17 operation for the purpose of moving or delivering supplies or commodities to or from  
18 any place of business or residence that has an entrance on a class “B” highway, may  
19 pick up or deliver on a class “B” highway ~~if the gross weight imposed on the highway~~  
20 ~~by the wheels of any one axle does not exceed 16,500 pounds, subject to the approval~~  
21 ~~of the county highway commissioner or the county highway committee in the case of~~  
22 ~~highways maintained by the county~~ without complying with the gross vehicle weight  
23 limitations imposed by sub. (2).”.

24 **1413.** Page 1133, line 9: after that line insert:

1           “**SECTION 3456.** 348.27 (10) of the statutes is amended to read:

2           **348.27 (10)** TRANSPORTATION OF GRAIN OR COAL OR IRON. The department may  
3 issue annual or consecutive month permits for the transportation of loads of grain,  
4 as defined in s. ~~127.01 (18)~~ 126.01 (13), coal, iron ore concentrates or alloyed iron on  
5 a vehicle or a combination of 2 or more vehicles that exceeds statutory weight or  
6 length limitations and for the return of the empty vehicle or combination of vehicles  
7 over any class of highway for a distance not to exceed 5 miles from the Wisconsin state  
8 line. If the roads desired to be used by the applicant involve streets or highways other  
9 than those within the state trunk highway system, the application shall be  
10 accompanied by a written statement of route approval by the officer in charge of  
11 maintenance of the other highway. This subsection does not apply to highways  
12 designated as part of the national system of interstate and defense highways.”.

13           **1414.** Page 1134, line 14: after that line insert:

14           “**SECTION 3456mg.** 349.06 (4) of the statutes is created to read:

15           **349.06 (4)** Any municipality or county may enact and enforce an ordinance that  
16 regulates the equipment of a low-speed vehicle if the ordinance strictly conforms to  
17 rules promulgated under s. 347.02 (8). An ordinance that incorporates by reference  
18 existing and future amendments of rules promulgated under s. 347.02 (8) shall be  
19 considered to be in strict conformity and not contrary to or inconsistent with s. 347.02  
20 (8) and rules promulgated under that subsection.”.

21           **1415.** Page 1134, line 15: delete lines 15 to 20.

22           **1416.** Page 1134, line 20: after that line insert:

23           “**SECTION 3456nm.** 349.105 of the statutes is amended to read:



1           **349.105 Authority to prohibit certain traffic on expressways and**  
2 **freeways.** The authority in charge of maintenance of an expressway or freeway  
3 may, by order, ordinance or resolution, prohibit the use of such expressway or  
4 freeway by pedestrians, persons riding bicycles or other nonmotorized traffic or by  
5 persons operating low-speed vehicles, mopeds or motor bicycles. The state or local  
6 authority adopting any such prohibitory regulation shall erect and maintain official  
7 signs giving notice thereof on the expressway or freeway to which such prohibition  
8 applies.”.

9           **1417.** Page 1134, line 22: after that line insert:

10           “**SECTION 3456s.** 349.237 of the statutes is created to read:

11           **349.237 Authority to regulate operation of low-speed vehicles.** The  
12 governing body of any municipality or county may by ordinance do any of the  
13 following:

14           **(1)** Designate any roadway under its jurisdiction having a speed limit of more  
15 than 25 miles per hour but not more than 35 miles per hour upon which a low-speed  
16 vehicle may be operated.

17           **(2)** Designate locations for low-speed vehicles to cross a state trunk highway  
18 or connecting highway that is not a controlled-access highway. A municipality or  
19 county may erect official signs or mark a crossing designated under this subsection  
20 only as directed by the department.”.

21           **1418.** Page 1134, line 23: after that line insert:

22           “**SECTION 3457m.** 350.01 (9g) of the statutes is amended to read:

1           350.01 (9g) “Law enforcement officer” has the meaning specified under s.  
2 165.85 (2) (c) and includes a person appointed as a conservation warden by the  
3 department under s. 23.10 (1) or a state forest ranger appointed under s. 28.92.”.

4           **1419.** Page 1140, line 11: after that line insert:

5           “**SECTION 3483m.** 350.12 (4) (b) (intro.) of the statutes, as affected by 2001  
6 Wisconsin Act .... (this act), is amended to read:

7           350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated  
8 under s. ~~ss.~~ 20.370 (1) (mq) and (5) (cb), (cr), (cs), and (cw) and 20.375 (3) (sg) shall  
9 be used for development and maintenance, the cooperative snowmobile sign  
10 program, major reconstruction or rehabilitation to improve bridges on existing  
11 approved trails, trail rehabilitation, signing of snowmobile routes, and state  
12 snowmobile trails, and areas and distributed as follows:”.

13           **1420.** Page 1140, line 19: after that line insert:

14           “**SECTION 3484m.** 350.12 (4) (bg) 1. of the statutes, as affected by 2001  
15 Wisconsin Act .... (this act), is amended to read:

16           350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the  
17 department of natural resources shall make available in fiscal year 2001–02 and  
18 each fiscal year thereafter an amount equal to the amount calculated under s. 25.29  
19 (1) (d) 2. to make payments to itself, to the department of forestry, or to a county under  
20 par. (bm) for trail maintenance costs incurred in the previous fiscal year that exceed  
21 the maximum specified under par. (b) 1. before expending any of the amount for the  
22 other purposes specified in par. (b).”.

23           **1421.** Page 1141, line 4: after that line insert:

24           “**SECTION 3485c.** 350.12 (4) (bm) (intro.) of the statutes is amended to read:

1           350.12 (4) (bm) *Supplemental trail aid payments; eligibility.* (intro.) A county  
2   or, the department of forestry, or the department of natural resources shall be eligible  
3   for payments under par. (bg) if it applies for the aid and if all of the following apply:

4           **SECTION 3485g.** 350.12 (4) (bm) 1. of the statutes is amended to read:

5           350.12 (4) (bm) 1. The actual cost incurred by the department of forestry, the  
6   department of natural resources, or the county in maintaining its trails that are  
7   qualified under par. (b) 1. or 4. in the previous fiscal year exceeds the maximum of  
8   \$250 per mile per year under par. (b) 1.

9           **SECTION 3485n.** 350.12 (4) (bm) 2. of the statutes is amended to read:

10          350.12 (4) (bm) 2. Of the actual cost incurred by the department of natural  
11   resources, the department of forestry, or the county in maintaining its trails that are  
12   qualified under par. (b) 1. or 4. for the fiscal year applicable under subd. 1., the actual  
13   cost incurred in grooming the trails exceeds a maximum of \$130 per mile per year.

14          **SECTION 3485r.** 350.12 (4) (br) of the statutes is amended to read:

15          350.12 (4) (br) *Supplemental trail aid payments; insufficient funding.* If the  
16   aid that is payable to counties ~~and,~~ to the department of natural resources, and to  
17   the department of forestry under par. (bm) exceeds the moneys available under par.  
18   (bg), the department of natural resources may prorate the payments or may request  
19   the joint committee on finance to take action under s. 13.101. The requirement of a  
20   finding of emergency under s. 13.101 (3) (a) 1. does not apply to such a request.

21          **SECTION 3485w.** 350.12 (4) (c) 1. of the statutes is amended to read:

22          350.12 (4) (c) 1. Any moneys appropriated under s. 20.370 (1) (mq), (3) (aq) or  
23   (9) (mw) or 20.375 (3) (sg) that lapse shall revert to the snowmobile account in the  
24   conservation fund.”.

1           **1422.** Page 1143, line 2: after that line insert:

2           “**SECTION 3491d.** 350.14 (1) of the statutes is amended to read:

3           350.14 (1) The snowmobile recreational council shall carry out studies and  
4           make recommendations to the legislature, governor, department of natural  
5           resources, department of forestry, and department of transportation on all matters  
6           related to this chapter or otherwise affecting snowmobiles and snowmobiling.

7           **SECTION 3491h.** 350.145 (3) (a) 1. of the statutes is amended to read:

8           350.145 (3) (a) 1. Before June 30 of each even-numbered year, the department  
9           shall consult with the department of forestry and the snowmobile recreational  
10          council on the proposed changes for the succeeding biennium in the appropriations  
11          and laws that affect snowmobiles and snowmobiling.

12          **SECTION 3491p.** 350.15 (3) (a) of the statutes is amended to read:

13          350.15 (3) (a) If a snowmobile accident results in the death of any person, or  
14          in an injury that requires the treatment of a person by a physician, the operator of  
15          each snowmobile involved in the accident shall give notice of the accident to a  
16          ~~conservation warden or local~~ law enforcement officer as soon as possible and, within  
17          10 days after the accident, shall file a written report of the accident with the  
18          department on the form prescribed by it.

19          **SECTION 3491t.** 350.17 (1) of the statutes is amended to read:

20          350.17 (1) Any ~~officer of the state traffic patrol under s. 110.07 (1), inspector~~  
21          ~~under s. 110.07 (3), warden of the department under s. 23.10, county sheriff or~~  
22          ~~municipal peace officer~~ law enforcement officer may enforce the provisions of this  
23          chapter.”.

24          **1423.** Page 1143, line 6: after that line insert:

1           **“SECTION 3492f.** 409.104 (12m) of the statutes is created to read:  
2           409.104 **(12m)** To a transfer of an interest under a rent-to-own agreement  
3           under subch. XI of ch. 218; or

4           **SECTION 3492r.** 421.202 (7m) of the statutes is created to read:  
5           421.202 **(7m)** A rent-to-own agreement under subch. XI of ch. 218;”.

6           **1424.** Page 1143, line 6: after that line insert:

7           **“SECTION 3492m.** 423.102 of the statutes is amended to read:  
8           **423.102 Scope.** This chapter applies to all consumer transactions, except that  
9           subch. II does not apply to cemetery preneed sales under s. ss. 440.92 and 440.922.”.

10          **1425.** Page 1145, line 10: after that line insert:

11          **“SECTION 3504f.** 440.03 (7m) of the statutes is amended to read:  
12          440.03 **(7m)** The department may promulgate rules that establish procedures  
13          for submitting an application for a credential or credential renewal by electronic  
14          transmission. Any rules promulgated under this subsection shall specify procedures  
15          for complying with any requirement that a fee be submitted with the application.  
16          The rules may also waive any requirement in chs. 440 to 480 that an application  
17          submitted to the department, an examining board or an affiliated credentialing  
18          board be executed, verified, certified, signed, sworn, or made under oath,  
19          notwithstanding ss. 440.26 (2) (b), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1)  
20          (a), 443.10 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a),  
21          452.10 (1), and 480.08 (2m).

22          **SECTION 3504h.** 440.03 (13) of the statutes is renumbered 440.03 (13) (a) and  
23          amended to read:

1           440.03 (13) (a) The Except as provided in par. (b), the department may conduct  
2 an investigation to determine whether an applicant for a credential issued under chs.  
3 440 to 480 satisfies any of the eligibility requirements specified for the credential,  
4 including whether the applicant does not have an arrest or conviction record.

5           (c) In conducting an investigation under ~~this subsection~~ par. (a) or (b), the  
6 department may require an applicant to provide any information that is necessary  
7 for the investigation or, for the purpose of obtaining information related to an arrest  
8 or conviction record of an applicant, to complete forms provided by the department  
9 of justice or the federal bureau of investigation. The department shall charge the  
10 applicant any fees, costs, or other expenses incurred in conducting the investigation  
11 under ~~this subsection~~ par. (a) or (b).

12           **SECTION 3504k.** 440.03 (13) (b) of the statutes is created to read:

13           440.03 (13) (b) Before granting a credential to a cemetery authority, cemetery  
14 salesperson, or preneed seller, or renewing such a credential, the department shall  
15 conduct an investigation to determine whether a person specified in s. 440.93 (1)  
16 (intro.) has been convicted of an offense specified in s. 440.93 (1) (d).”.

17           **1426.** Page 1145, line 15: after that line insert:

18           “**SECTION 3504w.** 440.05 (intro.) of the statutes is amended to read:

19           **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
20 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 442.06, 444.03,  
21 444.05, 444.11, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46:”.

22           **1427.** Page 1146, line 15: after that line insert:

23           “**SECTION 3508m.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

1           440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,  
2           ~~442.06~~, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46,  
3           the renewal dates and renewal fees for credentials are as follows.”.

4           **1428.** Page 1146, line 19: delete lines 19 to 21 and substitute:

5           “**SECTION 3510m.** 440.08 (2) (a) 2. of the statutes is repealed.”.

6           **1429.** Page 1149, line 8: after that line insert:

7           “**SECTION 3532m.** 440.08 (2) (a) 26m. of the statutes is created to read:

8           440.08 (2) (a) 26m. Dentist, faculty member: October 1 of each odd-numbered  
9           year; \$131.”.

10          **1430.** Page 1154, line 17: after that line insert:

11          “**SECTION 3579c.** 440.08 (2) (a) 66m. of the statutes is created to read:

12          440.08 (2) (a) 66m. Real estate closing agent: January 1 of each odd-numbered  
13          year; \$53.”.

14          **1431.** Page 1156, line 6: after that line insert:

15          “**SECTION 3607.** 445.125 (1) (a) 2. of the statutes is amended to read:

16          445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made  
17          irrevocable as to the first \$2,500 \$3,000 of the funds paid under the agreement by  
18          each depositor.”.

19          **1432.** Page 1156, line 6: after that line insert:

20          “**SECTION 3608e.** 450.03 (1) (f) of the statutes is created to read:

21          450.03 (1) (f) A person who has successfully completed his or her second year  
22          in, and is enrolled at, an accredited school of pharmacy and whose practice of  
23          pharmacy is limited to performing duties under the direct supervision of a person  
24          licensed as a pharmacist by the board.

1           **SECTION 3608f.** 450.03 (1) (g) of the statutes is created to read:

2           450.03 (1) (g) A person who has applied for a license under s. 450.05 whose  
3 practice of pharmacy is limited to performing duties under the direct supervision of  
4 a person licensed as a pharmacist by the board and during the period before which  
5 the board takes final action on the person’s application.

6           **SECTION 3608h.** 450.04 (3) (b) of the statutes is amended to read:

7           450.04 (3) (b) Has completed an internship in the practice of pharmacy under  
8 ~~s. 450.045~~ or has practical experience acquired in another state which is comparable  
9 to that included in the an internship and which is approved and verified by the board  
10 or by the agency which is the equivalent of the board in the state in which the  
11 practical experience was acquired.

12           **SECTION 3608L.** 450.045 of the statutes is repealed.”.

13           **1433.** Page 1156, line 6: after that line insert:

14           “**SECTION 3605pb.** 442.001 of the statutes is renumbered 442.001 (intro.) and  
15 amended to read:

16           **442.001 Definition Definitions.** (intro.) In this chapter, “examining:

17           **(3)** “Examining board” means the accounting examining board.

18           **SECTION 3605pd.** 442.001 (1) of the statutes is created to read:

19           442.001 (1) “Attest service” means any of the following:

20           (a) An audit or any other engagement that is performed or intended to be  
21 performed in accordance with rules promulgated under s. 442.01 (1) (a).

22           (b) A review of a financial statement that is performed or intended to be  
23 performed in accordance with rules promulgated under s. 442.01 (1) (b).



1 (c) An examination of prospective financial information that is performed or  
2 intended to be performed in accordance with rules promulgated under s. 442.01 (1)  
3 (c).

4 **SECTION 3605pf.** 442.001 (4) of the statutes is created to read:

5 442.001 (4) “Firm” means a proprietorship, partnership, limited liability  
6 partnership, corporation, service corporation, or limited liability company.

7 **SECTION 3605ph.** 442.001 (5) of the statutes is created to read:

8 442.001 (5) “Member of a firm” means a director, manager, employee, officer,  
9 owner, shareholder, principal, or partner of a firm.

10 **SECTION 3605pj.** 442.01 (1) of the statutes is created to read:

11 442.01 (1) The examining board shall promulgate rules that adopt by reference  
12 all of the following:

13 (a) The statements on auditing standards issued by the Auditing Standards  
14 Board of the American Institute of Certified Public Accountants.

15 (b) The statements on standards for accounting and review services issued by  
16 the Accounting and Review Services Committee of the American Institute of  
17 Certified Public Accountants.

18 (c) The statements on standards for attestation engagements issued by the  
19 Auditing Standards Board, the Accounting and Review Services Committee, and the  
20 Consulting Services Executive Committee of the American Institute of Certified  
21 Public Accountants.

22 **SECTION 3605pL.** 442.01 (2) of the statutes is amended to read:

23 442.01 (2) No standard or rule relating to professional conduct or unethical  
24 practice may be adopted until the examining board has held a public hearing with  
25 reference thereto, subject to the rules promulgated under s. 440.03 (1). No rule or

1 standard shall become effective until 60 days after its adoption by the examining  
2 board. Any person who has appeared at the public hearing and filed written protest  
3 against any proposed standard or rule may, upon the adoption of such standard or  
4 rule, obtain a review thereof under ch. 227. Thereafter every person practicing as  
5 a certified public accountant in the state shall be governed and controlled by the rules  
6 and standards prescribed by the examining board.

7 **SECTION 3605pn.** 442.01 (3) of the statutes is amended to read:

8 442.01 (3) The examining board shall record its proceedings.

9 **SECTION 3605pp.** 442.02 (title) of the statutes is amended to read:

10 **442.02** (title) **Public Certified public accountant, definition.**

11 **SECTION 3605pr.** 442.02 (1m) (intro.) of the statutes is amended to read:

12 442.02 (1m) (intro.) A person shall be considered to be in practice as a certified  
13 public accountant, within the meaning and intent of this chapter, if any of the  
14 following conditions is met:

15 **SECTION 3605pt.** 442.02 (1m) (a) of the statutes is amended to read:

16 442.02 (1m) (a) The person holds himself or herself out to the public in any  
17 manner as one skilled in the knowledge, science, and practice of accounting, and as  
18 qualified and ready to render professional service therein as a certified public  
19 accountant for compensation.

20 **SECTION 3605pv.** 442.02 (1m) (b) of the statutes is amended to read:

21 442.02 (1m) (b) The person maintains an office for the transaction of business  
22 as a certified public accountant or, except as an employee of a certified public  
23 accountant, practices accounting, as distinguished from bookkeeping, for more than  
24 one employer.

25 **SECTION 3605px.** 442.02 (1m) (dm) of the statutes is created to read:

1           442.02 **(1m)** (dm) The person provides or offers to provide an attest service.

2           **SECTION 3605pz.** 442.02 (5m) of the statutes is amended to read:

3           442.02 **(5m)** Subsection (1m) (f) does not prohibit any officer, employee,  
4 partner, or principal of any organization from affixing his or her signature to any  
5 statement or report in reference to the affairs of that organization with any wording  
6 designating the position, title, or office that he or she holds in that organization and  
7 ~~does not prohibit any act of a public official or public employee in the performance~~  
8 ~~of his or her duties.~~

9           **SECTION 3605rb.** 442.02 (6) of the statutes is amended to read:

10           442.02 **(6)** Every member of a ~~partnership and every officer and director of a~~  
11 ~~corporation~~ firm who, ~~in the capacity of partner, officer or director~~ as a member of the  
12 firm, does any of the things enumerated in sub. (1m) (a) to (f), shall be considered to  
13 be in practice as a certified public accountant.

14           **SECTION 3605rd.** 442.02 (7) of the statutes is renumbered 442.025 (1) and  
15 amended to read:

16           442.025 **(1)** ~~Nothing contained in this chapter shall prevent the employment~~  
17 Persons employed by a certified public accountant, ~~or by a public accountant, or by~~  
18 ~~a firm or corporation furnishing public accounting services as principal, of persons~~  
19 licensed under this chapter to serve as accountants in various capacities, as needed,  
20 if all of the following conditions are met:

21           (a) The employees serving as accountants work under the control and  
22 supervision of certified public accountants, ~~or accountants with certificates of~~  
23 ~~authority granted under s. 442.06.~~

1           (b) ~~Those~~ The employees serving as accountants shall do not issue any  
2 statements or reports over their own names except office reports to their employer  
3 that are customary.

4           (c) The employees serving as accountants are not in any manner held out to the  
5 public as certified public accountants ~~as described in this chapter~~.

6           **SECTION 3605rf.** 442.02 (8) of the statutes is renumbered 442.025 (2) and  
7 amended to read:

8           442.025 (2) ~~Nothing contained in this chapter shall apply to a~~ A practicing  
9 attorney, who, in connection with his or her professional work renders any  
10 accounting service.

11           **SECTION 3605rh.** 442.02 (9) of the statutes is renumbered 442.025 (3) and  
12 amended to read:

13           442.025 (3) (intro.) ~~Nothing contained in this chapter shall apply to any~~  
14 ~~persons who may be~~ A person employed by more than one person, ~~partnership or~~  
15 ~~corporation,~~ for the purpose of keeping books, making trial balances, or statements,  
16 and preparing ~~audits or~~ reports, if all of the following requirements are met:

17           (a) The ~~audits or~~ reports described in this subsection are not used or issued by  
18 the employers as having been prepared by a certified public accountant.

19           (b) The persons employed as described in this subsection do not do any of the  
20 things enumerated in sub. s. 442.02 (1m) (f) ~~without complying with sub. except as~~  
21 authorized under s. 442.02 (5m).

22           **SECTION 3605rj.** 442.02 (10) of the statutes is renumbered 442.025 (4) and  
23 amended to read:

24           442.025 (4) ~~Nothing contained in this chapter shall apply to~~ The holders of  
25 state-granted certified public accountant certificates from other states who may be

1 temporarily in this state on professional business incident to their regular practice  
2 in the states of their domicile, but with neither residence nor office in this state.

3 **SECTION 3605rL.** 442.025 of the statutes is created to read:

4 **442.025 Applicability.** This chapter does not require a certificate or license  
5 under this chapter for any of the following:

6 (5) A public official or public employee in performing his or her duties.

7 (6) A person who performs services involving the use of accounting skills,  
8 including management advisory services, the preparation of tax returns, and the  
9 preparation of financial statements without issuing reports on the statements.

10 (7) A person who prepares financial statements and issues information thereon  
11 that does not purport to be in compliance with the statement on standards for  
12 accounting and review services issued by the American Institute of Certified Public  
13 Accountants.

14 **SECTION 3605rn.** 442.03 (1) of the statutes is renumbered 442.03 and amended  
15 to read:

16 442.03 **Licenses required.** No person may lawfully practice in this state as  
17 a certified public accountant either in the person's own name, ~~or as an employee,~~ or  
18 under an assumed name, ~~or as an officer, member or employee of a firm,~~ or as an  
19 ~~officer or employee of a corporation~~ a member of a firm, unless the person has been  
20 granted by the examining board a certificate as a certified public accountant, and  
21 unless the person, ~~firm or corporation, jointly and severally, has~~ and firm have  
22 complied with all of the provisions of this chapter, including licensure.

23 **SECTION 3605rp.** 442.03 (2) of the statutes is repealed.

24 **SECTION 3605rr.** 442.03 (3) of the statutes is repealed.

25 **SECTION 3605rt.** 442.04 (3) of the statutes is repealed.

1           **SECTION 3605rv.** 442.04 (4) (b) of the statutes is repealed.

2           **SECTION 3605rx.** 442.04 (4) (bm) of the statutes is amended to read:

3           442.04 **(4)** (bm) ~~After December 31, 2000, a~~ A person may not take the  
4 examination leading to the certificate to practice as a certified public accountant  
5 unless the person has completed at least 150 semester hours of education with an  
6 accounting concentration at an institution, and has received a bachelor's or higher  
7 degree with an accounting concentration from an institution, except as provided in  
8 par. (c).

9           **SECTION 3605rz.** 442.04 (4) (c) of the statutes is amended to read:

10          442.04 **(4)** (c) If an applicant has a bachelor's or higher degree from an  
11 institution but does not have ~~a resident major in accounting required in par. (b) or~~  
12 ~~an accounting concentration required in par. (bm),~~ the examining board may review  
13 such other educational experience from an institution as the applicant presents and,  
14 if the examining board determines that such other experience provides the  
15 reasonable equivalence of ~~a resident major in accounting required in par. (b) or an~~  
16 ~~accounting concentration required in par. (bm),~~ the examining board shall approve  
17 the applicant for examination.

18          **SECTION 3605tb.** 442.04 (5) of the statutes is amended to read:

19          442.04 **(5)** The examining board may not grant a certificate as a certified public  
20 accountant to any person other than a person who is 18 years of age or older, does not  
21 have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, and,  
22 except as provided in s. 442.05, has successfully passed ~~a written~~ an examination  
23 in such subjects affecting accountancy as the examining board considers necessary.  
24 ~~If the person applying for the certificate passes the examination during the period~~  
25 ~~beginning on May 17, 1996, and ending on December 31, 2000, the examining board~~

1 ~~may not grant the certificate unless the applicant has at least 3 years of public~~  
2 ~~accounting experience or its equivalent, the sufficiency of the experience or the~~  
3 ~~equivalency to be judged by the examining board. If the person applying for the~~  
4 ~~certificate passes the examination after December 31, 2000, the The examining~~  
5 ~~board may not grant the certificate unless the applicant has at least 2 years one year~~  
6 ~~of public accounting experience or its equivalent, the sufficiency of the experience or~~  
7 ~~the equivalency to be judged by the examining board. The examining board shall~~  
8 ~~ensure that evaluation procedures and examinations are nondiscriminatory, relate~~  
9 ~~directly to accountancy, and are designed to measure only the ability to perform~~  
10 ~~competently as an accountant. The examining board may use the examination~~  
11 ~~service provided by the American Institute of Certified Public Accountants.~~

12 **SECTION 3605td.** 442.06 of the statutes is repealed.

13 **SECTION 3605tf.** 442.07 (title) of the statutes is amended to read:

14 **442.07 (title) Requirements for practice as certified public accountant**  
15 **or public accountant.**

16 **SECTION 3605th.** 442.07 (1) of the statutes is amended to read:

17 442.07 (1) Any person who has been issued a certificate of the person's  
18 qualifications to practice as a certified public accountant, shall be styled and known  
19 as a "certified public accountant" and no other person shall assume to use such title  
20 or the abbreviation "C.P.A." or any other word, words, letters, or figures to indicate  
21 that the person using the same is a certified public accountant. The terms "chartered  
22 accountant" and "certified accountant" and the abbreviation "C.A." are specifically  
23 prohibited to such other persons as being prima facie misleading to the public. Any  
24 person who has been issued a certificate of authority, as herein provided, shall be  
25 styled and known as a "public accountant" and no other person, other than a certified

1 ~~public accountant, shall assume to use such designation or any other word, words,~~  
2 ~~letters or figures to indicate that such person is entitled to practice as a public~~  
3 ~~accountant.~~

4 **SECTION 3605tj.** 442.07 (2) of the statutes is repealed.

5 **SECTION 3605tL.** 442.07 (3) of the statutes is amended to read:

6 442.07 (3) Any partnership, which firm that is entitled to practice as certified  
7 public accountants in this state or any other state, and every resident member ~~and~~  
8 ~~resident manager of which the firm who~~ is a certified public accountant of this state,  
9 after registering the partnership firm name with the examining board, may use the  
10 designation “certified public accountants” in connection with the partnership firm  
11 name. ~~Any partnership, every member and resident manager of which is a certified~~  
12 ~~public accountant of this state or any other state or holds a certificate of authority~~  
13 ~~under this chapter, after registering the partnership name with the examining~~  
14 ~~board, may use the designation “public accountants” in connection with the~~  
15 ~~partnership name. An assumed name, in use prior to September 21, 1935, may be~~  
16 ~~used the same as a partnership name, provided the individual persons practicing as~~  
17 ~~principals under that name hold certificates granted by the examining board and~~  
18 ~~register the name with the examining board.~~

19 **SECTION 3605tn.** 442.08 of the statutes is repealed and recreated to read:

20 **442.08 Licensure. (1)** The department shall issue a license to an individual  
21 who holds an unrevoked certificate as a certified public accountant, submits an  
22 application for the license on a form provided by the department, and pays the fee  
23 specified in s. 440.05 (1).



1           **(2)** The department shall issue a license to a firm that submits an application  
2 for the license on a form provided by the department, pays the fee specified in s.  
3 440.05 (1), and does each of the following:

4           (a) Identifies each office of the firm that is located in this state.

5           (b) If any person who holds an ownership interest in the firm is not licensed  
6 under sub. (1), designates an individual licensed under sub. (1) as the individual  
7 responsible for the firm’s compliance with this chapter.

8           (c) Demonstrates, to the satisfaction of the department, each of the following:

9           1. That all attest services provided by the firm in this state are under the charge  
10 of an individual licensed under sub. (1).

11           2. That more than 50% of the ownership interest of the firm is held by  
12 individuals who hold certificates or licenses to practice as a certified public  
13 accountant issued under the laws of any state or foreign country.

14           3. That each person who holds an ownership interest in the firm, and who does  
15 not hold a certificate or license to practice as a certified public accountant, is an  
16 individual who actively participates in the firm or an affiliated entity.

17           **(3)** The examining board shall promulgate rules that define “ownership  
18 interest” for purposes of sub. (2) and for determining the percentage of a person’s  
19 ownership interest in a firm. In promulgating the rules, the examining board shall  
20 consider the financial interests and voting rights of all members of a firm.

21           **SECTION 3605tp.** 442.083 of the statutes is created to read:

22           **442.083 Renewal.** The renewal dates and renewal fees for licenses issued  
23 under this chapter are specified under s. 440.08 (2) (a). The department may not  
24 renew a license issued to a firm unless, at the time of renewal, the firm satisfies the

1 requirements under s. 442.08 (2) and demonstrates, to the satisfaction of the  
2 department, that the firm has complied with the requirements under s. 442.087.

3 **SECTION 3605tr.** 442.087 of the statutes is created to read:

4 **442.087 Peer review. (1) DEFINITION.** In this section, “peer review” means  
5 a process for a person licensed under this chapter to evaluate the professional  
6 competency of the members of a firm who are responsible for attest services provided  
7 by the firm or who sign or authorize another individual to sign accounting reports  
8 or financial statements on behalf of the firm.

9 **(2) RENEWAL OF FIRM LICENSES.** After January 1, 2005, the department may not  
10 renew the license of a firm unless, at least once every 3 years, the firm undergoes the  
11 peer review that is specified in the rules promulgated under sub. (3) and that is  
12 conducted by a person approved by the examining board under the rules who is not  
13 affiliated with the firm or members of the firm undergoing review.

14 **(3) RULES.** The examining board shall promulgate rules that describe the peer  
15 review required to renew a firm’s license under sub. (2). The rules shall include  
16 requirements for the examining board to approve one or more persons to conduct the  
17 peer reviews. The rules shall also require each person approved by the examining  
18 board to conduct peer reviews to periodically report to the examining board on the  
19 effectiveness of the peer reviews conducted by the person and to provide the  
20 examining board with a listing of all firms that have undergone peer review  
21 conducted by the person.

22 **(4) CONFIDENTIALITY.** A person approved by the examining board to conduct  
23 peer reviews may not disclose to any person, including the examining board or the  
24 department, any information obtained or document produced during the course of or

1 as a result of a review unless the firm undergoing the review consents to the  
2 disclosure.

3 **SECTION 3605tt.** 442.10 (1) of the statutes is amended to read:

4 442.10 (1) Whenever any person, as a certified public accountant ~~or public~~  
5 ~~accountant~~, signs or certifies any report, schedule, or statement relative to the affairs  
6 of any corporation, association, or partnership in which the person is financially  
7 interested or by which the person is regularly engaged as an officer or employee, the  
8 signature or certification shall be accompanied by a specific statement setting forth  
9 the fact that the person is financially interested in or is an officer or regular employee  
10 of the corporation, association, or partnership. If the person is both financially  
11 interested and an officer or regular employee, the statement shall cover both  
12 financial interest and employment. In the case of a ~~corporation holding a certificate~~  
13 ~~of authority~~ firm signing or certifying as ~~above~~ described in this subsection, the  
14 interest of any of its ~~stockholders~~ members shall be disclosed.

15 **SECTION 3605tv.** 442.10 (2) of the statutes is amended to read:

16 442.10 (2) Notwithstanding sub. (1), no person licensed under this chapter, and  
17 no firm of which the person is a ~~partner or shareholder~~ member, may express an  
18 opinion as an independent certified public accountant on financial statements of any  
19 enterprise unless the person and the firm are independent of the enterprise. The  
20 requirement for independence under this subsection also extends to the spouse of  
21 such a person and to other relatives having a financial or business relationship with  
22 the enterprise which, in the opinion of the examining board, may impair  
23 independence.

24 **SECTION 3605tx.** 442.11 (1) of the statutes is amended to read:

1           442.11 (1) Uses any term other than certified public accountant or the  
2 abbreviation C. P. A. to indicate that he or she is a certified public accountant with  
3 a specially granted title.

4           **SECTION 3605tz.** 442.11 (2) of the statutes is amended to read:

5           442.11 (2) While practicing under an assumed name, or as a member of a  
6 partnership firm, other than a partnership firm with a name that is registered under  
7 s. 442.07 ~~as composed of certified public accountants, or as an officer of a corporation~~  
8 (3), announces, either in writing or by printing, that the assumed name, ~~partnership~~  
9 ~~or corporation~~ or firm is practicing as a certified public accountant.

10          **SECTION 3605vb.** 442.11 (3) of the statutes is repealed.

11          **SECTION 3605vd.** 442.11 (4) of the statutes is repealed.

12          **SECTION 3605vf.** 442.11 (6) of the statutes is repealed.

13          **SECTION 3605vh.** 442.11 (7) of the statutes is amended to read:

14          442.11 (7) Practices as a certified public accountant ~~or as a public accountant~~  
15 after his or her certificate has been revoked.

16          **SECTION 3605vj.** 442.11 (8) of the statutes is amended to read:

17          442.11 (8) As an individual, ~~member of a partnership or officer or director of~~  
18 ~~a corporation~~ or member of a firm, practices or permits the partnership ~~or~~  
19 ~~corporation~~ firm to practice as a certified public accountant ~~or as a public accountant~~  
20 unless a license has been secured for the current licensure period.

21          **SECTION 3605vL.** 442.11 (9) of the statutes is amended to read:

22          442.11 (9) Sells, buys, gives, or obtains an alleged certificate as a certified  
23 public accountant, ~~a certificate of authority~~ or a license in any manner other than  
24 that provided for by this chapter.

25          **SECTION 3605vn.** 442.11 (10) of the statutes is amended to read:

1           442.11 (10) Attempts to practice as a certified public accountant ~~or as a public~~  
2           ~~accountant~~ under the guise of a certificate not granted by the examining board or  
3           under cover of a certificate obtained illegally or fraudulently.

4           **SECTION 3605vp.** 442.11 (12) of the statutes is amended to read:

5           442.11 (12) Attempts by any subterfuge to evade the provisions of this chapter  
6           while practicing as a certified public accountant.

7           **SECTION 3605vr.** 442.11 (13) of the statutes is amended to read:

8           442.11 (13) As an individual, ~~a member of a partnership or an officer of a~~  
9           ~~corporation~~ or member of a firm, permits to be announced by printed or written  
10          statement that any report, certificate, exhibit, schedule, or statement has been  
11          prepared by or under supervision of a certified public accountant ~~or by or under~~  
12          ~~supervision of a public accountant~~ when the person who prepared the report,  
13          certificate, exhibit, schedule, or statement was not a certified public accountant ~~or~~  
14          ~~public accountant~~.

15          **SECTION 3605vt.** 442.12 (intro.) of the statutes is amended to read:

16          **442.12 Disciplinary action.** (intro.) Subject to the rules promulgated under  
17          s. 440.03 (1), the examining board may do any of the following:

18          **SECTION 3605vv.** 442.12 (3) of the statutes is amended to read:

19          442.12 (3) In the case of a ~~corporation or a partnership~~ firm, revoke, limit, or  
20          suspend the license of the ~~partnership or corporation~~ firm, or reprimand it, if it is  
21          found that any ~~officer, director or member~~ of the firm has been guilty of such act or  
22          omission as would be cause for revoking, limiting, or suspending a certificate or  
23          license to the person as an individual or for reprimanding the person.

24          **SECTION 3605vx.** 442.13 of the statutes is amended to read:

1           **442.13 Ownership of accountant’s working papers.** All statements,  
2 records, schedules, working papers, and memoranda made by a certified public  
3 accountant ~~or public accountant~~ incident to or in the course of professional service  
4 to clients by ~~such a certified public~~ certified public accountant, except reports submitted by a  
5 certified public accountant ~~or public accountant~~ to a client, shall be and remain the  
6 property of ~~such the certified public~~ the certified public accountant, in the absence of an express  
7 agreement between ~~such the certified public~~ the certified public accountant and the client to the  
8 contrary. No such statement, record, schedule, working paper, or memorandum shall  
9 be sold, transferred, or bequeathed, without the consent of the client or the client’s  
10 personal representative or assignee, to anyone other than ~~one or more surviving~~  
11 ~~partners or new or successor partners of such~~ any member of the firm of the certified  
12 public accountant.

13           **SECTION 3605vz.** 442.14 of the statutes is repealed.

14           **SECTION 3608m.** 447.34 (2) of the statutes is amended to read:

15           447.34 **(2)** Legal counsel, certified public accountants licensed under ch. 442,  
16 or other persons as to matters the director or officer believes in good faith are within  
17 the person’s professional or expert competence.”.

18           **1434.** Page 1156, line 6: after that line insert:

19           “**SECTION 3608b.** 452.07 (1m) of the statutes is created to read:

20           452.07 **(1m)** The department shall promulgate rules that specify the  
21 supervisory duties of brokers under s. 452.12 (3).

22           **SECTION 3608d.** 452.12 (3) (a) of the statutes is renumbered 452.12 (3) and  
23 amended to read:

1           452.12 (3) BROKER'S LIABILITY FOR ACTS OF EMPLOYEES. Each broker shall  
2 supervise, and is responsible for the acts of, any broker, salesperson, or time-share  
3 salesperson employed by the broker.

4           **SECTION 3608f.** 452.12 (3) (b) of the statutes is repealed.

5           **SECTION 3608h.** 452.139 (2) (c) of the statutes is amended to read:

6           452.139 (2) (c) Nothing in this subsection limits the liability of a broker under  
7 s. 452.12 (3) (a) for misrepresentations made by an employee who is a broker.  
8 Nothing in this subsection limits the liability of a client for a misrepresentation that  
9 the client makes in connection with brokerage services.”.

10          **1435.** Page 1156, line 6: after that line insert:

11          “**SECTION 3608d.** 447.04 (1) (b) of the statutes is amended to read:

12          447.04 (1) (b) ~~The Except as provided in par. (c), the examining board may grant~~  
13 a license to practice dentistry to an individual who is licensed in good standing to  
14 practice dentistry in another state or territory of the United States or in another  
15 country if the applicant meets the requirements for licensure established by the  
16 examining board by rule and upon presentation of the license and payment of the fee  
17 specified under s. 440.05 (2).

18          **SECTION 3608f.** 447.04 (1) (c) of the statutes is created to read:

19          447.04 (1) (c) 1. The examining board shall grant a license to practice dentistry  
20 to an applicant who is licensed in good standing to practice dentistry in another  
21 jurisdiction upon presentation of the license and who does all of the following:

22           a. Pays the fee specified in s. 440.05 (2).

1           b. Submits evidence satisfactory to the examining board that the applicant has  
2 been offered employment as a full-time faculty member at a school of dentistry in  
3 this state.

4           c. Makes responses during any interview that the examining board may  
5 require that demonstrate, to the satisfaction of the examining board, that the  
6 applicant is competent to practice dentistry.

7           2. A license granted under subd. 1. authorizes the license holder to practice  
8 dentistry only within educational facilities and only for the purpose of carrying out  
9 the license holder's teaching duties.

10          3. A license granted under subd. 1. is no longer in effect if the license holder  
11 ceases to be employed as a full-time faculty member at a school of dentistry in this  
12 state.

13          4. The examining board may promulgate rules to carry out the purposes of this  
14 paragraph.”.

15          **1436.** Page 1156, line 6: after that line insert:

16          “**SECTION 3608cg.** 452.01 (3p) of the statutes is created to read:

17          452.01 **(3p)** “Closing agent” means any person who coordinates the closing of  
18 a conveyance of real estate by ensuring that title to the real estate is transferred to  
19 the buyer and that the purchase price is transferred to the seller, except that “closing  
20 agent” does not include any of the following:

21           (a) A receiver, trustee, administrator, executor, guardian, or other person  
22 appointed by or acting under the judgment or order of any court.

23           (b) A public officer while performing his or her official duties.

24           (c) A depository institution.



1 (d) An employee of a person specified in pars. (a) to (c) when the employee is  
2 engaged in the specific performance as such an employee.

3 (e) An attorney licensed to practice in this state while acting within the scope  
4 of his or her attorney's license.

5 **SECTION 3608cm.** 452.035 of the statutes is created to read:

6 **452.035 Closing agents.** No person, including an escrow agent, as defined in  
7 s. 138.052 (5m) (a) or 707.49 (1) (d), may engage in the business or occupation of, or  
8 advertise or hold himself or herself out as, a closing agent unless the person is  
9 registered as a closing agent by the department. The department shall issue a  
10 certificate of registration as a closing agent to a person who submits an application  
11 to the department on a form provided by the department, pays the fee specified in  
12 s. 440.05 (1), and submits evidence satisfactory to the department that he or she is  
13 competent to act as a closing agent. Renewal applications shall be submitted to the  
14 department on a form provided by the department on or before the applicable  
15 renewal date specified under s. 440.08 (2) (a) and shall include the applicable  
16 renewal fee specified under s. 440.08 (2) (a).

17 **SECTION 3608cr.** 452.05 (1) (a) of the statutes is amended to read:

18 452.05 (1) (a) Grant and issue licenses to brokers and salespersons and  
19 registrations to time-share salespersons and closing agents.

20 **SECTION 3608dg.** 452.11 (1) of the statutes is amended to read:

21 452.11 (1) A nonresident may become a broker, salesperson ~~or~~, time-share  
22 salesperson, or closing agent by conforming to all the provisions of this chapter.

23 **SECTION 3608dm.** 452.12 (6) (a) of the statutes is amended to read:

24 452.12 (6) (a) Any licensee, except a time-share salesperson registered under  
25 s. 452.025 or a closing agent registered under s. 452.035, may apply for registration

1 as an inactive licensee on or before the license renewal date. This paragraph does  
2 not apply after October 31, 1995.

3 **SECTION 3608dr.** 452.13 (1) (b) of the statutes is renumbered 452.01 (3w).

4 **SECTION 3608eg.** 452.13 (1) (c) of the statutes is created to read:

5 452.13 (1) (c) “Closing funds” means any money related to the closing of real  
6 estate conveyance that is received by a closing agent. “Closing funds” does not  
7 include client funds, unless the client funds are transferred to a closing agent.

8 **SECTION 3608em.** 452.13 (2) (a) of the statutes is amended to read:

9 452.13 (2) (a) A broker who holds client funds or a closing agent who holds  
10 closing funds shall establish an interest-bearing common trust account in a  
11 depository institution. The interest-bearing common trust account shall earn  
12 interest at a rate not less than that applicable to individual accounts of the same  
13 type, size, and duration and for which withdrawals or transfers can be made without  
14 delay, subject to any notice period that the depository institution is required to  
15 observe by law or regulation.

16 **SECTION 3608er.** 452.13 (2) (b) (intro.) of the statutes is amended to read:

17 452.13 (2) (b) (intro.) Any broker or closing agent who maintains an  
18 interest-bearing common trust account shall do all of the following:

19 **SECTION 3608fg.** 452.13 (2) (c) of the statutes is amended to read:

20 452.13 (2) (c) A broker or closing agent shall deposit all client funds or closing  
21 funds in the interest-bearing common trust account.

22 **SECTION 3608fm.** 452.13 (2) (e) (intro.) of the statutes is amended to read:

23 452.13 (2) (e) (intro.) For each interest-bearing common trust account, the  
24 broker or closing agent shall direct the depository institution to do all of the  
25 following:

1           **SECTION 3608fr.** 452.13 (2) (e) 2. of the statutes is amended to read:

2           452.13 **(2)** (e) 2. When the interest remittance is sent, furnish to the  
3 department of administration and to the broker or closing agent maintaining the  
4 interest-bearing common trust account a statement that includes the name of the  
5 broker or closing agent for whose account the remittance is made, the rate of interest  
6 applied, the amount of service charges or fees deducted, if any, and the account  
7 balance for the period that the statement covers.

8           **SECTION 3608gg.** 452.13 (2) (f) 1. of the statutes is amended to read:

9           452.13 **(2)** (f) 1. May not assess a service charge or fee that is due on an  
10 interest-bearing common trust account against any broker or closing agent or,  
11 except as provided in subd. 3., against any other account, regardless of whether the  
12 same broker or closing agent maintains the other account.

13           **SECTION 3608gm.** 452.13 (3) of the statutes is amended to read:

14           452.13 **(3)** DEPOSIT PROVISIONS. A broker or closing agent who deposits client  
15 funds or closing funds in an interest-bearing common trust account in compliance  
16 with this section may not be held liable to the owner or beneficial owner of the client  
17 funds or closing funds for damages due to compliance with this section. A broker,  
18 salesperson, or time-share salesperson who deposits client funds, or a closing agent  
19 who deposits closing funds, in an interest-bearing common trust account in  
20 compliance with this section is not required to disclose alternative depository  
21 arrangements that could be made by the parties or to disclose that a deposit will be  
22 made under this section.

23           **SECTION 3608gr.** 452.13 (4) of the statutes is amended to read:

1           452.13 (4) TRUST ACCOUNT OPTIONAL. This section does not require a broker or  
2 closing agent to hold client funds or closing funds or require a person to transfer  
3 client funds to a broker or transfer closing funds to a closing agent.

4           **SECTION 3608hg.** 452.14 (1) of the statutes is amended to read:

5           452.14 (1) The department shall, upon motion of the board or upon its own  
6 determination, conduct investigations and, as appropriate, may hold hearings and  
7 make findings, if the department receives credible information that a broker,  
8 salesperson or time-share salesperson, or closing agent has violated this chapter or  
9 any rule promulgated under this chapter.

10          **SECTION 3608hm.** 452.14 (3) (intro.) of the statutes is amended to read:

11          452.14 (3) (intro.) Disciplinary proceedings shall be conducted by the board  
12 according to rules adopted under s. 440.03 (1). The board may revoke, suspend, or  
13 limit any broker's, salesperson's or time-share salesperson's, or closing agent's  
14 license or registration, or reprimand the holder of the license or registration, if it  
15 finds that the holder of the license or registration has:

16          **SECTION 3608hr.** 452.14 (3) (b) of the statutes is amended to read:

17          452.14 (3) (b) Made any substantial misrepresentation with reference to a  
18 transaction injurious to a seller or purchaser in which the broker, salesperson or  
19 time-share salesperson, or closing agent acts as agent;

20          **SECTION 3608ig.** 452.14 (3) (h) of the statutes is amended to read:

21          452.14 (3) (h) Failed, within a reasonable time, to account for or remit any  
22 moneys coming into the broker's, salesperson's or time-share salesperson's, or  
23 closing agent's possession which belong to another person;

24          **SECTION 3608im.** 452.14 (3) (i) of the statutes is amended to read:

1           452.14 (3) (i) Demonstrated incompetency to act as a broker, salesperson or,  
2 time-share salesperson, or closing agent in a manner which safeguards the interests  
3 of the public;

4           **SECTION 3608ir.** 452.14 (3) (jm) of the statutes is amended to read:

5           452.14 (3) (jm) Intentionally encouraged or discouraged any person from  
6 purchasing or renting real estate in a particular area on the basis of race. If the board  
7 finds that any broker, salesperson or, time-share salesperson, or closing agent has  
8 violated this paragraph, the board shall, in addition to any temporary penalty  
9 imposed under this subsection, apply the penalty provided in s. 452.17 (4);

10          **SECTION 3608jg.** 452.17 (2) of the statutes is amended to read:

11          452.17 (2) Any person who engages in or follows the business or occupation of,  
12 or advertises or holds himself or herself out as or acts temporarily or otherwise as,  
13 a time-share salesperson or closing agent in this state without being registered with  
14 the department shall be prosecuted by the district attorney in the county where the  
15 violation occurs and may be fined not less than \$25 nor more than \$200 or imprisoned  
16 not less than 10 days nor more than 6 months or both.

17          **SECTION 3608jm.** 452.17 (4) (a) (intro.) of the statutes is amended to read:

18          452.17 (4) (a) (intro.) If the board finds that any broker, salesperson or,  
19 time-share salesperson, or closing agent has violated s. 452.14 (3) (jm), the board:

20          **SECTION 3608jr.** 452.17 (4) (a) 1. of the statutes is amended to read:

21          452.17 (4) (a) 1. Shall, for the first offense, suspend the license or registration  
22 of the broker, salesperson or, time-share salesperson, or closing agent for not less  
23 than 90 days.

24          **SECTION 3608kg.** 452.17 (4) (a) 2. of the statutes is amended to read:

1           452.17 (4) (a) 2. Shall, for the 2nd offense, revoke the license or registration of  
2 the broker, salesperson or, time–share salesperson, closing agent.

3           **SECTION 3608km.** 452.20 of the statutes is amended to read:

4           **452.20 Limitation on actions for commissions.** No person engaged in the  
5 business or acting in the capacity of a broker, salesperson or, time–share salesperson,  
6 or closing agent within this state may bring or maintain an action in the courts of this  
7 state for the collection of a commission or compensation for the performance of any  
8 act mentioned in this chapter without alleging and proving that he or she was a duly  
9 licensed broker, or salesperson or registered time–share salesperson or closing agent  
10 at the time the alleged cause of action arose.

11           **SECTION 3608kr.** 452.21 of the statutes is amended to read:

12           **452.21 Compensation presumed.** In any prosecution for violation of this  
13 chapter, proof that a person acted as a broker, agent, salesperson or, time–share  
14 salesperson, or closing agent is prima facie proof that compensation therefor was  
15 received or promised.

16           **SECTION 3608Lg.** 452.22 (2) of the statutes is amended to read:

17           **452.22 (2)** The certificate of the secretary or his or her designee to the effect that  
18 a specified individual or business entity is not or was not on a specified date the  
19 holder of a broker’s, salesperson’s or, time–share salesperson’s, or closing agent’s  
20 license or registration, or that a specified license or registration was not in effect on  
21 a date specified, or as to the issuance, limitation, suspension, or revocation of any  
22 license or registration or the reprimand of any holder thereof, the filing or  
23 withdrawal of any application or its existence or nonexistence, is prima facie  
24 evidence of the facts therein stated for all purposes in any action or proceedings.”.

1           **1437.** Page 1156, line 6: after that line insert:

2           “**SECTION 3605gb.** 440.90 (1) of the statutes is renumbered 440.90 (1d).

3           **SECTION 3605gf.** 440.90 (1c) of the statutes is created to read:

4           440.90 (1c) “Burial space” has the meaning given in s. 157.061 (1d).

5           **SECTION 3605gL.** 440.90 (3g) of the statutes is created to read:

6           440.90 (3g) “Columbarium” has the meaning given in s. 157.061 (3g).

7           **SECTION 3605gn.** 440.90 (3r) of the statutes is created to read:

8           440.90 (3r) “Columbarium space” has the meaning given in s. 157.061 (3r).

9           **SECTION 3605gp.** 440.90 (4e) of the statutes is created to read:

10          440.90 (4e) “Lawn crypt” has the meaning given in s. 157.061 (8g).

11          **SECTION 3605gx.** 440.90 (10r) of the statutes is created to read:

12          440.90 (10r) “Religious cemetery authority” has the meaning given in s.  
13          157.061 (15m).

14          **SECTION 3605ic.** 440.91 (1) of the statutes is amended to read:

15          440.91 (1) Except as provided in sub. (6m), every cemetery authority that sells  
16          or solicits the sale of a total of 10 or more ~~cemetery lots or mausoleum~~ burial spaces  
17          during a calendar year and that pays any commission or other compensation to any  
18          person for selling or soliciting the sale of its ~~cemetery lots or mausoleum~~ burial  
19          spaces shall register with the department. The registration shall be in writing and  
20          shall include the names of the officers of the cemetery authority.

21          **SECTION 3605ih.** 440.91 (2) (intro.) of the statutes is amended to read:

22          440.91 (2) (intro.) Except as provided in subs. (7) and (10), every individual who  
23          sells or solicits the sale of, or who expects to sell or solicit the sale of, a total of 10 or  
24          more ~~cemetery lots or mausoleum~~ burial spaces during a calendar year shall register

1 with the department. An individual may not be registered as a cemetery salesperson  
2 except upon the written request of a cemetery authority and the payment of the fee  
3 specified in s. 440.05 (1). The cemetery authority shall certify in writing to the  
4 department that the individual is competent to act as a cemetery salesperson.  
5 Within 10 days after the certification of any cemetery salesperson, the cemetery  
6 salesperson shall verify and furnish to the department, in such form as the  
7 department prescribes, all of the following information:

8 **SECTION 3605in.** 440.91 (6m) of the statutes is repealed and recreated to read:

9 440.91 (6m) The registration requirement under sub. (1) does not apply to any  
10 of the following:

11 1. A religious cemetery authority.

12 2. A town, village, or city or fraternal or benevolent society that does not operate  
13 a cemetery in a county with a population that is greater than 600,000.

14 **SECTION 3605iq.** 440.91 (7) of the statutes is renumbered 440.91 (7) (intro.) and  
15 amended to read:

16 440.91 (7) (intro.) An individual who solicits the sale of ~~cemetery lots or~~  
17 ~~mausoleum~~ burial spaces in a cemetery organized, maintained, and operated by ~~a~~  
18 any of the following is not required to be registered under sub. (2):

19 (b) A town, village, or city, church, synagogue or mosque, religious, or fraternal  
20 or benevolent society or incorporated college of a religious order is not required to be  
21 registered under sub. (2), if the cemetery is not in a county with a population that is  
22 greater than 600,000.

23 **SECTION 3605is.** 440.91 (7) (a) of the statutes is created to read:

24 440.91 (7) (a) A religious cemetery authority.

25 **SECTION 3605iv.** 440.91 (9) of the statutes is amended to read:



1           440.91 **(9)** No cemetery authority or cemetery salesperson registered under  
2 sub. (1) or (2) may pay a fee or commission as compensation for a referral or as a  
3 finder's fee relating to the sale of a ~~cemetery lot~~, cemetery merchandise or  
4 ~~mausoleum~~ a burial space to any person who is not registered under sub. (1) or (2)  
5 or who is not regularly and lawfully engaged in the sale of ~~cemetery lots~~, cemetery  
6 merchandise or ~~mausoleum~~ burial spaces in another state or territory of the United  
7 States or a foreign country.

8           **SECTION 3605kd.** 440.92 (1) (a) of the statutes is amended to read:

9           440.92 **(1)** (a) Except as provided in subs. (4), (9) (a) and (10), every individual  
10 who sells or solicits the sale of cemetery merchandise or an undeveloped space under  
11 a preneed sales contract ~~and, if the is required to be registered under this subsection~~  
12 and, if applicable, comply with the requirements under s. 445.125. If such an  
13 individual is employed by or acting as an agent for a cemetery authority or any other  
14 person, that cemetery authority or other person is also required to be registered  
15 under this subsection.

16           **SECTION 3605kL.** 440.92 (2) (title) of the statutes is renumbered 440.922 (title).

17           **SECTION 3605km.** 440.92 (2) (a) of the statutes is renumbered 440.922 (1) (a),  
18 and 440.922 (1) (a) 2., 3., 3g. and 4. (intro.), as renumbered, are amended to read:

19           440.922 **(1)** (a) 2. By affixing the cemetery merchandise to the ~~cemetery lot or~~  
20 ~~mausoleum~~ burial space.

21           3. By storing the cemetery merchandise in a warehouse that is located on the  
22 property of the preneed seller if the preneed seller insures the cemetery merchandise  
23 and the preneed sales contract requires the preneed seller to ultimately affix the  
24 cemetery merchandise to the ~~cemetery lot or mausoleum~~ burial space without  
25 additional charge.

1           3g. By storing the cemetery merchandise anywhere on the property of the  
2 preneed seller if the property of the preneed seller is located in this state, the preneed  
3 seller insures the cemetery merchandise and the preneed sales contract requires the  
4 preneed seller to ultimately affix the cemetery merchandise to a ~~cemetery lot~~ burial  
5 space, to the outside of or the grounds surrounding a mausoleum or columbarium or  
6 to any other outdoor location without additional charge.

7           4. (intro.) By having the cemetery merchandise stored in a warehouse that is  
8 not located on the property of the preneed seller if the warehouse has agreed to ship  
9 the cemetery merchandise to the preneed seller, purchaser, or beneficiary named in  
10 the preneed sales contract without additional charge to the purchaser and the  
11 preneed sales contract requires that the cemetery merchandise ultimately be affixed  
12 to the ~~cemetery lot or mausoleum~~ burial space without additional charge. If the  
13 cemetery merchandise is delivered under this subdivision, all of the following apply:

14           **SECTION 3605kn.** 440.92 (2) (am) of the statutes is renumbered 440.922 (2) and  
15 amended to read:

16           **440.922 (2) AFFIXTURE OF CEMETERY MERCHANDISE.** If a preneed sales contract  
17 for the sale of cemetery merchandise requires the preneed seller to ultimately affix  
18 the cemetery merchandise to a ~~cemetery lot, mausoleum~~ burial space or other  
19 location but the purchaser has not informed the preneed seller of the location where  
20 the cemetery merchandise is to be affixed and the location where the cemetery  
21 merchandise is to be affixed is not specified in the preneed sales contract, the preneed  
22 sales contract may provide that the preneed seller may charge the purchaser an  
23 additional fee at the time that the cemetery merchandise is affixed not to exceed the  
24 additional costs to the preneed seller that are necessitated by the purchaser's choice  
25 of location.

1           **SECTION 3605kp.** 440.92 (2) (b) of the statutes is renumbered 440.922 (1) (b).

2           **SECTION 3605kr.** 440.92 (2) (c) of the statutes is renumbered 440.922 (3) and  
3 amended to read:

4           440.922 (3) VOIDING OF CONTRACTS. Except as provided in ~~par. (cm)~~ sub. (4), a  
5 preneed sales contract shall provide that if the purchaser voids the preneed sales  
6 contract at any time within 10 days after the date of the initial payment the preneed  
7 seller shall, within 30 days after the date on which the preneed sales contract is  
8 voided, refund all money paid by the purchaser for cemetery merchandise that has  
9 not been supplied or delivered and for the mausoleum space.

10           **SECTION 3605kt.** 440.92 (2) (cm) of the statutes is renumbered 440.922 (4).

11           **SECTION 3605kv.** 440.92 (2) (d) of the statutes is renumbered 440.922 (5) (a).

12           **SECTION 3605kx.** 440.92 (2) (e) of the statutes is renumbered 440.922 (5) (b).

13           **SECTION 3605kz.** 440.92 (2) (f) of the statutes is renumbered 440.922 (5) (c) and  
14 amended to read:

15           440.922 (5) (c) If a preneed sales contract is voided under par. ~~(e)~~ (b), the  
16 preneed seller shall, within 30 days after the date on which the preneed sales  
17 contract is voided, refund all money paid by the purchaser, together with interest  
18 calculated at the legal rate of interest as provided under s. 138.04.

19           **SECTION 3605mb.** 440.92 (2) (g) and (h) of the statutes are renumbered 440.922  
20 (6) and (10).

21           **SECTION 3605md.** 440.92 (2) (i) of the statutes is renumbered 440.922 (7) and  
22 amended to read:

23           440.922 (7) TRUSTING REQUIREMENTS. If a preneed sales contract includes  
24 provisions for the sale of cemetery merchandise or an undeveloped space that is  
25 subject to the trusting requirements under ~~sub. s. 440.92~~ (3) (a) and (b) and for the

1 sale of other goods or services that are not subject to the trusting requirements under  
2 ~~sub. s. 440.92~~ (3) (a) and (b), the sale price of the goods or services that are not subject  
3 to the trusting requirements may not be inflated for the purpose of allocating a lower  
4 sale price to the cemetery merchandise or undeveloped space that is subject to the  
5 trusting requirements.

6 **SECTION 3605mf.** 440.92 (2) (j) of the statutes is renumbered 440.922 (8).

7 **SECTION 3605mh.** 440.92 (2) (k) of the statutes is renumbered 440.922 (9) and  
8 amended to read:

9 440.922 (9) NOTICE OF RIGHTS. A preneed sales contract shall include the  
10 following language in not less than 10–point boldface type: “SECTION 440.92 (2)  
11 440.922 OF THE WISCONSIN STATUTES SPECIFIES THE RIGHTS OF THE  
12 PURCHASER UNDER THIS CONTRACT. DEPENDING ON THE  
13 CIRCUMSTANCES, THESE MAY INCLUDE THE RIGHT TO VOID THE  
14 CONTRACT AND RECEIVE A REFUND OR THE RIGHT TO ASSIGN AN  
15 INTEREST IN THE CONTRACT TO ANOTHER PERSON.”

16 **SECTION 3605mj.** 440.92 (3) (a) (intro.) of the statutes is amended to read:

17 440.92 (3) (a) (intro.) ~~A- Except as provided in par. (am), a~~ preneed seller shall  
18 deposit into a preneed trust fund an amount equal to at least 40% of each payment  
19 of principal that is received from the sale of cemetery merchandise under a preneed  
20 sales contract, or the wholesale cost ratio for the cemetery merchandise multiplied  
21 by the amount of the payment of principal that is received, whichever is greater. In  
22 addition to the amount required to be deposited under this paragraph for the sale of  
23 cemetery merchandise and except as provided in par. (c), if a preneed seller receives  
24 payment for the sale of an undeveloped space under a preneed sales contract, the  
25 preneed seller shall deposit a percentage of each payment of principal that is received

1 from the sale of the undeveloped space into a preneed trust fund, determined as  
2 follows:

3 **SECTION 3605mm.** 440.92 (3) (am) of the statutes is created to read:

4 440.92 (3) (am) A preneed seller who sells cemetery merchandise for use in a  
5 county with a population greater than 600,000 shall deposit into a preneed trust fund  
6 an amount equal to at least 40% of each payment of principal that is received from  
7 the sale of cemetery merchandise under a preneed sales contract. In addition to the  
8 amount required to be deposited under this paragraph for the sale of cemetery  
9 merchandise and except as provided in par. (c), if a preneed seller who sells an  
10 undeveloped space located in a county with a population greater than 600,000  
11 receives payment for the undeveloped space under a preneed sales contract, the  
12 preneed seller shall deposit at least 40% of each payment of principal that is received  
13 from the sale of the undeveloped space into a preneed trust fund.

14 **SECTION 3605mn.** 440.92 (3) (c) (intro.) of the statutes is amended to read:

15 440.92 (3) (c) (intro.) A preneed seller is not required to make the deposits  
16 required under par. (a) ~~1. and 2.~~ or (am) for payments for sales of undeveloped spaces  
17 under preneed contracts if any of the following applies:

18 **SECTION 3605mv.** 440.92 (5) of the statutes is renumbered 440.924.

19 **SECTION 3605mx.** 440.92 (6) (title) of the statutes is renumbered 440.926 (title)  
20 and amended to read:

21 **440.926** (title) **Reporting; Preneed seller reporting and record keeping;**  
22 **audits.**

23 **SECTION 3605mz.** 440.92 (6) (a) of the statutes is renumbered 440.926 (1) (a)  
24 and amended to read:

1           440.926 (1) (a) Every preneed seller registered under ~~sub. s. 440.92~~ (1) shall  
2 file an annual report with the department. The report shall be made on a form  
3 prescribed and furnished by the department. The report shall be made on a  
4 calendar-year basis unless the department, by rule, provides for other reporting  
5 periods. The report is due on or before the 60th day after the last day of the reporting  
6 period.

7           **SECTION 3605ob.** 440.92 (6) (b) and (c) of the statutes are renumbered 440.926  
8 (1) (b) and (c).

9           **SECTION 3605od.** 440.92 (6) (d) of the statutes is renumbered 440.926 (2) (c)  
10 and amended to read:

11           440.926 (2) (c) All records described under ~~pars. sub. (1) (b) 2. and (c)~~ and  
12 maintained by the department are confidential and are not available for inspection  
13 or copying under s. 19.35 (1). This paragraph does not apply to any information  
14 regarding the name, address, or employer of or financial information related to an  
15 individual that is requested under s. 49.22 (2m) by the department of workforce  
16 development or a county child support agency under s. 59.53 (5).

17           **SECTION 3605of.** 440.92 (6) (e) and (f) of the statutes are renumbered 440.926  
18 (1) (d) and (e).

19           **SECTION 3605oh.** 440.92 (6) (g) of the statutes is renumbered 440.926 (2) (a),  
20 and 440.926 (2) (a) 1. and 2., as renumbered, are amended to read:

21           440.926 (2) (a) 1. The records needed to prepare the reports required under ~~par.~~  
22 sub. (1) (a).

23           2. Records that show, for each deposit in a trust fund or account specified in  
24 ~~pars. sub. (1) (b) 2. and (c)~~, the name of the purchaser or beneficiary of the preneed  
25 sales contract relating to the deposit and the item purchased.

1           **SECTION 3605oj.** 440.92 (6) (h) of the statutes is renumbered 440.926 (2) (b) and  
2 amended to read:

3           440.926 **(2)** (b) The records under ~~par. sub. (1)~~ (b) 1. shall be permanently  
4 maintained by the preneed seller. The records under ~~par. sub. (1)~~ (b) 2. shall be  
5 maintained for not less than 3 years after all of the obligations of the preneed sales  
6 contract have been fulfilled. The department may promulgate rules to establish  
7 longer time periods for maintaining records under this paragraph.

8           **SECTION 3605oL.** 440.92 (6) (i) of the statutes is renumbered 440.926 (3) (a) and  
9 amended to read:

10           440.926 **(3)** (a) The department may promulgate rules requiring preneed  
11 sellers registered under ~~sub. s. 440.92~~ (1) to maintain other records and establishing  
12 minimum time periods for the maintenance of those records.

13           **SECTION 3605on.** 440.92 (6) (j) of the statutes is renumbered 440.926 (4) and  
14 amended to read:

15           440.926 **(4)** AUDITS. The department may audit, at reasonable times and  
16 frequency, the records, trust funds, and accounts of any preneed seller registered  
17 under ~~sub. s. 440.92~~ (1), including records, trust funds, and accounts pertaining to  
18 services provided by a preneed seller which are not otherwise subject to the  
19 requirements under this ~~section~~ subchapter. The department may conduct audits  
20 under this ~~paragraph~~ subsection on a random basis, and shall conduct all audits  
21 under this ~~paragraph~~ subsection without providing prior notice to the preneed seller.

22           **SECTION 3605op.** 440.92 (6) (k) of the statutes is renumbered 440.926 (3) (b)  
23 and amended to read:

1           440.926 **(3)** (b) The department may promulgate rules establishing a filing fee  
2 to accompany the report required under ~~par. sub. (1)~~ (a). The filing fee shall be based  
3 on the approximate cost of regulating preneed sellers.

4           **SECTION 3605or.** 440.92 (7) of the statutes is renumbered 440.927 and  
5 amended to read:

6           **440.927 Approval of warehouses.** No person may own or operate a  
7 warehouse unless the warehouse is approved by the department. Upon application,  
8 the department shall approve a warehouse that is located in this state if the person  
9 who operates the warehouse is licensed as a public warehouse keeper by the  
10 department of agriculture, trade and consumer protection under ch. 99, but may not  
11 approve a warehouse that is located in this state unless the person is so licensed. The  
12 department shall promulgate rules establishing the requirements for approval of  
13 warehouses that are located outside this state. The rules shall require warehouses  
14 that are located outside this state to file with the department a bond furnished by  
15 a surety company authorized to do business in this state in an amount that is  
16 sufficient to guarantee the delivery of cemetery merchandise to purchasers under  
17 preneed sales contracts. The department shall compile and keep a current list of the  
18 names and addresses of all warehouses approved under this ~~subsection~~ section and  
19 shall make the list available for public inspection during the times specified in s.  
20 230.35 (4) (f).

21           **SECTION 3605ot.** 440.92 (9) (title) of the statutes is amended to read:

22           440.92 **(9)** (title) EXEMPTIONS; CERTIFICATION OF COMPLIANCE OF RELIGIOUS  
23 CEMETERY AFFILIATED WITH RELIGIOUS SOCIETY AUTHORITIES.

24           **SECTION 3605ov.** 440.92 (9) (a) of the statutes is amended to read:



1           440.92 (9) (a) ~~If the cemetery authority of a cemetery that is affiliated with a~~  
2 ~~religious society organized under ch. 187 or that religious society a religious~~  
3 ~~cemetery authority or the church, synagogue, mosque, incorporated college of a~~  
4 ~~religious order, or religious society organized under ch. 187 that is affiliated with a~~  
5 ~~religious cemetery authority~~ files an annual certification with the department as  
6 provided in this subsection, neither the religious cemetery authority nor any  
7 employee of the cemetery is required to be registered as a cemetery preneed seller  
8 under sub. (1) during the period for which the certification is effective, but the  
9 religious cemetery authority and any employee are required to comply, if applicable,  
10 with the requirements of s. 445.125.

11           **SECTION 3605ox.** 440.92 (9) (b) 3. of the statutes is amended to read:

12           440.92 (9) (b) 3. A notarized statement of a person who is legally authorized to  
13 act on behalf of the religious ~~society~~ cemetery authority under this subsection that,  
14 during the 12-month period immediately preceding the date on which the  
15 certification is filed with the department, each employee specified under subd. 2. and  
16 the religious cemetery authority have either fully complied or have substantially  
17 complied with ~~subs. (2),~~ sub. (3) (a) and (b) and (5) ss. 440.922 and 440.924.

18           **SECTION 3605oz.** 440.92 (9) (c) of the statutes is amended to read:

19           440.92 (9) (c) If the statement under par. (b) 3. includes a statement of  
20 substantial compliance, the statement of substantial compliance must also specify  
21 those instances when the employee or religious cemetery authority did not fully  
22 comply with ~~sub. (2),~~ (3) (a) or (b) or ~~(5)~~ s. 440.922 or 440.924.

23           **SECTION 3605qb.** 440.92 (9) (e) of the statutes is amended to read:

24           440.92 (9) (e) During the effective period specified under par. (d), the  
25 department may not audit the preneed trust funds or any records or accounts

1 relating to the preneed trust funds of the religious cemetery authority or any  
2 employee of the cemetery to which a certification under this subsection applies.

3 **SECTION 3605qd.** 440.92 (9) (f) of the statutes is amended to read:

4 440.92 (9) (f) The church, synagogue, mosque, incorporated college of a  
5 religious order, or religious society that is affiliated with a cemetery to which a  
6 certification under this subsection applies is liable for the damages of any person  
7 that result from the failure of any employee specified under par. (b) 2. or the religious  
8 cemetery authority to fully comply with sub. ~~(2)~~, (3) (a) or (b) or ~~(5)~~ s. 440.922 or  
9 440.924 during the 12-month period for which such compliance has been certified  
10 under this subsection.

11 **SECTION 3605qg.** 440.92 (10) of the statutes is amended to read:

12 440.92 (10) EXEMPTIONS; CERTAIN NONPROFIT CEMETERIES. This section does not  
13 apply to a cemetery authority that is not required to be registered under s. 440.91  
14 (1) ~~and~~, that is not organized or conducted for pecuniary profit, and that does not  
15 operate a cemetery in a county with a population greater than 600,000.

16 **SECTION 3605qh.** 440.922 (1) (title) of the statutes is created to read:

17 440.922 (1) (title) DELIVERY OF CEMETERY MERCHANDISE.

18 **SECTION 3605qhc.** 440.922 (4) (title) of the statutes is created to read:

19 440.922 (4) (title) PHYSICAL ALTERATION OF CEMETERY MERCHANDISE.

20 **SECTION 3605qhe.** 440.922 (5) (title) of the statutes is created to read:

21 440.922 (5) (title) UNDEVELOPED SPACE SALES.

22 **SECTION 3605qhg.** 440.922 (6) (title) of the statutes is created to read:

23 440.922 (6) (title) INTEREST ASSIGNMENTS.

24 **SECTION 3605qhj.** 440.922 (8) (title) of the statutes is created to read:

25 440.922 (8) (title) CONTRACT REQUIREMENTS.

1           **SECTION 3605qhk.** 440.922 (10) (title) of the statutes is created to read:

2           440.922 **(10)** (title) CONFLICTING PROVISIONS.

3           **SECTION 3605qj.** 440.926 (1) (title) of the statutes is created to read:

4           440.926 **(1)** (title) REPORTS.

5           **SECTION 3605qjd.** 440.926 (2) (title) of the statutes is created to read:

6           440.926 **(2)** (title) RECORDS.

7           **SECTION 3605qjf.** 440.926 (3) (title) of the statutes is created to read:

8           440.926 **(3)** (title) RULES.

9           **SECTION 3605qr.** 440.93 (1) (b) of the statutes is amended to read:

10           440.93 **(1)** (b) Made a substantial misrepresentation or false promise to an  
11 individual to influence the individual to purchase ~~a cemetery lot~~, cemetery  
12 merchandise or ~~mausoleum~~ a burial space.

13           **SECTION 3605qt.** 440.93 (1) (c) of the statutes is amended to read:

14           440.93 **(1)** (c) Engaged in any practice relating to the operation or management  
15 of a cemetery or the sale of ~~a cemetery lot~~, cemetery merchandise or ~~mausoleum~~ a  
16 burial space which clearly demonstrates a lack of knowledge or ability to apply  
17 professional principles or skills.

18           **SECTION 3605qx.** 440.93 (1) (d) of the statutes is amended to read:

19           440.93 **(1)** (d) ~~Subject to ss. 111.321, 111.322 and 111.335, been convicted of an~~  
20 ~~offense~~ Violated any law the circumstances of which substantially relate to the  
21 operation or management of a cemetery or the sale of ~~a cemetery lot~~, cemetery  
22 merchandise or ~~mausoleum~~ a burial space. A certified copy of a judgment of  
23 conviction is prima facie evidence of a violation.

24           **SECTION 3605qz.** 440.93 (1) (f) of the statutes is amended to read:

1           440.93 (1) (f) Subject to ss. 111.321, 111.322, and 111.34, engaged in any  
2 practice relating to the operation or management of a cemetery or the sale of a  
3 cemetery lot, cemetery merchandise or mausoleum a burial space while the person's  
4 ability to practice was impaired by mental disease or defect or alcohol or other drugs.

5           **SECTION 3605sb.** 440.93 (1) (g) of the statutes is amended to read:

6           440.93 (1) (g) Violated this subchapter or subch. II of ch. 157, any rule  
7 promulgated under this subchapter or subch. II of ch. 157, or any order of the  
8 department.

9           **SECTION 3605sd.** 440.93 (1m) of the statutes is created to read:

10           440.93 (1m) The department may, in addition to or in lieu of a reprimand or  
11 revocation, limitation, suspension, or denial of a certificate of registration, assess  
12 against a person registered under this subchapter who has done anything specified  
13 in sub. (1) (a) to (g) a forfeiture of no more than \$5,000 for each separate offense. Each  
14 day of continued violation constitutes a separate offense.

15           **SECTION 3605sh.** 440.945 (1) (a) of the statutes is amended to read:

16           440.945 (1) (a) "Installed" means permanently affixed to a ~~cemetery lot~~ burial  
17 space.

18           **SECTION 3605sj.** 440.945 (2) (a) of the statutes is amended to read:

19           440.945 (2) (a) Adopt regulations, consistent with this section and with  
20 standards that the cemetery authority uses for its own monument installations,  
21 prescribing requirements and procedures for the sale, delivery, installation, or care  
22 of monuments, including requirements that each vendor provide reasonable advance  
23 notice to the cemetery authority of the date on which the vendor desires to install a  
24 monument; that each vendor carry worker's compensation insurance and a  
25 minimum amount of comprehensive general liability insurance, such minimum

1 amount not to exceed \$300,000; and that each owner of a ~~cemetery lot~~ burial space  
2 pay all fees and other amounts due the cemetery authority to satisfy any  
3 encumbrances pertaining to the ~~cemetery lot~~ burial space before a monument is  
4 installed.

5 **SECTION 3605sL.** 440.945 (2) (c) of the statutes is amended to read:

6 440.945 (2) (c) Charge either the owner of a ~~cemetery lot~~ burial space or a  
7 vendor a reasonable fee to cover the cemetery authority's labor costs. In this  
8 paragraph, "labor costs" means the amount, calculated in accordance with generally  
9 accepted accounting principles and practices, that is payable to employees of the  
10 cemetery authority for wages and fringe benefits for the period that the employees  
11 were engaged in marking the location for and inspecting the installation of the  
12 monument to ensure that it was properly installed, and may include any general  
13 administrative or overhead costs of the cemetery authority or any other costs that  
14 are directly related to marking the location for and inspecting the installation of the  
15 monument to ensure that it was properly installed.

16 **SECTION 3605sn.** 440.945 (3) (a) (intro.) of the statutes is amended to read:

17 440.945 (3) (a) (intro.) Every cemetery authority shall keep on file and make  
18 available for inspection and copying to owners and prospective purchasers of  
19 ~~cemetery lots~~ burial spaces and to other interested persons all of the following  
20 information:

21 **SECTION 3605sp.** 440.945 (4) (a) 1. of the statutes is amended to read:

22 440.945 (4) (a) 1. Require the owner or purchaser of a ~~cemetery lot~~ burial space  
23 to purchase a monument or services related to the installation of a monument from  
24 the cemetery authority.

25 **SECTION 3605sr.** 440.945 (4) (a) 2. of the statutes is amended to read:

1           440.945 (4) (a) 2. Restrict the right of the owner or purchaser of a cemetery lot  
2 burial space to purchase a monument or services related to the installation of a  
3 monument from the vendor of his or her choice.

4           **SECTION 3605st.** 440.945 (4) (a) 3. of the statutes is amended to read:

5           440.945 (4) (a) 3. Except as provided in sub. (2) (c), charge the owner or  
6 purchaser of a cemetery lot burial space a fee for purchasing a monument or services  
7 related to the installation of a monument from a vendor, or charge a vendor a fee for  
8 delivering or installing the monument. Nothing in this subdivision shall be  
9 construed to prohibit a cemetery authority from charging the owner or purchaser of  
10 a cemetery lot burial space a reasonable fee for services relating to the care of a  
11 monument.

12           **SECTION 3605sv.** 440.945 (4) (a) 4. of the statutes is amended to read:

13           440.945 (4) (a) 4. Discriminate against any owner or purchaser of a cemetery  
14 lot burial space who has purchased a monument or services related to the  
15 installation of a monument from a vendor.

16           **SECTION 3605ud.** 440.947 (1) (c) of the statutes is renumbered 440.90 (6g).

17           **SECTION 3605uh.** 440.948 of the statutes is created to read:

18           **440.948 Burial agreements.** Any agreement for the purchase of a casket,  
19 outer burial container not preplaced into the burial excavation of a grave, or  
20 combination casket–outer burial container, that is not immediately required for the  
21 burial or other disposition of human remains, is subject to the requirements of s.  
22 445.125 (1).

23           **SECTION 3605uv.** 440.95 (4) (c) of the statutes is amended to read:

24           440.95 (4) (c) Fails to file a report or files an incomplete, false, or misleading  
25 report under s. ~~440.92 (6)~~ 440.926.

1           **SECTION 3605ux.** 440.95 (5) of the statutes is amended to read:

2           440.95 (5) Except as provided in sub. (4), any person who violates ~~s. ss.~~ ss. 440.92  
3 to 440.927 or any rule promulgated under ~~s. ss.~~ ss. 440.92 to 440.927 may be required  
4 to forfeit not more than \$200 for each offense. Each day of continued violation  
5 constitutes a separate offense.”.

6           **1438.** Page 1156, line 7: after that line insert:

7           “**SECTION 3619sd.** 560.036 (2) (a) of the statutes is amended to read:

8           560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.854, 16.855 (10m), 16.87  
9 (2), 18.16, 18.64, 18.77, 25.17 (59), 25.185, 34.05 (4), 38.18, 43.17 (9) (a), 59.52 (29)  
10 (c), 59.57 (1) (b), 60.47 (7), 61.55 (3), 62.15 (1) (c), 66.0901 (6), 84.075, 84.076, 119.495  
11 (2), 120.12 (27), 200.49, 200.57, 229.46, 229.70, 229.8273, 229.845, 231.27 and,  
12 232.05 (2) (d), 234.01 (4n) (a) 3m. d., 234.35, 234.65 (1) (g), 252.12 (2) (c) 2., 560.038,  
13 560.039, and 560.80 to 560.85, the department shall establish and periodically  
14 update a list of certified minority businesses, minority financial advisers, and  
15 minority investment firms. Any business, financial adviser, or investment firm may  
16 apply to the department for certification. For purposes of this paragraph, unless the  
17 context otherwise requires, a “business” includes a financial adviser or investment  
18 firm.

19           **SECTION 3619sg.** 560.036 (3) (a) of the statutes is amended to read:

20           560.036 (3) (a) The department shall promulgate rules establishing procedures  
21 to implement sub. (2). Those rules shall include a rule prescribing a uniform  
22 application form for certification under sub. (2).

23           **SECTION 3619sj.** 560.036 (3) (c) of the statutes is amended to read:

1           560.036 (3) (c) The department may promulgate rules establishing conditions  
2 with which a business, financial adviser, or investment firm must comply to qualify  
3 for certification, in addition to the qualifications specified under sub. (1) (e), (ep), and  
4 (fm), respectively. Those rules may not require that a business, financial adviser, or  
5 investment firm submit any income or franchise tax return to the department as a  
6 condition for qualification for certification.

7           **SECTION 3619sm.** 560.038 (1) (ar) of the statutes is amended to read:

8           560.038 (1) (ar) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
9 means a business that is certified by the department under s. 560.036 (2).

10          **SECTION 3619sp.** 560.039 (1) (b) of the statutes is amended to read:

11          560.039 (1) (b) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
12 means a business that is certified by the department under s. 560.036 (2).”.

13          **1439.** Page 1156, line 7: after that line insert:

14          “**SECTION 3619w.** 560.06 (2) of the statutes is amended to read:

15          560.06 (2) In each fiscal year ~~1999–2000~~, the department ~~may~~ shall provide up  
16 ~~to~~ \$100,000 from the appropriations under s. 20.143 (1) (c) and (ie) in assistance to  
17 ~~a~~ the nonprofit organization specified in sub. (1) that provides assistance to  
18 organizations and individuals in urban areas. Notwithstanding sub. (1), the  
19 department shall use the moneys authorized under this subsection in accordance  
20 with the memorandum of understanding under sub. (1) and shall ensure that the  
21 nonprofit organization provides assistance to organizations and individuals in an  
22 area that includes the city of Beloit.”.

23          **1440.** Page 1156, line 7: delete that line and substitute:



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.”.

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

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 ~~those~~ 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 (e) 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 authority to employees. Authority delegated to an official or employee may be  
2 revoked only in the same manner by which it is conferred. The citation shall contain  
3 substantially the following information:”.

4 **1486.** Page 1205, line 14: delete lines 14 to 21.

5 **1487.** Page 1205, line 21: after that line insert:

6 “SECTION 3828g. 801.09 (2) (a) of the statutes is amended to read:

7 801.09 (2) (a) ~~Within~~ Except as provided in par. (c), within 45 days, exclusive  
8 of the day of service, after the summons has been served personally upon the  
9 defendant or served by substitution personally upon another authorized to accept  
10 service of the summons for the defendant; or

11 SECTION 3828i. 801.09 (2) (c) of the statutes is created to read:

12 801.09 (2) (c) Within 20 days, exclusive of the day of service, after the summons  
13 has been served personally upon the defendant or served by substitution personally  
14 upon another authorized to accept service of the summons for the defendant if the  
15 proceeding is to foreclose or otherwise enforce a lien or security interest.

16 SECTION 3828jc. 801.095 (1) of the statutes is amended to read:

17 801.095 (1) PERSONAL SERVICE; COMPLAINT ATTACHED.

18 STATE OF WISCONSIN CIRCUIT COURT : .... COUNTY

19 \_\_\_\_\_

20 A. B.

21 Address

22 City, State Zip Code File No. ....

23 , Plaintiff

24 vs. S U M M O N S

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

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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

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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

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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. (e) 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.”.

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

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:

1           942.06 **(2q)** (b) 1. Another employee or agent of the department of health and  
2 family services or another person to whom disclosure is permitted under s. 51.375  
3 (2) (b).”.

4           **1533.** Page 1236, line 12: after that line insert:

5           “**SECTION 3938s.** 940.295 (2) (j) of the statutes is amended to read:

6           940.295 **(2)** (j) The Wisconsin School Educational Services Program for the  
7 Deaf and Hard of Hearing under s. 115.52 and the Wisconsin Center for the Blind and  
8 Visually Impaired under s. 115.525.”.

9           **1534.** Page 1236, line 17: after that line insert:

10          “**SECTION 3938up.** 943.01 (2d) of the statutes is created to read:

11          943.01 **(2d)** (a) In this subsection, “plant research and development” means  
12 research regarding plants or development of plants, if the research or development  
13 is undertaken in conjunction or coordination with the state, a federal or local  
14 government agency, a university, or a private research facility.

15          (b) Any person violating sub. (1) under all of the following circumstances is  
16 guilty of a Class E felony:

17           1. The property damaged is a plant, material taken, extracted, or harvested  
18 from a plant, or a seed or other plant material that is being used or that will be used  
19 to grow or develop a plant.

20           2. The plant referred to in subd. 1. is or was being grown as feed for animals  
21 being used or to be used for commercial purposes, for other commercial purposes, or  
22 in conjunction with plant research and development.”.

23          **1535.** Page 1241, line 18: after that line insert:

24          “**SECTION 3951n.** 943.76 of the statutes is created to read:

1           **943.76 Infecting animals with a contagious disease. (1)** In this section,  
2           “livestock” means cattle, horses, swine, sheep, goats, farm–raised deer, as defined in  
3           s. 95.001 (1) (a), and other animals used or to be used in the production of food, fiber,  
4           or other commercial products.

5           **(2)** (a) Whoever intentionally introduces a contagious or infectious disease into  
6           livestock without the consent of the owner of the livestock is guilty of a Class C felony.

7           (b) Whoever intentionally introduces a contagious or infectious disease into  
8           wild deer without the consent of the department of natural resources is guilty of a  
9           Class C felony.”.

10          **1536.** Page 1246, line 4: after “943.01 (2)” insert “, (2d).”.

11          **1537.** Page 1246, line 8: after “943.70” insert “, 943.76”.

12          **1538.** Page 1247, line 23: delete “the character” and substitute “character”.

13          **1539.** Page 1250, line 5: after that line insert:

14          “**SECTION 3984j.** 950.04 (1v) (s) of the statutes is amended to read:

15          950.04 (1v) (s) To have any stolen or other personal property expeditiously  
16          returned by law enforcement agencies when no longer needed as evidence, subject  
17          to s. 968.205. If feasible, all such property, except weapons, currency, contraband,  
18          property subject to evidentiary analysis, property subject to preservation under s.  
19          968.205, and property the ownership of which is disputed, shall be returned to the  
20          person within 10 days of being taken.”.

21          **1540.** Page 1250, line 14: after that line insert:

22          “**SECTION 3984p.** 950.04 (1v) (yd) of the statutes is created to read:

23          950.04 (1v) (yd) To have the appropriate clerk of court make a reasonable  
24          attempt to send the victim a copy of a motion made under s. 974.07 (2) for

1 postconviction deoxyribonucleic acid testing of certain evidence and notification of  
2 any hearing on that motion, as provided under s. 974.07 (4).”.

3 **1541.** Page 1250, line 14: after that line insert:

4 “SECTION 3984t. 951.01 (4) of the statutes is amended to read:

5 951.01 (4) “Law enforcement officer” has the meaning assigned under s. 967.02  
6 (5), but does not include a conservation warden appointed under s. 23.10 or a state  
7 forest ranger.”.

8 **1542.** Page 1255, line 22: delete the material beginning with that line and  
9 ending with page 1256, line 4.

10 **1543.** Page 1256, line 5: before that line insert:

11 “SECTION 3998c. 968.20 (1) (intro.) of the statutes is amended to read:

12 968.20 (1) (intro.) Any person claiming the right to possession of property  
13 seized pursuant to a search warrant or seized without a search warrant may apply  
14 for its return to the circuit court for the county in which the property was seized or  
15 where the search warrant was returned. The court shall order such notice as it  
16 deems adequate to be given the district attorney and all persons who have or may  
17 have an interest in the property and shall hold a hearing to hear all claims to its true  
18 ownership. If the right to possession is proved to the court’s satisfaction, it shall  
19 order the property, other than contraband or property covered under sub. (1m) or (1r)  
20 or s. 173.12 ~~or~~ 173.21 (4), or 968.205, returned if:

21 SECTION 3998e. 968.20 (2) of the statutes is amended to read:

22 968.20 (2) Property not required for evidence or use in further investigation,  
23 unless contraband or property covered under sub. (1m) or (1r) or s. 173.12 or 968.205,

1 may be returned by the officer to the person from whom it was seized without the  
2 requirement of a hearing.

3 **SECTION 3998g.** 968.20 (4) of the statutes is amended to read:

4 968.20 (4) Any property seized, other than property covered under s. 968.205,  
5 which ~~that~~ poses a danger to life or other property in storage, transportation or use  
6 and which ~~that~~ is not required for evidence or further investigation shall be safely  
7 disposed of upon command of the person in whose custody they are committed. The  
8 city, village, town or county shall by ordinance or resolution establish disposal  
9 procedures. Procedures may include provisions authorizing an attempt to return to  
10 the rightful owner substances which have a commercial value in normal business  
11 usage and do not pose an immediate threat to life or property. If enacted, any such  
12 provision shall include a presumption that if the substance appears to be or is  
13 reported stolen an attempt will be made to return the substance to the rightful owner.

14 **SECTION 3998i.** 968.205 of the statutes is created to read:

15 **968.205 Preservation of certain evidence. (1)** In this section:

16 (a) “Custody” means actual custody of a person under a sentence of  
17 imprisonment, custody of a probationer, parolee, or person on extended supervision  
18 by the department of corrections, actual or constructive custody of a person pursuant  
19 to a dispositional order under ch. 938, supervision of a person, whether in  
20 institutional care or on conditional release, pursuant to a commitment order under  
21 s. 971.17 and supervision of a person under ch. 980, whether in detention before trial  
22 or while in institutional care or on supervised release pursuant to a commitment  
23 order.

24 (b) “Discharge date” means the date on which a person is released or discharged  
25 from custody that resulted from a criminal action, a delinquency proceeding under

1 ch. 938, or a commitment proceeding under s. 971.17 or ch. 980 or, if the person is  
2 serving consecutive sentences of imprisonment, the date on which the person is  
3 released or discharged from custody under all of the sentences.

4 **(2)** Except as provided in sub. (3), if physical evidence that is in the possession  
5 of a law enforcement agency includes any biological material that was collected in  
6 connection with a criminal investigation that resulted in a criminal conviction,  
7 delinquency adjudication, or commitment under s. 971.17 or 980.06, the law  
8 enforcement agency shall preserve the physical evidence until every person in  
9 custody as a result of the conviction, adjudication, or commitment has reached his  
10 or her discharge date.

11 **(3)** Subject to sub. (5), a law enforcement agency may destroy biological  
12 material before the expiration of the time period specified in sub. (2) if all of the  
13 following apply:

14 (a) The law enforcement agency sends a notice of its intent to destroy the  
15 biological material to all persons who remain in custody as a result of the criminal  
16 conviction, delinquency adjudication, or commitment, and to either the attorney of  
17 record for each person in custody or the state public defender.

18 (b) No person who is notified under par. (a) does either of the following within  
19 90 days after the date on which the person received the notice:

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

21 2. Submits a written request to preserve the biological material to the law  
22 enforcement agency or district attorney.

23 (c) No other provision of federal or state law requires the law enforcement  
24 agency to preserve the biological material.

1           **(4)** A notice provided under sub. (3) (a) shall clearly inform the recipient that  
2 the biological material will be destroyed unless, within 90 days after the date on  
3 which the person receives the notice, either a motion for testing of the material is  
4 filed under s. 974.07 (2) or a written request to preserve the material is submitted  
5 to the law enforcement agency.

6           **(5)** If, after providing notice under sub. (3) (a) of its intent to destroy biological  
7 material, a law enforcement agency receives a written request to preserve the  
8 material, the law enforcement agency shall preserve the material until the discharge  
9 date of the person who made the request or on whose behalf the request was made,  
10 subject to a court order issued under s. 974.07 (7), (9) (a), or (10) (a) 5., unless the court  
11 orders destruction or transfer of the biological material under s. 974.07 (9) (b) or (10)  
12 (a) 5.

13           **SECTION 3998n.** 971.04 (3) of the statutes is amended to read:

14           **971.04 (3)** If the defendant is present at the beginning of the trial and  
15 thereafter, during the progress of the trial or before the verdict of the jury has been  
16 returned into court, voluntarily absents himself or herself from the presence of the  
17 court without leave of the court, the trial or return of verdict of the jury in the case  
18 shall not thereby be postponed or delayed, but the trial or submission of said case to  
19 the jury for verdict and the return of verdict thereon, if required, shall proceed in all  
20 respects as though the defendant were present in court at all times. A defendant  
21 need not be present at the pronouncement or entry of an order granting or denying  
22 relief under s. 974.02 ~~or~~, 974.06, or 974.07. If the defendant is not present, the time  
23 for appeal from any order under ~~ss. 974.02 and, 974.06, and 974.07~~ shall commence  
24 after a copy has been served upon the attorney representing the defendant, or upon  
25 the defendant if he or she appeared without counsel. Service of such an order shall

1 be complete upon mailing. A defendant appearing without counsel shall supply the  
2 court with his or her current mailing address. If the defendant fails to supply the  
3 court with a current and accurate mailing address, failure to receive a copy of the  
4 order granting or denying relief shall not be a ground for tolling the time in which  
5 an appeal must be taken.”.

6 **1544.** Page 1256, line 14: delete the material beginning with that line and  
7 ending with page 1258, line 7.

8 **1545.** Page 1258, line 8: before that line insert:

9 “**SECTION 4002r.** 971.23 (1) (e) of the statutes is amended to read:

10 971.23 (1) (e) Any relevant written or recorded statements of a witness named  
11 on a list under par. (d), including any videotaped oral statement of a child under s.  
12 908.08, any reports or statements of experts made in connection with the case or, if  
13 an expert does not prepare a report or statement, a written summary of the expert’s  
14 findings or the subject matter of his or her testimony, and the results of any physical  
15 or mental examination, scientific test, experiment or comparison that the district  
16 attorney intends to offer in evidence at trial. ~~This paragraph does not apply to~~  
17 ~~reports subject to disclosure under s. 972.11 (5).~~

18 **SECTION 4002t.** 971.23 (2m) (am) of the statutes is amended to read:

19 971.23 (2m) (am) Any relevant written or recorded statements of a witness  
20 named on a list under par. (a), including any reports or statements of experts made  
21 in connection with the case or, if an expert does not prepare a report or statement,  
22 a written summary of the expert’s findings or the subject matter of his or her  
23 testimony, and including the results of any physical or mental examination, scientific  
24 test, experiment or comparison that the defendant intends to offer in evidence at



1 trial. ~~This paragraph does not apply to reports subject to disclosure under s. 972.11~~  
2 ~~(5).~~

3 **SECTION 4002v.** 971.23 (9) of the statutes is created to read:

4 971.23 (9) DEOXYRIBONUCLEIC ACID EVIDENCE. (a) In this subsection  
5 “deoxyribonucleic acid profile” has the meaning given in s. 939.74 (2d) (a).

6 (b) Notwithstanding sub. (1) (e) or (2m) (am), if either party intends to submit  
7 deoxyribonucleic acid profile evidence at a trial to prove or disprove the identity of  
8 a person, the party seeking to introduce the evidence shall notify the other party of  
9 the intent to introduce the evidence in writing by mail at least 45 days before the date  
10 set for trial; and shall provide the other party, within 15 days of request, the material  
11 identified under sub. (1) (e), or par. (2m) (am), whichever is appropriate, that relates  
12 to the evidence.

13 (c) The court shall exclude deoxyribonucleic acid profile evidence at trial, if the  
14 notice and production deadlines under par. (b) are not met, except the court may  
15 waive the 45 day notice requirement or may extend the 15 day production  
16 requirement upon stipulation of the parties, or for good cause, if the court finds that  
17 no party will be prejudiced by the waiver or extension. The court may in appropriate  
18 cases grant the opposing party a recess or continuance.”.

19 **1546.** Page 1258, line 15: after that line insert:

20 “**SECTION 4003r.** 972.11 (1) of the statutes is amended to read:

21 972.11 (1) Except as provided in subs. (2) to ~~(5)~~ (4), the rules of evidence and  
22 practice in civil actions shall be applicable in all criminal proceedings unless the  
23 context of a section or rule manifestly requires a different construction. No guardian  
24 ad litem need be appointed for a defendant in a criminal action. Chapters 885 to 895,

1 except ss. 804.02 to 804.07 and 887.23 to 887.26, shall apply in all criminal  
2 proceedings.

3 **SECTION 4003t.** 972.11 (5) of the statutes is repealed.”.

4 **1547.** Page 1258, line 16: delete the material beginning with that line and  
5 ending with page 1260, line 9.

6 **1548.** Page 1260, line 10: delete lines 10 to 24.

7 **1549.** Page 1261, line 1: delete lines 1 and 2 and substitute:

8 “**SECTION 4014d.** 973.013 (3m) of the statutes is amended to read:

9 973.013 (3m) If a person who has not attained the age of 16 years is sentenced  
10 to the Wisconsin state prisons, the department of ~~corrections~~ shall place the person  
11 at a secured juvenile correctional facility or a secured child caring institution, unless  
12 the department of ~~corrections~~ determines that placement in an institution under s.  
13 302.01 is appropriate based on the person’s prior record of adjustment in a  
14 correctional setting, if any; the person’s present and potential vocational and  
15 educational needs, interests and abilities; the adequacy and suitability of available  
16 facilities; the services and procedures available for treatment of the person within  
17 the various institutions; the protection of the public; and any other considerations  
18 promulgated by the department of ~~corrections~~ by rule. The department may not  
19 place any person under the age of 18 years in the correctional institution authorized  
20 in s. 301.16 (1n). This subsection does not preclude the department of ~~corrections~~  
21 from designating an adult correctional institution, other than the correctional  
22 institution authorized in s. 301.16 (1n), as a reception center for the person and  
23 subsequently transferring the person to a secured juvenile correctional facility or a  
24 secured child caring institution. Section 302.11 and ch. 304 apply to all persons

1 placed in a secured juvenile correctional facility or a secured child caring institution  
2 under this subsection.”.

3 **1550.** Page 1265, line 12: delete the material beginning with that line and  
4 ending with page 1267, line 7.

5 **1551.** Page 1268, line 17: delete the material beginning with that line and  
6 ending with page 1271, line 6.

7 **1552.** Page 1271, line 7: before that line insert:

8 “**SECTION 4028g.** 973.20 (1r) of the statutes is amended to read:

9 973.20 (1r) When imposing sentence or ordering probation for any crime, other  
10 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)  
11 (a) or 968.075 (1) (a), for which the defendant was convicted, the court, in addition  
12 to any other penalty authorized by law, shall order the defendant to make full or  
13 partial restitution under this section to any victim of a crime considered at  
14 sentencing or, if the victim is deceased, to his or her estate, unless the court finds  
15 substantial reason not to do so and states the reason on the record. When imposing  
16 sentence or ordering probation for a crime involving conduct that constitutes  
17 domestic abuse under s. 813.12 (1) (a) or 968.075 (1) (a) for which the defendant was  
18 convicted or that was considered at sentencing, the court, in addition to any other  
19 penalty authorized by law, shall order the defendant to make full or partial  
20 restitution under this section to any victim of a crime or, if the victim is deceased, to  
21 his or her estate, unless the court finds that imposing full or partial restitution will  
22 create an undue hardship on the defendant or victim and describes the undue  
23 hardship on the record. Restitution ordered under this section is a condition of  
24 probation, extended supervision or parole served by the defendant for a crime for

1 which the defendant was convicted. After the termination of probation, extended  
2 supervision or parole, or if the defendant is not placed on probation, extended  
3 supervision or parole, restitution ordered under this section is enforceable in the  
4 same manner as a judgment in a civil action by the victim named in the order to  
5 receive restitution or enforced under ch. 785.”.

6 **1553.** Page 1271, line 7: before that line insert:

7 “**SECTION 4028c.** 974.02 (1) of the statutes is amended to read:

8 974.02 **(1)** A motion for postconviction relief other than under s. 974.06 or  
9 974.07 (2) by the defendant in a criminal case shall be made in the time and manner  
10 provided in ss. 809.30 and 809.40. An appeal by the defendant in a criminal case from  
11 a judgment of conviction or from an order denying a postconviction motion or from  
12 both shall be taken in the time and manner provided in ss. 808.04 (3), 809.30 and  
13 809.40. An appeal of an order or judgment on habeas corpus remanding to custody  
14 a prisoner committed for trial under s. 970.03 shall be taken under ss. 808.03 (2) and  
15 809.50, with notice to the attorney general and the district attorney and opportunity  
16 for them to be heard.

17 **SECTION 4028g.** 974.05 (1) (b) of the statutes is amended to read:

18 974.05 **(1)** (b) Order granting postconviction relief under s. 974.02 ~~or~~ 974.06,  
19 or 974.07.

20 **SECTION 4028j.** 974.07 of the statutes is created to read:

21 **974.07 Motion for postconviction deoxyribonucleic acid testing of**  
22 **certain evidence. (1)** In this section:

23 (a) “Government agency” means any department, agency, or court of the federal  
24 government, of this state, or of a city, village, town, or county in this state.

1 (b) “Movant” means a person who makes a motion under sub. (2).

2 (2) At any time after being convicted of a crime, adjudicated delinquent, or  
3 found not guilty by reason of mental disease or defect, a person may make a motion  
4 in the court in which he or she was convicted, adjudicated delinquent, or found not  
5 guilty by reason of mental disease or defect for an order requiring forensic  
6 deoxyribonucleic acid testing of evidence to which all of the following apply:

7 (a) The evidence is relevant to the investigation or prosecution that resulted  
8 in the conviction, adjudication, or finding of not guilty by reason of mental disease  
9 or defect.

10 (b) The evidence is in the actual or constructive possession of a government  
11 agency.

12 (c) The evidence has not previously been subjected to forensic deoxyribonucleic  
13 acid testing or, if the evidence has previously been tested, it may now be subjected  
14 to another test using a scientific technique that was not available or was not utilized  
15 at the time of the previous testing and that provides a reasonable likelihood of more  
16 accurate and probative results.

17 (3) A movant or, if applicable, his or her attorney shall serve a copy of the  
18 motion made under sub. (2) on the district attorney’s office that prosecuted the case  
19 that resulted in the conviction, adjudication, or finding of not guilty by reason of  
20 mental disease or defect. The court in which the motion is made shall also notify the  
21 appropriate district attorney’s office that a motion has been made under sub. (2) and  
22 shall give the district attorney an opportunity to respond to the motion. Failure by  
23 a movant to serve a copy of the motion on the appropriate district attorney’s office  
24 does not deprive the court of jurisdiction and is not grounds for dismissal of the  
25 motion.

1           **(4)** (a) The clerk of the circuit court in which a motion under sub. (2) is made  
2 shall send a copy of the motion and, if a hearing on the motion is scheduled, a notice  
3 of the hearing to the victim of the crime or delinquent act committed by the movant,  
4 if the clerk is able to determine an address for the victim. The clerk of the circuit court  
5 shall make a reasonable attempt to send the copy of the motion to the address of the  
6 victim within 7 days of the date on which the motion is filed and shall make a  
7 reasonable attempt to send a notice of hearing, if a hearing is scheduled, to the  
8 address of the victim, postmarked at least 10 days before the date of the hearing.

9           (b) Notwithstanding the limitation on the disclosure of mailing addresses from  
10 completed information cards submitted by victims under ss. 51.37 (10) (dx), 301.046  
11 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f), 304.063 (4), 938.51 (2),  
12 971.17 (6m) (d), and 980.11 (4), the department of corrections, the parole commission,  
13 and the department of health and family services shall, upon request, assist clerks  
14 of court in obtaining information regarding the mailing address of victims for the  
15 purpose of sending copies of motions and notices of hearings under par. (a).

16           **(5)** Upon receiving under sub. (3) a copy of a motion made under sub. (2) or  
17 notice from a court that a motion has been made, whichever occurs first, the district  
18 attorney shall take all actions necessary to ensure that all biological material that  
19 was collected in connection with the investigation or prosecution of the case and that  
20 remains in the actual or constructive custody of a government agency is preserved  
21 pending completion of the proceedings under this section.

22           **(6)** (a) Upon demand the district attorney shall disclose to the movant or his  
23 or her attorney whether biological material has been tested and shall make available  
24 to the movant or his or her attorney the following material:

- 25           1. Findings based on testing of biological materials.

1           2. Physical evidence that is in the actual or constructive possession of a  
2 government agency and that contains biological material or on which there is  
3 biological material.

4           (b) Upon demand the movant or his or her attorney shall disclose to the district  
5 attorney whether biological material has been tested and shall make available to the  
6 district attorney the following material:

7           1. Findings based on testing of biological materials.

8           2. The movant's biological specimen.

9           (c) Upon motion of the district attorney or the movant, the court may impose  
10 reasonable conditions on availability of material requested under pars. (a) 2. and (b)  
11 2. in order to protect the integrity of the evidence.

12           (d) This subsection does not apply unless the information being disclosed or the  
13 material being made available is relevant to the movant's claim at issue in the motion  
14 made under sub. (2).

15           (7) (a) A court in which a motion under sub. (2) is filed shall order forensic  
16 deoxyribonucleic acid testing if all of the following apply:

17           1. The movant claims that he or she is innocent of the offense at issue in the  
18 motion under sub. (2).

19           2. It is reasonably probable that the movant would not have been prosecuted,  
20 convicted, found not guilty by reason of mental disease or defect, or adjudicated  
21 delinquent for the offense at issue in the motion under sub. (2), if exculpatory  
22 deoxyribonucleic acid testing results had been available before the prosecution,  
23 conviction, finding of not guilty, or adjudication for the offense.

24           3. The evidence to be tested meets the conditions under sub. (2) (a) to (c).

1           4. The chain of custody of the evidence to be tested establishes that the evidence  
2 has not been tampered with, replaced, or altered in any material respect or, if the  
3 chain of custody does not establish the integrity of the evidence, the testing itself can  
4 establish the integrity of the evidence.

5           (b) A court in which a motion under sub. (2) is filed may order forensic  
6 deoxyribonucleic acid testing if all of the following apply:

7           1. It is reasonably probable that the outcome of the proceedings that resulted  
8 in the conviction, the finding of not guilty by reason of mental disease or defect, or  
9 the delinquency adjudication for the offense at issue in the motion under sub. (2), or  
10 the terms of the sentence, the commitment under s. 971.17, or the disposition under  
11 ch. 938, would have been more favorable to the movant if the results of  
12 deoxyribonucleic acid testing had been available before he or she was prosecuted,  
13 convicted, found not guilty by reason of mental disease or defect, or adjudicated  
14 delinquent for the offense.

15           2. The evidence to be tested meets the conditions under sub. (2) (a) to (c).

16           3. The chain of custody of the evidence to be tested establishes that the evidence  
17 has not been tampered with, replaced, or altered in any material respect or, if the  
18 chain of custody does not establish the integrity of the evidence, the testing itself can  
19 establish the integrity of the evidence.

20           **(8)** The court may impose reasonable conditions on any testing ordered under  
21 this section in order to protect the integrity of the evidence and the testing process.  
22 If appropriate and if stipulated to by the movant and the district attorney, the court  
23 may order the state crime laboratories to perform the testing as provided under s.  
24 165.77 (2m).



1           **(9)** If a court in which a motion under sub. (2) is filed does not order forensic  
2 deoxyribonucleic acid testing, or if the results of forensic deoxyribonucleic acid  
3 testing ordered under this section are not supportive of the movant's claim, the court  
4 shall determine the disposition of the evidence specified in the motion subject to the  
5 following:

6           (a) If a person other than the movant is in custody, as defined in s. 968.205 (1)  
7 (a), the evidence is relevant to the criminal, delinquency, or commitment proceeding  
8 that resulted in the person being in custody, the person has not been denied  
9 deoxyribonucleic acid testing or postconviction relief under this section, and the  
10 person has not waived his or her right to preserve the evidence under s. 165.81 (3),  
11 757.54 (2), 968.205, or 978.08, the court shall order the evidence preserved until all  
12 persons entitled to have the evidence preserved are released from custody, and the  
13 court shall designate who shall preserve the evidence. The court may not issue an  
14 order under this paragraph requiring that an agency transfer evidence to a crime  
15 laboratory specified under s. 165.75 for the purpose of preservation of the evidence  
16 by the crime laboratory, unless the crime laboratory consents to the transfer.

17           (b) If the conditions in par. (a) are not present, the court shall determine the  
18 disposition of the evidence, and, if the evidence is to be preserved, by whom and for  
19 how long. The court shall issue appropriate orders concerning the disposition of the  
20 evidence based on its determinations. The court may not issue an order under this  
21 paragraph requiring that an agency transfer evidence to a crime laboratory specified  
22 under s. 165.75 for the purpose of preservation of the evidence by the crime  
23 laboratory, unless the crime laboratory consents to the transfer.

24           **(10)** (a) If the results of forensic deoxyribonucleic acid testing ordered under  
25 this section support the movant's claim, the court shall schedule a hearing to

1 determine the appropriate relief to be granted to the movant. After the hearing, and  
2 based on the results of the testing and any evidence or other matter presented at the  
3 hearing, the court shall enter any order that serves the interests of justice, including  
4 any of the following:

5 1. An order setting aside or vacating the movant's judgment of conviction,  
6 judgment of not guilty by reason of mental disease or defect, or adjudication of  
7 delinquency.

8 2. An order granting the movant a new trial or fact-finding hearing.

9 3. An order granting the movant a new sentencing hearing, commitment  
10 hearing, or dispositional hearing.

11 4. An order discharging the movant from custody, as defined in s. 968.205 (1)  
12 (a), if the movant is in custody.

13 5. An order specifying the disposition of any evidence that remains after the  
14 completion of the testing, subject to sub. (9) (a) and (b).

15 (b) A court may order a new trial under par. (a) without making the findings  
16 specified in s. 805.15 (3) (a) and (b).

17 **(11)** A court considering a motion made under sub. (2) by a movant who is not  
18 represented by counsel shall, if the movant claims or appears to be indigent, refer the  
19 movant to the state public defender for determination of indigency and appointment  
20 of counsel under s. 977.05 (4) (j).

21 **(12)** (a) The court may order a movant to pay the costs of any testing ordered  
22 by the court under this section if the court determines that the movant is not  
23 indigent. If the court determines that the movant is indigent, the court shall order  
24 the costs of the testing to be paid for from the appropriation account under s. 20.410  
25 (1) (be).

1 (b) A movant is indigent for purposes of par. (a) if any of the following apply:

2 1. The movant was referred to the state public defender under sub. (11) for a  
3 determination of indigency and was found to be indigent.

4 2. The movant was referred to the state public defender under sub. (11) for a  
5 determination of indigency but was found not to be indigent, and the court  
6 determines that the movant does not possess the financial resources to pay the costs  
7 of testing.

8 3. The movant was not referred to the state public defender under sub. (11) for  
9 a determination of indigency and the court determines that the movant does not  
10 possess the financial resources to pay the costs of testing.

11 (13) An appeal may be taken from an order entered under this section as from  
12 a final judgment.”.

13 **1554.** Page 1271, line 7: delete lines 7 to 11.

14 **1555.** Page 1271, line 13: after that line insert:

15 “SECTION 4031j. 978.03 (3) of the statutes is amended to read:

16 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be  
17 an attorney admitted to practice law in this state and, except as provided in ~~s. ss.~~  
18 978.043 and 978.044, may perform any duty required by law to be performed by the  
19 district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m),  
20 or (2) may appoint such temporary counsel as may be authorized by the department  
21 of administration.

22 SECTION 4031p. 978.044 of the statutes is created to read:

23 **978.044 Assistants to perform restorative justice services. (1)**

24 DEFINITIONS. In this section:

1 (a) “Crime” has the meaning given in s. 950.02 (1m).

2 (b) “Offender” means an individual who is, or could be, charged with  
3 committing a crime or who is, or could be, the subject of a petition under ch. 938  
4 alleging that he or she has committed a crime.

5 (c) “Victim” has the meaning given in s. 950.02 (4).

6 **(2) DUTIES.** The district attorneys of Milwaukee county and the county selected  
7 under sub. (4) shall each assign one assistant district attorney in his or her  
8 prosecutorial unit to be a restorative justice coordinator. An assistant district  
9 attorney assigned under this subsection to be a restorative justice coordinator shall  
10 do all the following:

11 (a) Establish restorative justice programs that provide support to the victim,  
12 help reintegrate the victim into community life, and provide a forum where an  
13 offender may meet with the victim or engage in other activities to do all of the  
14 following:

- 15 1. Discuss the impact of the offender’s crime on the victim or on the community.  
16 2. Explore potential restorative responses by the offender.  
17 3. Provide methods for reintegrating the offender into community life.

18 (b) Provide assistance to the district attorney in other counties relating to the  
19 establishment of restorative justice programs, as described in par. (a).

20 (c) Maintain a record of all of the following:

- 21 1. The amount of time spent implementing the requirements of pars. (a) and  
22 (b).  
23 2. The number of victims and offenders served by programs established under  
24 par. (a).  
25 3. The types of offenses addressed by programs established under par. (a).

1           4. The rate of recidivism among offenders served by programs established  
2 under par. (a) compared to the rate of recidivism by offenders not served by such  
3 programs.

4           **(3) REPORT TO DEPARTMENT OF ADMINISTRATION.** Annually, on a date specified by  
5 the department of administration, the district attorneys of Milwaukee county and  
6 the county selected under sub. (4) shall each submit to the department of  
7 administration a report summarizing the records under sub. (2) (c) covering the  
8 preceding 12-month period. The department of administration shall maintain the  
9 information submitted under this subsection by the district attorney.

10           **(4) SELECTION OF 2ND COUNTY.** The attorney general, in consultation with the  
11 department of corrections, shall select a county other than Milwaukee county in  
12 which restorative justice services are to be provided under sub. (2).

13           **(5) EXPIRATION.** This section does not apply after June 30, 2005.

14           **SECTION 4031r.** 978.05 (8) (b) of the statutes is amended to read:

15           978.05 **(8)** (b) Hire, employ, and supervise his or her staff and, subject to s. ss.  
16 978.043 and 978.044, make appropriate assignments of the staff throughout the  
17 prosecutorial unit. The district attorney may request the assistance of district  
18 attorneys, deputy district attorneys, or assistant district attorneys from other  
19 prosecutorial units or assistant attorneys general who then may appear and assist  
20 in the investigation and prosecution of any matter for which a district attorney is  
21 responsible under this chapter in like manner as assistants in the prosecutorial unit  
22 and with the same authority as the district attorney in the unit in which the action  
23 is brought. Nothing in this paragraph limits the authority of counties to regulate the  
24 hiring, employment, and supervision of county employees.”.

1           **1556.** Page 1271, line 13: after that line insert:

2           “**SECTION 4031c.** 977.07 (1) (b) of the statutes is amended to read:

3           977.07 (1) (b) For referrals not made under ss. 809.30 ~~and~~, 974.06, and 974.07,  
4 a representative of the state public defender is responsible for making indigency  
5 determinations unless the county became responsible under s. 977.07 (1) (b) 2. or 3.,  
6 1983 stats., for these determinations. Subject to the provisions of par. (bn), those  
7 counties may continue to be responsible for making indigency determinations. Any  
8 such county may change the agencies or persons who are designated to make  
9 indigency determinations only upon the approval of the state public defender.

10           **SECTION 4031e.** 977.07 (1) (c) of the statutes is amended to read:

11           977.07 (1) (c) For all referrals made under ss. 809.30 ~~and~~, 974.06 (3) (b) and  
12 974.07 (11), except a referral of a child who is entitled to be represented by counsel  
13 under s. 48.23 or 938.23, a representative of the state public defender shall  
14 determine indigency, and. For referrals made under ss. 809.30 and 974.06 (3) (b),  
15 except a referral of a child who is entitled to be represented by counsel under s. 48.23  
16 or 938.23, the representative of the state public defender may, unless a request for  
17 redetermination has been filed under s. 809.30 (2) (d) or the defendant’s request for  
18 representation states that his or her financial circumstances have materially  
19 improved, rely upon a determination of indigency made for purposes of trial  
20 representation under this section.

21           **SECTION 4031s.** 978.08 of the statutes is created to read:

22           **978.08 Preservation of certain evidence. (1)** In this section:

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

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

1           **(2)** Except as provided in sub. (3), if physical evidence that is in the possession  
2 of a district attorney includes any biological material that was collected in connection  
3 with a criminal investigation that resulted in a criminal conviction, delinquency  
4 adjudication, or commitment under s. 971.17 or 980.06, the district attorney shall  
5 preserve the physical evidence until every person in custody as a result of the  
6 conviction, adjudication, or commitment has reached his or her discharge date.

7           **(3)** Subject to sub. (5), a district attorney may destroy biological material before  
8 the expiration of the time period specified in sub. (2) if all of the following apply:

9           (a) The district attorney sends a notice of its intent to destroy the biological  
10 material to all persons who remain in custody as a result of the criminal conviction,  
11 delinquency adjudication, or commitment and to either the attorney of record for  
12 each person in custody or the state public defender.

13           (b) No person who is notified under par. (a) does either of the following within  
14 90 days after the date on which the person received the notice:

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

16           2. Submits a written request to preserve the biological material to the district  
17 attorney.

18           (c) No other provision of federal or state law requires the district attorney to  
19 preserve the biological material.

20           **(4)** A notice provided under sub. (3) (a) shall clearly inform the recipient that  
21 the biological material will be destroyed unless, within 90 days after the date on  
22 which the person receives the notice, either a motion for testing of the material is  
23 filed under s. 974.07 (2) or a written request to preserve the material is submitted  
24 to the district attorney.

1           **(5)** If, after providing notice under sub. (3) (a) of its intent to destroy biological  
2 material, a district attorney receives a written request to preserve the material, the  
3 district attorney shall preserve the material until the discharge date of the person  
4 who made the request or on whose behalf the request was made, subject to a court  
5 order issued under s. 974.07 (7), (9) (a), or (10) (a) 5., unless the court orders  
6 destruction or transfer of the biological material under s. 974.07 (9) (b) or (10) (a) 5.”.

7           **1557.** Page 1280, line 9: after that line insert:

8           “**SECTION 4034yd.** 980.065 (1r) of the statutes is created to read:

9           980.065 **(1r)** Notwithstanding sub. (1m), the department may place a female  
10 person committed under s. 980.06 at Mendota Mental Health Institute, Winnebago  
11 Mental Health Institute, or a privately operated residential facility under contract  
12 with the department of health and family services.

13           **SECTION 4034ye.** 980.067 of the statutes is created to read:

14           **980.067 Activities off grounds.** The superintendent of the facility at which  
15 a person is placed under s. 980.065 may allow the person to leave the grounds of the  
16 facility under escort. The department of health and family services shall promulgate  
17 rules for the administration of this section.”.

18           **1558.** Page 1280, line 10: delete lines 10 to 22 and substitute:

19           “**SECTION 4034yg.** 980.08 (5) of the statutes is amended to read:

20           980.08 **(5)** If the court finds that the person is appropriate for supervised  
21 release, the court shall notify the department. The department shall make its best  
22 effort to arrange for placement of the person in a residential facility or dwelling that  
23 is in the person’s county of residence, as determined by the department under s.  
24 980.105. The department and the county department under s. 51.42 in the county



1 of residence of the person, ~~as determined under s. 980.105,~~ shall prepare a plan that  
2 identifies the treatment and services, if any, that the person will receive in the  
3 community. The plan shall address the person's need, if any, for supervision,  
4 counseling, medication, community support services, residential services, vocational  
5 services, and alcohol or other drug abuse treatment. In developing a plan for where  
6 the person may reside while on supervised release, the department shall consider the  
7 proximity of any potential placement to the residence of other persons on supervised  
8 release and to the residence of persons who are in the custody of the department of  
9 corrections and regarding whom a sex offender notification bulletin has been issued  
10 to law enforcement agencies under s. 301.46 (2m) (a) or (am). If the person is a serious  
11 child sex offender, the plan shall address the person's need for pharmacological  
12 treatment using an antiandrogen or the chemical equivalent of an antiandrogen. The  
13 department may contract with a county department, under s. 51.42 (3) (aw) 1. d.,  
14 with another public agency or with a private agency to provide the treatment and  
15 services identified in the plan. The plan shall specify who will be responsible for  
16 providing the treatment and services identified in the plan. The plan shall be  
17 presented to the court for its approval within 60 days after the court finding that the  
18 person is appropriate for supervised release, unless the department, county  
19 department and person to be released request additional time to develop the plan.  
20 If the county department of the person's county of residence declines to prepare a  
21 plan, the department may arrange for another county to prepare the plan if that  
22 county agrees to prepare the plan and if the person will be living in that county. If  
23 the department is unable to arrange for another county to prepare a plan, the court  
24 shall designate a county department to prepare the plan, order the county  
25 department to prepare the plan and place the person on supervised release in that

1 county, except that the court may not so designate the county department in any  
2 county where there is a facility in which persons committed to institutional care  
3 under this chapter are placed unless that county is also the person's county of  
4 residence.

5 **SECTION 4034yi.** 980.105 of the statutes is amended to read:

6 **980.105 Determination of county of residence.** The ~~court~~ department  
7 shall determine a person's county of residence for the purposes of this chapter by  
8 doing all of the following:

9 (1) The ~~court~~ department shall consider residence as the voluntary  
10 concurrence of physical presence with intent to remain in a place of fixed habitation  
11 and shall consider physical presence as prima facie evidence of intent to remain.

12 (2) The ~~court~~ department shall apply the criteria for consideration of residence  
13 and physical presence under sub. (1) to the facts that existed on the date that the  
14 person committed the sexually violent offense that resulted in the sentence,  
15 placement or commitment that was in effect when the petition was filed under s.  
16 980.02.”.

17 **1559.** Page 1280, line 23: before that line insert:

18 “**SECTION 4034ys.** 980.101 of the statutes is created to read:

19 **980.101 Reversal, vacation or setting aside of judgment relating to a**  
20 **sexually violent offense; effect.** (1) In this section, “judgment relating to a  
21 sexually violent offense” means a judgment of conviction for a sexually violent  
22 offense, an adjudication of delinquency on the basis of a sexually violent offense, or  
23 a judgment of not guilty of a sexually violent offense by reason of mental disease or  
24 defect.

1           **(2)** If, at any time after a person is committed under s. 980.06, a judgment  
2 relating to a sexually violent offense committed by the person is reversed, set aside,  
3 or vacated and that sexually violent offense was a basis for the allegation made in  
4 the petition under s. 980.02 (2) (a), the person may bring a motion for  
5 postcommitment relief in the court that committed the person. The court shall  
6 proceed as follows on the motion for postcommitment relief:

7           (a) If the sexually violent offense was the sole basis for the allegation under s.  
8 980.02 (2) (a) and there are no other judgments relating to a sexually violent offense  
9 committed by the person, the court shall reverse, set aside, or vacate the judgment  
10 under s. 980.05 (5) that the person is a sexually violent person, vacate the  
11 commitment order, and discharge the person from the custody or supervision of the  
12 department.

13           (b) If the sexually violent offense was the sole basis for the allegation under s.  
14 980.02 (2) (a) but there are other judgments relating to a sexually violent offense  
15 committed by the person that have not been reversed, set aside, or vacated, or if the  
16 sexually violent offense was not the sole basis for the allegation under s. 980.02 (2)  
17 (a), the court shall determine whether to grant the person a new trial under s. 980.05  
18 because the reversal, setting aside, or vacating of the judgment for the sexually  
19 violent offense would probably change the result of the trial.

20           **(3)** An appeal may be taken from an an order entered under sub. (2) as from  
21 a final judgment.”.

22           **1560.** Page 1280, line 23: before that line insert:

23           “**SECTION 4034yr.** 990.01 (39) of the statutes is created to read:

1           990.01 **(39)** SOUTHERN STATE FOREST. “Southern state forest” means a state  
2 forest that is located within the region specified in s. 25.28 (3) (am).”.

3           **1561.** Page 1281, line 6: after that line insert:

4           “**SECTION 4034zb.** 1995 Wisconsin Act 292, section 5 is repealed.

5           **SECTION 4034zc.** 1995 Wisconsin Act 292, section 12 is repealed.

6           **SECTION 4034zd.** 1995 Wisconsin Act 292, section 14 is repealed.

7           **SECTION 4034ze.** 1995 Wisconsin Act 292, section 16 is repealed.

8           **SECTION 4034zf.** 1995 Wisconsin Act 292, section 20 is repealed.

9           **SECTION 4034zg.** 1995 Wisconsin Act 292, section 22 is repealed.

10          **SECTION 4034zh.** 1995 Wisconsin Act 292, section 24 is repealed.

11          **SECTION 4034zi.** 1995 Wisconsin Act 292, section 28 is repealed.

12          **SECTION 4034zj.** 1995 Wisconsin Act 292, section 30 is repealed.

13          **SECTION 4034zk.** 1995 Wisconsin Act 292, section 30h is repealed.

14          **SECTION 4034zL.** 1995 Wisconsin Act 292, section 32 is repealed.

15          **SECTION 4034zm.** 1995 Wisconsin Act 292, section 37 (1) is repealed.”.

16          **1562.** Page 1282, line 16: after that line insert:

17          “**SECTION 4041d.** 1997 Wisconsin Act 35, section 141 is repealed.

18          **SECTION 4041e.** 1997 Wisconsin Act 35, section 144 is repealed.

19          **SECTION 4041f.** 1997 Wisconsin Act 35, section 147 is repealed.

20          **SECTION 4041g.** 1997 Wisconsin Act 35, section 605 (1) is repealed.”.

21          **1563.** Page 1282, line 16: after that line insert:

22          “**SECTION 4041k.** 1997 Wisconsin Act 154, section 3 (2) is amended to read:

23           [1997 Wisconsin Act 154] Section 3 (2) JOINT COMMITTEE ON FINANCE REVIEW. The  
24 department of health and family services shall submit the report under subsection

1 (1) to the joint committee on finance of the legislature for its review under section  
2 13.10 of the statutes. ~~The department of health and family services may not submit~~  
3 ~~the rules under section 146.56 (2) of the statutes, as created by this act, to the~~  
4 ~~legislative council staff for review under section 227.15 of the statutes until the joint~~  
5 ~~committee on finance approves the report under subsection (1).”.~~

6 **1564.** Page 1283, line 13: after that line insert:

7 “SECTION 4046s. 1999 Wisconsin Act 9, section 9158 (8w) (e) is repealed.”.

8 **1565.** Page 1283, line 13: after that line insert:

9 “SECTION 4046r. 1999 Wisconsin Act 9, section 9150 (3bm) is amended to read:

10 [1999 Wisconsin Act 9] Section 9150 (3bm) CONTRACTING FOR DESIGN OR  
11 CONSTRUCTION OF LIGHT RAIL PROHIBITED. Notwithstanding any other provision of  
12 chapter 59, 60, 61, 62 or 66 of the statutes, no governing body of any city, village, town  
13 or county and no agency, corporation, instrumentality or subunit of a city, village,  
14 town or county, may enter into a contract for any purpose related to a light rail mass  
15 transit system after the effective date of this subsection if the cost of any of the  
16 contracted items would be paid for by, or reimbursed with, federal funds received  
17 under P.L. 102–240, section 1045, or P.L. 105–277, section 373, or any funds received  
18 from the state. This subsection does not apply to any funds expended or activity  
19 related to a mass transit system that is done under the memorandum of agreement  
20 concerning USH 12 between Middleton and Lake Delton, Wisconsin, that was  
21 executed by the governor, the secretary of transportation, the secretary of natural  
22 resources, the county executive of Dane County, the administrative coordinator of  
23 Sauk County, and others, and that became effective on April 22, 1999. This  
24 subsection does not apply after June 30, ~~2001~~ 2002.”.

1           **1566.** Page 1287, line 18: delete lines 18 to 25.

2           **1567.** Page 1288, line 1: delete lines 1 to 11.

3           **1568.** Page 1289, line 11: on lines 11, 13, 15 and 17, delete “\$13,465,100” and  
4 substitute “\$4,479,700”.

5           **1569.** Page 1290, line 22: delete lines 22 to 25.

6           **1570.** Page 1291, line 2: delete “\$566,200” and substitute “\$499,100”.

7           **1571.** Page 1291, line 7: delete the material beginning with that line and  
8 ending with page 1292, line 5.

9           **1572.** Page 1292, line 18: delete the material beginning with that line and  
10 ending with page 1293, line 4.

11           **1573.** Page 1293, line 10: delete lines 10 to 14.

12           **1574.** Page 1295, line 7: delete “\$1,864,700” and substitute “\$1,218,100”.

13           **1575.** Page 1295, line 22: after that line insert:

14           “(14) ELECTRONIC PROCUREMENT AND COMMERCE ACTIVITIES. The department of  
15 administration shall report to the governor and the cochairpersons of the joint  
16 committee on finance concerning the status of the electronic procurement and  
17 commerce activities of the department. The department shall include in the report  
18 an assessment of the costs and benefits of those activities for the 2002–03 fiscal year  
19 and an assessment of the effectiveness of state executive branch agencies in  
20 increasing the volume of those activities.”.

21           **1576.** Page 1298, line 8: after that line insert:

22           “(19r) PURCHASING CARD REBATES.

23           (a) In this subsection:

- 1           1. “Secretary” means the secretary of administration.
- 2           2. “State agency” has the meaning given in section 20.001 (1) of the statutes.
- 3           (b) The secretary shall determine the amount of rebates that were received by
- 4 the state from purchasing card issuers for purchases made by state agencies with
- 5 purchasing cards and that were credited, before the effective date of this paragraph,
- 6 to the appropriation account under section 20.505 (1) (ka) of the statutes. In making
- 7 this determination, the secretary shall also identify the appropriation accounts from
- 8 which the purchases were made and on which the rebates were based.
- 9           (c) During fiscal year 2001–02, from the appropriation account under section
- 10 20.505 (1) (ka) of the statutes, the secretary shall lapse that part of the amount
- 11 determined under paragraph (b) to the general fund that is based on purchases made
- 12 from appropriations from the general fund and shall transfer that part of the amount
- 13 determined under paragraph (b) to the appropriate segregated fund that is based on
- 14 purchases made from appropriations from that segregated fund.”.

15           **1577.** Page 1298, line 9: delete “AGENCY–ASSIGNED” and substitute

16 “STATE–OWNED”.

17           **1578.** Page 1298, line 10: delete the material beginning with “all” and ending

18 with “resources.” on line 14 and substitute “2 aircraft selected by the department that

19 are owned by the state on the effective date of this subsection.”.

20           **1579.** Page 1298, line 16: after that line insert:

21           “(20x) LEASE OF ELECTRONIC VOTING EQUIPMENT. The department of

22 administration shall enter into a master lease under section 16.76 (4) of the statutes

23 on behalf of the elections board to obtain sufficient electronic voting system

24 equipment suitable for use with an electronic voting system in municipalities that

1 employed a punch card electronic voting system at the 2001 spring election and that  
2 are required under this act to eliminate that system in future elections.”.

3 **1580.** Page 1298, line 24: after that line insert:

4 “(21g) STUDY ON THE STATE PAYMENT OF TUITION. The department of  
5 administration shall study the development and implementation of a tuition grant  
6 program that would pay the cost of 2 years of postsecondary education. The  
7 department shall ensure that representatives of all of the following agencies are  
8 included on the study team: the higher educational aids board, the department of  
9 public instruction, the board of regents of the University of Wisconsin System, the  
10 state technical college system board, and the department of workforce development.  
11 By July 1, 2002, the department of administration shall submit the results of the  
12 study to the governor and to the legislature in the manner provided under section  
13 13.172 (2) of the statutes.”.

14 **1581.** Page 1298, line 24: after that line insert:

15 “(21j) COMMUNITY JUSTICE CENTER GRANTS.

16 (a) From the appropriation accounts under section 20.505 (6) (kp) of the  
17 statutes and section 20.505 (6) (p) of the statutes, as affected by this act, the office  
18 of justice assistance shall allocate \$150,000 in fiscal year 2001–02 and \$150,000 in  
19 fiscal year 2002–03 in grants to consortiums consisting of local government agencies  
20 and community–based organizations for planning community justice center  
21 programs. The office of justice assistance shall establish eligibility criteria for grants  
22 under this subsection, including specification of the types of agencies and  
23 organizations that may receive grants. The maximum amount that the office may  
24 award any single consortium under this subsection is a onetime grant of \$50,000.



1 The office of justice assistance shall establish guidelines for administering the grant  
2 program under this subsection, including guidelines for evaluating and selecting  
3 grant recipients. The office shall give priority for receipt of funds under this  
4 subsection to consortiums that serve localities in which the incidence of crime is high  
5 relative to other localities in the state and to localities for which the ratio of persons  
6 placed at the county jail to the capacity of the jail is high relative to other localities  
7 in the state.

8 (b) From the appropriation accounts under section 20.505 (6) (kp) of the  
9 statutes and section 20.505 (6) (p) of the statutes, as affected by this act, the office  
10 of justice assistance shall allocate \$50,000 of the amount available for grants for  
11 planning community justice center programs under paragraph (a) to the community  
12 justice center in Milwaukee in fiscal year 2001–02.”.

13 **1582.** Page 1298, line 24: after that line insert:

14 “(22w) CRIME PREVENTION RESOURCE CENTER. From federal and program revenue  
15 moneys appropriated to the department of administration for the office of justice  
16 assistance under section 20.505 (6) (kp) and (p) of the statutes, the department shall  
17 allocate \$55,000 in fiscal year 2001–02 and \$35,000 in fiscal year 2002–03 to provide  
18 funding for a crime prevention resource center established under section 38.37 of the  
19 statutes, as created by this act.”.

20 **1583.** Page 1298, line 24: after that line insert:

21 “(22k) LAPSES FROM CERTAIN APPROPRIATIONS FROM WHICH MEMBERSHIP DUES IN  
22 STATE AND NATIONAL ORGANIZATIONS ARE PAID.

23 (a) In this subsection:

24 1. “Secretary” means the secretary of administration.

1           2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

2           (b) The secretary shall determine for each state agency the amount expended  
3 by the state agency for membership dues for any state or national organization in the  
4 2000–01 fiscal year that was funded from each revenue source except federal  
5 revenue.

6           (c) The secretary shall, during the 2001–02 fiscal year, lapse to the general fund  
7 or appropriate segregated fund from each sum certain appropriation account made  
8 to each state agency from any revenue source except program revenue, segregated  
9 revenue derived from specific program receipts, or federal revenue, or shall  
10 reestimate to subtract from the expenditure estimate for each appropriation other  
11 than a sum certain appropriation made to each state agency from any revenue source  
12 except federal revenue, an amount equivalent to 20% of the total amount expended  
13 by that state agency for membership dues for any state or national organization from  
14 that appropriation in the 2000–01 fiscal year, if any. The secretary shall, during the  
15 2002–03 fiscal year, lapse to the general fund or appropriate segregated fund from  
16 each such account or shall reestimate to subtract from each such estimate an  
17 equivalent amount.

18           (d) Each sum certain appropriation to each state agency for the 2001–02 fiscal  
19 year and the 2002–03 fiscal year from program revenue or segregated revenue  
20 derived from specific program receipts is decreased by an amount equivalent to 20%  
21 of the total amount expended by that agency for membership dues for any state or  
22 national organization from that appropriation in the 2000–01 fiscal year, as  
23 determined by the secretary.”.

24           **1584.** Page 1298, line 24: after that line insert:

1           “(21jm) STUDY ON POSTSECONDARY EDUCATION COMMISSION. The department of  
2 administration shall study the feasibility of creating a postsecondary education  
3 commission to provide a comprehensive and coordinated framework for all  
4 postsecondary education and training. The department shall report the results of  
5 the study, together with its findings and recommendations, to the legislature in the  
6 manner provided in section 13.172 (2) of the statutes no later than January 1, 2003.”.

7           **1585.** Page 1298, line 24: after that line insert:

8           “(23q) APPROPRIATION ACCOUNT LAPSES AND FUND TRANSFERS RESULTING FROM  
9 WISCONSIN RETIREMENT SYSTEM CONTRIBUTIONS SAVINGS.

10           (a) In this subsection:

11           1. “Program revenues” has the meaning given in section 20.001 (2) (b) of the  
12 statutes.

13           2. “Program revenues–service” has the meaning given in section 20.001 (2) (c)  
14 of the statutes.

15           3. “Secretary” means the secretary of administration.

16           4. “Segregated fund revenues” has the meaning given in section 20.001 (2) (d)  
17 of the statutes.

18           5. “Segregated fund revenues–service” has the meaning given in section 20.001  
19 (2) (da) of the statutes.

20           6. “State agency” has the meaning given in section 20.001 (1) of the statutes,  
21 but does not include the state investment board and the departments of employee  
22 trust funds and transportation.

23           (b) The secretary shall determine for each state agency the amount credited by  
24 the department of employee trust funds to the state agency’s appropriations from

1 program revenues, program revenues–service, segregated fund revenues, and  
2 segregated fund revenues–service during the 2000–01 and 2001–02 fiscal years to  
3 implement 1999 Wisconsin Act 11, section 27 (1) (b) 1., for the payment of  
4 contributions under the Wisconsin retirement system. In making this calculation,  
5 the secretary shall determine the amounts credited by the department of employee  
6 trust funds for the payment of contributions under the Wisconsin retirement system  
7 for the 2000–01 fiscal year and for the 2001–02 fiscal year.

8 (c) During the 2001–02 fiscal year, the secretary shall lapse from each state  
9 agency’s appropriations from program revenues and program revenues–service to  
10 the general fund the amounts calculated by the secretary under paragraph (b) for  
11 those appropriations.

12 (d) During the 2001–02 fiscal year, the secretary shall lapse from each state  
13 agency’s appropriations from segregated fund revenues and segregated fund  
14 revenues–service to the appropriate segregated fund the amount calculated by the  
15 secretary under paragraph (b) for those appropriations that was credited by the  
16 department of employee trust funds for the 2001–02 fiscal year. After making this  
17 lapse, the secretary shall transfer from the appropriate segregated funds to the  
18 general fund an amount equal to the amounts credited by the department of  
19 employee trust funds to each state agency’s appropriations from segregated fund  
20 revenues and segregated fund revenues–service for the 2000–01 fiscal year and for  
21 the 2001–02 fiscal year, as determined by the secretary under paragraph (b).”.

22 **1586.** Page 1298, line 24: after that line insert:

23 “(21k) GRANTS FOR COOPERATIVE COUNTY–TRIBAL LAW ENFORCEMENT.

1 (a) From the appropriation account under section 20.505 (6) (kr) of the statutes,  
2 as created by this act, the department of administration shall allocate the following  
3 amounts to the following counties in each of fiscal years 2001–02 and 2002–03 to  
4 support law enforcement agreements with the following Indian bands:

5 1. To Vilas County, \$210,550 to support a law enforcement agreement with the  
6 Lac du Flambeau band of Lake Superior Chippewa.

7 2. To Oneida County, \$50,000 to support a law enforcement agreement with the  
8 Lac du Flambeau band of Lake Superior Chippewa.

9 (b) Each county that receives money under paragraph (a) shall report to the  
10 office of justice assistance on how that money is expended.”.

11 **1587.** Page 1298, line 24: after that line insert:

12 “(25j) TRANSFER TO CASH BUILDING PROJECTS FUND; REQUIRED GENERAL FUND  
13 STATUTORY BALANCE FOR FISCAL YEAR 2002–03.

14 (a) Notwithstanding section 16.518 (4) of the statutes, as created by this act,  
15 for the 2002–03 fiscal year, if the amount of moneys projected to be deposited in the  
16 general fund during the fiscal year that are designated as “Taxes” in the summary  
17 in section 20.005 (1) of the statutes, as affected by this act, is less than the amount  
18 of such moneys actually deposited in the general fund during the fiscal year, the  
19 secretary of administration shall calculate the difference between the amount  
20 calculated under section 16.518 (2) of the statutes, as created by this act, for that  
21 fiscal year, and the amount transferred to the budget stabilization fund under section  
22 16.518 (3) of the statutes, as created by this act, for that fiscal year.

23 (b) If the amount calculated under paragraph (a) is at least \$115,000,000, the  
24 secretary shall calculate the difference between the amount that exceeds

1 \$115,000,000 and the amount that is necessary to maintain a required general fund  
2 balance under section 20.003 (4) of the statutes of 1.2% for fiscal year 2002–03, less  
3 the amount designated as “Less Required Statutory Balance” in the summary in  
4 section 20.005 (1) of the statutes, as affected by this act, for that fiscal year.

5 (c) The secretary shall transfer from the general fund to the cash building  
6 projects fund the amount that exceeds the sum of \$115,000,000 and the amount  
7 calculated under paragraph (b).”.

8 **1588.** Page 1298, line 24: after that line insert:

9 “(26n) VACANT POSITIONS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

10 (a) In this subsection:

11 1. “Secretary” means the secretary of administration.

12 2. “State agency” means any office, department, or independent agency in the  
13 executive branch of government, other than the board of regents of the University  
14 of Wisconsin System.

15 (b) 1. No later than 30 days after the effective date of this paragraph, the  
16 secretary shall determine for each state agency the number of FTE positions that as  
17 of July 1, 2001, have been vacant since October 1, 2000, other than any position  
18 authorized to perform duties in a state institution or facility that has not been  
19 completed or has not begun operations as of July 1, 2001. The secretary shall also  
20 determine the annual salary and fringe benefits costs for such positions and shall  
21 identify the appropriations from which these costs are paid during the 2001–03 fiscal  
22 biennium.

23 2. The secretary shall notify each state agency affected by his or her  
24 determinations under subdivision 1. Any state agency so notified may request that

1 the secretary reallocate the lapse, or any part thereof, to a different appropriation  
2 for state operations. Any state agency so notified may also request that the secretary  
3 not include any of the state agency's vacant FTE positions in subdivision 1. if the  
4 agency reallocates the lapse, or any part thereof, to a different appropriation for state  
5 operations or reallocates the lapse to a different category of expenditure in the  
6 appropriation identified by the secretary in subdivision 1. If the secretary agrees to  
7 any state agency's request, the secretary shall modify his or her determinations  
8 under subdivision 1.

9 (c) 1. During the 2001–02 fiscal year, the secretary shall lapse to the general  
10 fund or appropriate segregated fund from each sum certain appropriation account  
11 made to each state agency from any revenue source except program revenue, federal  
12 revenue, or segregated revenue derived from specific program receipts, or shall  
13 reestimate to subtract from the expenditure estimate for each appropriation other  
14 than a sum certain appropriation made to each state agency from any revenue  
15 source, an amount equivalent to the amount expended by that state agency for  
16 annual salary and fringe benefit costs for the vacant positions identified by the  
17 secretary under paragraph (b) from that appropriation in the 2000–01 fiscal year.  
18 During the 2002–03 fiscal year, the secretary shall lapse to the general fund or  
19 appropriate segregated fund from each such account or shall reestimate to subtract  
20 from each such estimate an equivalent amount.

21 2. Each sum certain appropriation to each state agency for the 2001–02 fiscal  
22 year and the 2002–03 fiscal year from program revenue, federal revenue, or  
23 segregated revenue derived from specific program receipts is decreased by an  
24 amount equal to the amount expended by that state agency for the payment of  
25 annual salary and fringe benefit costs for the vacant positions identified by the

1 secretary under paragraph (b) from that appropriation in the 2000–01 and 2002–03  
2 fiscal years.

3 (d) The authorized FTE positions for each state agency are decreased by the  
4 number of FTE positions identified by the secretary under paragraph (b) from the  
5 appropriate funding source.

6 (e) The secretary shall notify the joint committee on finance of all actions taken  
7 under paragraphs (c) and (d).”.

8 **1589.** Page 1298, line 24: after that line insert:

9 “(23r) APPROPRIATION ACCOUNT LAPSES AND FUND TRANSFERS.

10 (a) In this subsection:

11 1. “Secretary” means the secretary of administration.

12 2. “State agency” means any office, department, or independent agency in the  
13 executive branch of government, other than the investment board, the department  
14 of employee trust funds, and the board of regents of the University of Wisconsin  
15 System.

16 (b) 1. During the 2001–02 and 2002–03 fiscal years, the secretary shall  
17 recommend lapses or transfers to the general fund, whichever is appropriate, from  
18 state operations appropriations made to state agencies from program revenue or  
19 segregated revenue that in total equal \$18,800,000 in each year.

20 2. In making the recommendations under subdivision 1., the secretary shall not  
21 include any of the following:

22 a. An appropriation that is funded from federal revenues.



1           b. An appropriation for principal repayment and interest payments on public  
2 debt, as defined in section 18.01 (4) of the statutes, or operating notes, as defined in  
3 section 18.71 (4) of the statutes.

4           c. An appropriation for lease rental payments.

5           d. An appropriation to the department of transportation for the purpose of  
6 undertaking construction projects.

7           e. An appropriation for the operation of any state institution established for the  
8 care or custody of individuals.

9           f. An appropriation for the operation of the state traffic patrol.

10          g. An appropriation funded from gifts, grants, or bequests.

11          h. An appropriation containing moneys whose lapse or transfer under  
12 subdivision 1. would violate a condition imposed by the federal government on the  
13 expenditure of the moneys.

14          i. An appropriation containing moneys whose lapse or transfer under  
15 subdivision 1. would violate the state constitution.

16          (c) After making the recommendations under paragraph (b), the secretary shall  
17 notify the joint committee on finance in writing of the recommendations. If the  
18 cochairpersons of the committee do not notify the secretary within 14 working days  
19 after the date of the secretary's notification that the committee has scheduled a  
20 meeting to review the determinations, the secretary may make the lapses and  
21 transfers under paragraph (d). If, within 14 working days after the date of the  
22 secretary's notification, the chairpersons of the committee notify the secretary that  
23 the committee has scheduled a meeting to review the recommendations, the  
24 secretary may make the lapses and transfers under paragraph (d) only upon  
25 approval of the committee.

1 (d) During the 2001–02 and 2002–03 fiscal years, the secretary shall lapse or  
2 transfer to the general fund, whichever is appropriate, from state operations  
3 appropriations made to state agencies from program revenue or segregated revenue  
4 an amount that is equivalent to the amounts recommended by the secretary under  
5 paragraph (b), as approved by the joint committee on finance under paragraph (c).”.

6 **1590.** Page 1299, line 6: after that line insert:

7 “(1) AGRICULTURAL PRODUCER SECURITY COUNCIL. Notwithstanding the length of  
8 terms specified for the members of the agricultural producer security council under  
9 section 15.137 (1) (a) of the statutes, as created by this act, the initial members shall  
10 be appointed for terms expiring on July 1, 2005.

11 (1v) QUALIFIED PRODUCER AGENT RULES. Using the procedure under section  
12 227.24 of the statutes, the department of agriculture, trade and consumer protection  
13 may promulgate the rule required under section 126.51 of the statutes, as created  
14 by this act, for the period before the effective date of the permanent rule, but not to  
15 exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
16 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
17 is not required to provide evidence that promulgating a rule under this subsection  
18 as an emergency rule is necessary for the preservation of the public peace, health,  
19 safety, or welfare and is not required to provide a finding of emergency for a rule  
20 promulgated under this subsection.

21 (2) AGRICULTURAL PRODUCER SECURITY TRANSITION.

22 (a) *Vegetable contractors.* Notwithstanding SECTION 9404 (1) of this act, chapter  
23 126 of the statutes, as created by this act, does not apply with respect to vegetable  
24 contractors until February 1, 2002, except as follows:

1           1. All registration fees and surcharges paid under section 100.03 (3), 1999  
2 stats., after December 31, 2001, shall be deposited in the agricultural producer  
3 security fund.

4           2. A vegetable contractor applying for a license for the license year that begins  
5 on February 1, 2002, shall submit an application that complies with section 126.56  
6 of the statutes, as created by this act.

7           (b) *Milk contractors.* Notwithstanding SECTION 9404 (1) of this act, chapter 126  
8 of the statutes, as created by this act, does not apply with respect to milk contractors  
9 until May 1, 2002, except as follows:

10           1. All milk producer security fees paid under section 100.06 (9), 1999 stats.,  
11 after December 31, 2001, shall be deposited in the agricultural producer security  
12 fund.

13           2. A milk contractor applying for a license for the license year that begins on  
14 May 1, 2002, shall submit an application that complies with section 126.41 of the  
15 statutes, as created by this act.

16           (c) *Grain dealers and warehouse keepers.* Notwithstanding SECTION 9404 (1)  
17 of this act, chapter 126 of the statutes, as created by this act, does not apply with  
18 respect to grain dealers and grain warehouse keepers until September 1, 2002,  
19 except as follows:

20           1. All license fees and surcharges paid under chapter 127, 1999 stats., after  
21 December 31, 2001, shall be deposited in the agricultural producer security fund.

22           2. A grain dealer applying for a license for the license year that begins on  
23 September 1, 2002, shall submit an application that complies with section 126.11 of  
24 the statutes, as created by this act.

1           3. A grain warehouse keeper applying for a license for the license year that  
2 begins on September 1, 2002, shall submit an application that complies with section  
3 126.26 of the statutes, as created by this act.”.

4           **1591.** Page 1299, line 10: delete lines 10 to 25 and substitute “shall submit  
5 to the committee a comprehensive plan recommending how to keep wood that is  
6 treated with arsenic, inorganic arsenic, or an arsenic copper combination, such as  
7 chromated copper arsenate wood preservative fungicide, from being used in picnic  
8 tables, park benches, and children’s playground equipment at elementary and  
9 secondary schools and municipal parks, if there is a less harmful substitute wood  
10 preservative that may be used.”.

11           **1592.** Page 1300, line 1: delete lines 1 to 7.

12           **1593.** Page 1300, line 12: after that line insert:

13           “(4q) TELEPHONE SOLICITATION REGULATION. The authorized FTE positions for  
14 the department of agriculture, trade and consumer protection are increased by 5.5  
15 PR positions, to be funded from the appropriation under section 20.115 (8) (jm) of the  
16 statutes, as created by this act, for the purpose of regulating telephone solicitations  
17 under section 100.52 of the statutes, as created by this act.”.

18           **1594.** Page 1300, line 12: after that line insert:

19           “(4f) SOIL AND WATER MANAGEMENT POSITIONS. The authorized FTE positions for  
20 the department of agriculture, trade and consumer protection are increased by 11.0  
21 SEG positions, funded by the appropriation under section 20.115 (7) (qd) of the  
22 statutes, to reflect the transfer of funding for nonpoint source water pollution control  
23 to the environmental fund.”.

24           **1595.** Page 1300, line 12: after that line insert:

1           “(4z) AGRICULTURAL PRODUCER SECURITY POSITIONS.

2           (a) The authorized FTE positions for the department of agriculture, trade and  
3 consumer protection are increased on January 1, 2002, by 12.12 SEG positions, to be  
4 funded from the appropriation under section 20.115 (1) (q) of the statutes, as created  
5 by this act, for agricultural producer security.

6           (b) The authorized FTE positions for the department of agriculture, trade and  
7 consumer protection are increased on January 1, 2002, by 0.5 PR position, to be  
8 funded from the appropriation under section 20.115 (1) (h) of the statutes, for  
9 agricultural producer security.”.

10           **1596.** Page 1300, line 21: after that line insert:

11           “(1k) MINNESOTA–WISCONSIN BOUNDARY AREA COMMISSION AND COMPACT  
12 WITHDRAWAL. The state of Wisconsin withdraws from the Minnesota–Wisconsin  
13 boundary area commission and from the compact creating the commission under  
14 chapter 274, laws of 1965. The governor of Wisconsin shall inform the governor of  
15 Minnesota of this withdrawal no later than 10 days after the effective date of this  
16 subsection.”.

17           **1597.** Page 1301, line 4: delete that line, and adjust the appropriate totals  
18 accordingly.

19           **1598.** Page 1301, line 5: before “3,700,100” insert a dollar sign.

20           **1599.** Page 1301, line 12: delete “\$8,100,000” and substitute “\$5,100,000”,  
21 and adjust the appropriate totals accordingly.

22           **1600.** Page 1302, line 15: after that line insert (and adjust the appropriate  
23 totals accordingly):

1 “(e) STATE HISTORICAL SOCIETY

2 1. *Projects financed by program revenue supported*

3 *borrowing and gifts, grants and other receipts:*

4 Wisconsin History Center — Madison \$ 131,500,000

5 2. *Agency totals:*

6 Program revenue supported borrowing and gifts,

7 grants and other receipts 131,500,000

8 Total — all sources of funds \$ 131,500,000”.

9 **1601.** Page 1302, line 22: after that line insert (and adjust the appropriate  
10 totals accordingly):

11 “(g) KICKAPOO VALLEY RESERVE BOARD

12 1. *Projects financed by existing general fund supported*

13 *borrowing authority — stewardship funds:*

14 Kickapoo Valley Reserve Visitor Center and  
15 administration building \$ 2,370,000

16 2. *Agency totals:*

17 Existing general fund supported borrowing authority

18 — stewardship funds 2,370,000

19 Total — all sources of funds \$ 2,370,000”.

20 **1602.** Page 1304, line 15: after that line insert (and adjust the appropriate  
21 totals accordingly):







1	Gifts, grants and other receipts	<u>3,500,000</u>
2	Total — All sources of funds	\$5,000,000”.

3       **1617.** Page 1315, line 6: after that line insert (and adjust the appropriate  
4 totals accordingly):

5       “(p) OTHER PROJECTS

6       1. *Projects financed by general fund supported borrowing:*

7	Discovery Place museum — Racine	\$ 1,000,000
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8               (Total project all funding sources \$3,000,000)

9       2. *Projects financed by segregated funds:*

10	Discovery Place museum — Racine	2,000,000
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11               (Total project all funding sources \$3,000,000)

12       3. *Totals:*

13	General fund supported borrowing	1,000,000
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14	Segregated funds	<u>2,000,000</u>
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15	Total — all sources of funds	\$ 3,000,000”.
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16       **1618.** Page 1315, line 9: delete “44,838,500” and substitute “111,313,000”,  
17 and adjust the appropriate totals accordingly.

18       **1619.** Page 1315, line 10: delete “111,332,500” and substitute “177,807,000”.

19       **1620.** Page 1315, line 11: delete “21,338,000” and substitute “38,694,900”,  
20 and adjust the appropriate totals accordingly.

21       **1621.** Page 1315, line 12: delete “35,966,000” and substitute “53,322,900”.

1           **1622.** Page 1315, line 13: delete “11,922,000” and substitute “21,619,200”,  
2 and adjust the appropriate totals accordingly.

3           **1623.** Page 1315, line 14: delete “22,943,000” and substitute “32,640,200”.

4           **1624.** Page 1315, line 15: delete “3,038,000” and substitute “5,509,500”, and  
5 adjust the appropriate totals accordingly.

6           **1625.** Page 1315, line 16: delete “\$4,838,000” and substitute “\$7,309,500”.

7           **1626.** Page 1316, line 1: delete “\$111,332,500” and substitute  
8 “\$177,807,000”.

9           **1627.** Page 1316, line 3: delete “\$35,966,000” and substitute “\$53,322,900”.

10          **1628.** Page 1316, line 5: delete “\$22,943,000” and substitute “\$32,640,200”.

11          **1629.** Page 1316, line 9: delete “\$111,332,500” and substitute  
12 “\$177,807,000”.

13          **1630.** Page 1316, line 11: delete “\$35,966,000” and substitute “\$53,322,900”.

14          **1631.** Page 1316, line 13: delete “\$22,943,000” and substitute “\$32,640,200”.

15          **1632.** Page 1316, line 18: delete “\$111,332,500” and substitute  
16 “\$177,807,000”.

17          **1633.** Page 1316, line 20: delete “\$35,966,000” and substitute “\$53,322,900”.

18          **1634.** Page 1317, line 2: delete “\$111,332,500” and substitute  
19 “\$177,807,000”.

20          **1635.** Page 1317, line 5: delete “\$111,332,500” and substitute  
21 “\$177,807,000”.

1           **1636.** Page 1317, line 8: delete “\$111,332,500” and substitute  
2           “\$177,807,000”.

3           **1637.** Page 1317, line 10: delete “\$35,966,000” and substitute “\$53,322,900”.

4           **1638.** Page 1317, line 12: delete “\$4,838,000” and substitute “\$7,309,500”.

5           **1639.** Page 1317, line 15: delete “\$35,966,000” and substitute “\$53,322,900”.

6           **1640.** Page 1317, line 19: delete “\$111,332,500” and substitute  
7           “\$177,807,000”.

8           **1641.** Page 1318, line 2: delete “\$111,332,500” and substitute  
9           “\$177,807,000”.

10          **1642.** Page 1318, line 4: delete “\$35,966,000” and substitute “\$53,322,900”.

11          **1643.** Page 1320, line 17: after that line insert:

12           “(3q) UNIVERSITY OF WISCONSIN SYSTEM FACILITIES REPAIR AND RENOVATION.  
13           Notwithstanding section 18.04 (1) and (2) of the statutes, the building commission  
14           shall not authorize public debt to be contracted for the purpose for which moneys are  
15           allocated under section 20.866 (2) (z) 4m. of the statutes, as created by this act, prior  
16           to July 1, 2003.”.

17          **1644.** Page 1320, line 21: after that line insert:

18           “(4v) MECHANICAL ENGINEERING BUILDING RENOVATION AND ADDITION; UNIVERSITY  
19           OF WISCONSIN–MADISON. Notwithstanding section 18.04 (1) and (2) of the statutes,  
20           the building commission shall not authorize public debt to be contracted for the  
21           purpose of financing the mechanical engineering building renovation and addition  
22           at the University of Wisconsin–Madison, as enumerated in subsection (1) (m), prior  
23           to July 1, 2003.”.

1           **1645.** Page 1321, line 15: after that line insert:

2           “(6q) HR ACADEMY, INC., YOUTH AND FAMILY CENTER. Notwithstanding section  
3 13.48 (35) of the statutes, as created by this act, the building commission shall not  
4 make a grant to HR Academy, Inc., for the youth and family center project  
5 enumerated in subsection (1) (ob) under section 13.48 (35) of the statutes, as created  
6 by this act, unless the department of administration has reviewed and approved the  
7 plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the  
8 statutes, the department of administration shall not supervise any services or work  
9 or let any contract for the project. Section 16.87 of the statutes does not apply to the  
10 project.”.

11           **1646.** Page 1321, line 15: after that line insert:

12           “(8g) VETERINARY DIAGNOSTIC LABORATORY. Notwithstanding section 18.04 (1)  
13 and (2) of the statutes, the building commission shall not authorize public debt to be  
14 contracted for the purpose of financing construction of the veterinary diagnostic  
15 laboratory at the University of Wisconsin–Madison, as enumerated under  
16 subsection (1) (m), prior to July 1, 2003.

17           (9g) MEAT/MUSCLE SCIENCE LABORATORY.

18           (a) Notwithstanding section 18.04 (1) and (2) of the statutes, the building  
19 commission shall not authorize public debt to be contracted for the purpose of  
20 financing construction of the meat/muscle science laboratory at the University of  
21 Wisconsin–Madison, as enumerated under subsection (1) (m), prior to July 1, 2003.

22           (b) No later than July 1, 2002, the building commission shall require the board  
23 of regents of the University of Wisconsin system to obtain gifts, grants, and other  
24 receipts in an amount specified by the commission for the purpose of financing a

1 portion of the cost of construction of the meat/muscle science laboratory at the  
2 University of Wisconsin–Madison, as enumerated under subsection (1) (m).  
3 Notwithstanding section 18.04 (1) and (2) of the statutes, the building commission  
4 shall not authorize public debt to be contracted for the purpose of financing  
5 construction of the laboratory until the portion of the funding to be derived from gifts,  
6 grants, and other receipts has been received by the state. Notwithstanding section  
7 20.924 (1) (em) of the statutes, the building commission shall substitute the gifts,  
8 grants and other receipts for a corresponding amount of the borrowing authorized  
9 under section 20.866 (2) (s) of the statutes, as affected by this act, to finance  
10 construction of the laboratory.”.

11 **1647.** Page 1321, line 15: after that line insert:

12 “(7x) WISCONSIN HISTORY CENTER. Notwithstanding section 18.04 (1) and (2) of  
13 the statutes, the building commission shall not authorize public debt to be contracted  
14 for the purpose of funding construction of all or any portion of the Wisconsin history  
15 center, as enumerated under subsection (1) (e), until the building commission  
16 determines that the historical society has secured funding commitments from gifts,  
17 grants, or other receipts to finance construction of the center in an amount at least  
18 equal to the amount of public debt proposed to be contracted to fund construction of  
19 the center, excluding that portion of the center to be utilized solely as a parking  
20 facility. Upon making the determination required under this subsection, the  
21 building commission shall notify the cochairpersons of the joint committee on finance  
22 of the commission’s determination that gifts, grants, and other receipts have been  
23 secured in a specified amount and shall provide to the cochairpersons supporting  
24 documentation. If the cochairpersons of the committee do not notify the building

1 commission that the committee has scheduled a meeting for the purpose of reviewing  
2 the determination within 14 working days after the date of the notification, the  
3 building commission may authorize public debt to be contracted in the amount  
4 specified in its determination. Notwithstanding section 18.04 (1) and (2) of the  
5 statutes, if within 14 working days after the date of the notification the  
6 cochairpersons of the committee notify the building commission that the committee  
7 has scheduled a meeting for the purpose of reviewing the determination, the building  
8 commission shall not authorize public debt to be contracted in the amount specified  
9 in its determination unless the committee approves that action.”.

10 **1648.** Page 1322, line 12: after that line insert:

11 “(13r) DISCOVERY PLACE MUSEUM.

12 (a) Notwithstanding section 13.48 (32r) of the statutes, as created by this act,  
13 the building commission shall not make any grant to Racine County for the Discovery  
14 Place museum project enumerated in subsection (1) (p) under section 13.48 (32r) of  
15 the statutes, as created by this act, unless the department of administration has  
16 reviewed and approved the plans for the project. Notwithstanding sections 16.85 (1)  
17 and 16.855 (1) of the statutes, the department of administration shall not supervise  
18 any services or work or let any contract for the project. Section 16.87 of the statutes  
19 does not apply to the project.”.

20 **1649.** Page 1322, line 12: after that line insert:

21 “(12w) UTILITY SERVICE COST ALLOCATION STUDY. Notwithstanding section 16.705  
22 (1) of the statutes, the building commission shall direct the department of  
23 administration to contract with a private person to perform a study of the extent of  
24 utility services provided to state programs funded with program revenue and to

1 determine whether the charges made to the programs utilizing this service are fairly  
2 compensating the state for the cost of the service provided to the programs. The  
3 report of the study shall include any recommendations for changes in allocation of  
4 charges for utility service. The department of administration shall report the results  
5 of the study, together with any recommendations included in the study report, to the  
6 cochairpersons of the joint committee on finance no later than July 1, 2002.”.

7 **1650.** Page 1322, line 23: after that line insert:

8 “(2k) GRANTS TO CHIPPEWA VALLEY TECHNICAL COLLEGE. From the appropriation  
9 under section 20.143 (1) (kj) of the statutes, as affected by this act, the department  
10 of commerce may make grants of up to \$250,000 in fiscal year 2001–02 and up to  
11 \$250,000 in fiscal year 2002–03 to the Chippewa Valley Technical College for a health  
12 care education center. If the department of commerce makes a grant under this  
13 subsection, the department of commerce shall enter into an agreement with the  
14 Chippewa Valley Technical College that specifies the uses for the grant proceeds and  
15 reporting and auditing requirements.”.

16 **1651.** Page 1323, line 17: delete the material beginning with “the number”  
17 and ending with “state by” on line 18.

18 **1652.** Page 1323, line 20: after “park operator” insert “by the number of  
19 manufactured homes in all manufactured home parks in this state”.

20 **1653.** Page 1324, line 3: after that line insert:

21 “(4q) DWELLING CODE COUNCIL. Notwithstanding the length of terms specified  
22 for members of the dwelling code council appointed under section 15.157 (3) of the  
23 statutes, as affected by this act, the member appointed under that section as a

1 representative of remodeling contractors shall be initially appointed for a term  
2 expiring on July 1, 2004.”.

3 **1654.** Page 1326, line 5: after that line insert:

4 “(10d) COMMUNITY DEVELOPMENT BLOCK GRANT FOR FIRE PROTECTION NEEDS.

5 (a) In this subsection, “department” means the department of commerce.

6 (b) Subject to paragraph (c), the department shall make a grant of \$260,000  
7 from the appropriation under section 20.143 (1) (n) of the statutes to the Westby fire  
8 department for costs related to purchasing a new fire engine and constructing a new  
9 fire station in the city of Westby. If the department makes the grant under this  
10 paragraph, it shall pay the grant proceeds no later than June 30, 2003, and shall  
11 enter into an agreement with the Westby fire department that specifies the uses for  
12 the grant proceeds and reporting and auditing requirements.

13 (c) The department shall make the grant under paragraph (b) only if the federal  
14 emergency management administration does not make a fire grant to the city of  
15 Westby or the Westby fire department for the purposes specified in paragraph (b).”.

16 **1655.** Page 1326, line 5: after that line insert:

17 “(8z) REPORT ON OFFICE OF ECONOMIC STRATEGY. By July 1, 2002, the department  
18 of commerce shall submit a report to the appropriate standing committees of the  
19 legislature in the manner provided under section 13.172 (3) of the statutes on a plan  
20 to create an office of economic strategy for coordinating all state government efforts  
21 and activities related to economic development.”.

22 **1656.** Page 1326, line 5: after that line insert:

23 “(10eg) BUSINESS PLANNING GRANT. From the appropriation under section 20.143  
24 (1) (c) of the statutes, as affected by this act, the department of commerce shall make



1 a grant of \$25,000 to Clearwater Lake Distilling Company, LLC., for business  
2 planning expenses related to a project that utilizes potatoes and potato waste for  
3 vodka distillation. The department of commerce shall enter into an agreement with  
4 Clearwater Lake Distilling Company, LLC., that specifies the uses for the grant  
5 proceeds and reporting and auditing requirements. The department of commerce  
6 may not pay grant proceeds under this subsection after June 30, 2003.”.

7 **1657.** Page 1326, line 5: after that line insert:

8 “(10p) GRANT FOR GREAT LAKES FORESTRY MUSEUM. From the appropriation  
9 under section 20.143 (1) (kj) of the statutes, as affected by this act, the department  
10 of commerce shall make a grant of \$450,000 in fiscal biennium 2001–03 to the Great  
11 Lakes Forestry Museum in Rice Lake to develop a facility for educating the public  
12 about the history of forestry and logging in the state. The department of commerce  
13 shall enter into an agreement with the Great Lakes Forestry Museum that specifies  
14 the uses for the grant proceeds and reporting and auditing requirements.

15 (11zx) GRANTS TO PORT PLAZA RENOVATION PROJECT. From the appropriation  
16 under section 20.143 (1) (kj) of the statutes, as affected by this act, the department  
17 of commerce shall make a grant of \$250,000 in each fiscal year of the 2001–03 fiscal  
18 biennium to the Port Plaza Renovation Project in the city of Green Bay. The  
19 department of commerce shall enter into an agreement with the Port Plaza  
20 Renovation Project that specifies the uses for the grant proceeds and reporting and  
21 auditing requirements.”.

22 **1658.** Page 1326, line 5: after that line insert:

23 “(9c) GRANT FOR DEMOLITION AND CLEANUP OF BROWNFIELDS SITE.

24 (a) In this subsection:

1           1. “Department” means the department of commerce.

2           2. “Secretary” means the secretary of commerce.

3           (b) Subject to paragraph (c), from the appropriation under section 20.143 (1)  
4 (qm) of the statutes, as affected by this act, the department shall make a grant of  
5 \$1,000,000 to the city of Kenosha for the demolition and rehabilitation of the former  
6 American Brass factory site in the city of Kenosha if all of the following apply:

7           1. The city of Kenosha submits a plan to the department detailing the proposed  
8 use of the grant and the secretary approves the plan.

9           2. The city of Kenosha complies with the requirements under section 560.13 (2)  
10 (a) 1m. of the statutes, as created by this act, and with the requirements under  
11 section 560.13 (2) (a) 1. and 3. of the statutes.

12           3. The city of Kenosha enters into a written agreement with the department  
13 that specifies the conditions for the use of the grant proceeds, including reporting and  
14 auditing requirements.

15           4. The city of Kenosha agrees in writing to submit to the department, within  
16 6 months after spending the entire amount of the grant, a report detailing how the  
17 grant proceeds were used.

18           (c) The department may not pay grant proceeds under this subsection after  
19 June 30, 2003.

20           (9d) GRANT FOR ACQUISITION AND CLEANUP OF ABANDONED RAIL CORRIDOR.

21           (a) In this subsection:

22           1. “Department” means the department of commerce.

23           2. “Secretary” means the secretary of commerce.

24           (b) Subject to paragraph (c), from the appropriation under section 20.143 (1)  
25 (qm) of the statutes, as affected by this act, the department shall make a grant of

1 \$100,000 to the city of Beloit for the acquisition, cleanup, and redevelopment of a  
2 brownfields site in the Fourth and Fifth Street rail corridor and adjacent industrial  
3 property in the city of Beloit if all of the following apply:

4 1. The city of Beloit submits a plan to the department detailing the proposed  
5 use of the grant and the secretary approves the plan.

6 2. The city of Beloit complies with the requirements under section 560.13 (2)  
7 (a) 1m. of the statutes, as created by this act, and with the requirements under  
8 section 560.13 (2) (a) 1. and 3. of the statutes.

9 3. The city of Beloit enters into a written agreement with the department that  
10 specifies the conditions for the use of the grant proceeds, including reporting and  
11 auditing requirements.

12 4. The city of Beloit agrees in writing to submit to the department, within 6  
13 months after spending the entire amount of the grant, a report detailing how the  
14 grant proceeds were used.

15 (c) The department may not pay grant proceeds under this subsection after  
16 June 30, 2003.

17 (9e) GRANT FOR APPLE RIVER PROJECT. From the appropriation under section  
18 20.143 (1) (qm) of the statutes, as affected by this act, the department of commerce  
19 shall provide a grant under the program under section 560.13 of the statutes, as  
20 affected by this act, of \$386,600 to the city of Amery for the Apple River project. The  
21 proceeds may be used to purchase land with existing structures for the purpose of  
22 demolishing such structures and environmental cleanup and to match federal and  
23 other state funding for environmental cleanup to the extent that public moneys may  
24 be used for matching such funding. The department of commerce shall enter into an

1 agreement with the city of Amery that specifies the uses for the grant proceeds and  
2 reporting and auditing requirements.”.

3 **1659.** Page 1326, line 5: after that line insert:

4 “(9mq) DIVISION OF INTERNATIONAL AND EXPORT DEVELOPMENT. The authorized  
5 FTE positions for the department of commerce are increased by 1.0 PR position, to  
6 be funded from the appropriation under section 20.143 (1) (g) of the statutes, for the  
7 division of international and export development.”.

8 **1660.** Page 1326, line 5: after that line insert:

9 “(10fk) GRANT TO FLORENCE COUNTY KEYES PEAK RECREATION CENTER. From the  
10 appropriation under section 20.143 (1) (kj) of the statutes, as affected by this act, the  
11 department of commerce shall provide a grant of \$50,000 in the 2001–03 biennium  
12 to the Florence County Keyes Peak Recreation Center for a construction project. The  
13 department of commerce shall enter into an agreement with the grant recipient that  
14 specifies the uses for the grant proceeds and reporting and auditing requirements.

15 (11pk) GRANTS TO POTOSI BREWERY FOUNDATION.

16 (a) In this subsection:

17 1. “Department” means the department of commerce.

18 2. “Secretary” means the secretary of commerce.

19 (b) In the 2001–03 fiscal biennium, the department shall make a grant of  
20 \$30,000 and a grant of \$120,000 from the appropriation under section 20.143 (1) (kj)  
21 of the statutes, as affected by this act, to Potosi Brewery Foundation for the purposes  
22 specified in paragraph (c) if all of the following apply:

1           1. Potosi Brewery Foundation submits a plan to the department detailing the  
2 proposed use of the grant, the plan is in compliance with the uses specified in  
3 paragraph (c), and the secretary approves the plan.

4           2. Potosi Brewery Foundation provides matching funds of \$120,000 for the  
5 project.

6           3. Potosi Brewery Foundation enters into a written agreement with the  
7 department that specifies the conditions for the use of the grant proceeds, including  
8 reporting and auditing requirements.

9           4. Potosi Brewery Foundation agrees in writing to submit to the department  
10 the report required under paragraph (d) by the time required under paragraph (d).

11           (c) The grant of \$30,000 under this subsection shall be used for development  
12 of a historic structure report and the grant of \$120,000 under this subsection shall  
13 be used for development of a marketing plan, restoration and salvage of the brewery  
14 structure, and restoration project fundraising.

15           (d) If Potosi Brewery Foundation receives a grant under this subsection, it shall  
16 submit to the department, within 6 months after spending the full amount of the  
17 grant, a report detailing how the grant proceeds were used.”.

18           **1661.** Page 1326, line 5: after that line insert:

19           “(9q) FEDERAL APPROVAL OF CRANE OPERATOR PROGRAM. No later than the first day  
20 of the 3rd month beginning after the effective date of this subsection, the department  
21 of commerce shall submit to the federal secretary of labor the plans required under  
22 section 101.22 (4) of the statutes, as created by this act, if required to do so under 29  
23 USC 667 (b).

1           (9qq) SUBMISSION OF PROPOSED CRANE OPERATOR RULES. No later than the first  
2 day of the 9th month beginning after the effective date of this subsection, the  
3 department of commerce shall submit in proposed form the rules governing certified  
4 crane operator programs under section 101.22 (3) of the statutes, as created by this  
5 act, and the fees permitted under section 101.19 (1) (ig) of the statutes, as created by  
6 this act, to the legislative council staff under section 227.15 (1) of the statutes.

7           (9qr) SHORT-TERM CRANE OPERATOR CERTIFICATES PENDING PRACTICAL  
8 EXAMINATION. Notwithstanding section 101.22 (3) (b) 5. of the statutes and except as  
9 otherwise provided in this subsection, the department of commerce may authorize  
10 a crane operator certification program only if a crane operator certificate issued by  
11 the program before the first day of the 12th month beginning after the effective date  
12 of this subsection has a term that expires on the first day of the 12th month beginning  
13 after the effective date of this subsection. This subsection does not apply to a crane  
14 operator certificate issued to an individual who satisfactorily completes a practical  
15 examination regarding safe crane operation that is approved by the department of  
16 commerce.”.

17           **1662.** Page 1328, line 19: after that line insert:

18           “(2) COMPUTER RECYCLING POSITION. The authorized positions for the  
19 department of corrections are increased by 1.0 PR–S position funded from the  
20 appropriation under section 20.410 (1) (kc) of the statutes for computer recycling  
21 activities.”.

22           **1663.** Page 1332, line 3: after that line insert:

23           “(6e) REPORT REGARDING GENDER–SPECIFIC TREATMENT PROGRAM. The department  
24 of corrections and the department of health and family services shall jointly prepare

1 a report that includes a program plan regarding the gender-specific treatment  
2 program required under section 301.03 (25) of the statutes, as created by this act, and  
3 shall submit the report to the legislature under section 13.172 (2) of the statutes by  
4 July 1, 2002.”.

5 **1664.** Page 1332, line 3: after that line insert:

6 “(7d) REPORT REGARDING SERVICES FOR ALCOHOL AND OTHER DRUG ABUSE BASED ON  
7 GENDER. The department of corrections shall submit a report to the joint committee  
8 on finance no later than 6 months after the effective date of this subsection  
9 comparing the evaluation and treatment services for alcohol and other drug abuse  
10 that it provides to women to those that it provides to men.”.

11 **1665.** Page 1332, line 3: after that line insert:

12 “(9q) CARRYING COSTS FOR THE CORRECTIONAL FACILITY AT STANLEY. Of the amount  
13 appropriated under section 20.410 (1) (a) of the statutes, the department of  
14 corrections shall pay the owners of the correctional facility at Stanley \$650,000 per  
15 month for carrying costs for the period beginning on July 1, 2001, and ending on the  
16 earlier of October 31, 2001, or the date on which the building commission purchases  
17 the correctional facility. If the building commission purchases the correctional  
18 facility before October 31, 2001, the carrying costs for the month in which the  
19 purchase takes place shall be prorated.”.

20 **1666.** Page 1332, line 3: after that line insert:

21 “(6d) PLACEMENT OF PERSONS UNDER 18 YEARS OF AGE IN MAXIMUM SECURITY PRISON  
22 LOCATED NEAR BOSCOBEL. If on the effective date of this subsection any person under  
23 18 years of age is incarcerated in the correctional institution authorized under  
24 section 301.16 (1n) of the statutes, the department of corrections shall transfer that

1 person out of that correctional institution within 30 days after the effective date of  
2 this subsection.”.

3 **1667.** Page 1332, line 3: after that line insert:

4 “(6c) JUVENILE JUSTICE SYSTEM STUDY.

5 (a) There is created a committee to study the costs of the state assuming from  
6 the counties responsibility for the operation of the juvenile justice system. The  
7 committee shall consist of the secretary of administration or the secretary’s designee,  
8 the secretary of corrections or the secretary’s designee, the secretary of health and  
9 family services or the secretary’s designee, a representative of the Wisconsin  
10 Counties Association, and a representative of Milwaukee County, with the governor  
11 to appoint the chairperson of the committee.

12 (b) Beginning on January 1, 2002, each county shall adopt a uniform system  
13 of accounts prescribed by the committee for the recording of all revenues and  
14 expenditures relating to the operation of the juvenile justice system in the county.  
15 By March 15, 2003, each county shall report those revenues and expenditures for  
16 2002 to the committee.

17 (c) By May 1, 2003, the committee shall report its findings, conclusions, and  
18 recommendations to the legislature in the manner provided in section 13.172 (2) of  
19 the statutes and to the governor. The report shall include proposed legislation for  
20 all of the following:

21 1. The assumption by the state of all or part of the operating costs of the juvenile  
22 justice system, beginning on January 1, 2004.

23 2. The elimination of youth aids payments to counties under section 301.26 of  
24 the statutes, as affected by this act, and a reduction in the amount of shared revenue



1 payments and mandate relief payments to counties under sections 79.03, 79.058,  
2 79.06, and 79.08 of the statutes and under section 79.04 of the statutes, as affected  
3 by this act, as a result of the state’s assumption of the costs of operating the juvenile  
4 justice system.”.

5 **1668.** Page 1332, line 5: after that line insert:

6 “(1q) DISTRICT ATTORNEY POSITION REALLOCATIONS. Notwithstanding sections  
7 978.03 and 978.04 of the statutes, effective January 1, 2002, the department of  
8 administration shall reduce Rock County’s allocation of FTE PR assistant district  
9 attorney positions funded from the appropriation account under section 20.475 (1)  
10 (g) of the statutes, as created by this act, by 0.25 position and shall increase Ashland  
11 County’s allocation of FTE PR assistant district attorney positions funded from the  
12 appropriation account under section 20.475 (1) (g) of the statutes, as created by this  
13 act, by 0.25 position.”.

14 **1669.** Page 1332, line 5: after that line insert:

15 “(2m) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. The  
16 authorized FTE positions for district attorneys are increased by 2.0 PR project  
17 positions for the period beginning on July 1, 2001, and ending on June 30, 2005, to  
18 be funded from the appropriation under section 20.475 (1) (k) of the statutes, for the  
19 purpose of providing one assistant district attorney for Milwaukee County and one  
20 assistant district attorney for the county selected under section 978.044 (4) of the  
21 statutes, as created by this act, to perform restorative justice services under section  
22 978.044 of the statutes, as created by this act.”.

23 **1670.** Page 1332, line 8: after that line insert:

1           “(1x) SUBLEASE OF ELECTRONIC VOTING EQUIPMENT. The elections board shall  
2 make the payments required under the master lease for electronic voting system  
3 equipment entered into under SECTION 9101 (20x) of this act and shall sublease the  
4 equipment to any county in which municipalities using that equipment are wholly  
5 or partly contained at nominal cost to the county. The elections board shall make the  
6 payments required under this subsection from the appropriation under section  
7 20.510 (1) (c) of the statutes, as created by this act.”.

8           **1671.** Page 1333, line 4: after that line insert:

9           “(1d) EMERGENCY RULES; RENTAL-PURCHASE COMPANIES. Using the procedure  
10 under section 227.24 of the statutes, the division of banking may promulgate rules  
11 authorized under section 218.63 (3) of the statutes, as created by this act, prescribing  
12 the fees under sections 218.618 (2), 218.622 (4), and 218.626 (1) of the statutes, as  
13 created by this act, for the period before the date on which permanent rules take  
14 effect, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of  
15 the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,  
16 the division of banking is not required to provide evidence that promulgating a rule  
17 under this subsection as an emergency rule is necessary for the preservation of the  
18 public peace, health, safety, or welfare and is not required to provide a finding of  
19 emergency for a rule promulgated under this subsection.”.

20           **1672.** Page 1334, line 7: after that line insert:

21           “(4h) PLAN FOR DISTRIBUTION OF FOOD PANTRY GRANTS. Notwithstanding section  
22 46.766 of the statutes, as created by this act, no later than 90 days after the effective  
23 date of this subsection, the department of health and family services shall submit to  
24 the joint committee on finance a plan for distributing the grants to food pantries

1 under section 46.766 of the statutes, as created by this act. If the cochairpersons of  
2 the committee do not notify the department of health and family services within 14  
3 working days after the date on which the department submitted the plan that the  
4 committee intends to schedule a meeting to review the plan, the department shall  
5 implement the plan. If, within 14 working days after the date on which the  
6 department submitted the plan, the cochairpersons of the committee notify the  
7 department that the committee intends to schedule a meeting to review the plan, the  
8 department may implement the plan only as approved by the committee.”.

9 **1673.** Page 1335, line 7: after “to” insert “attempt to”.

10 **1674.** Page 1335, line 11: delete lines 11 to 17 and substitute:

11 “(8kk) STUDY OF VITAL RECORDS ON-LINE ELECTRONIC FILING SYSTEM.

12 (a) By January 1, 2002, the secretary of health and family services shall appoint  
13 a committee to develop recommended guidelines for an on-line electronic filing  
14 system for vital records in Wisconsin that incorporates privacy, flexibility, and  
15 productivity; to study methods employed by other states to protect against identity  
16 theft in on-line electronic filing systems; to recommend increases, if necessary, in  
17 vital records fees for implementation of an on-line electronic filing system; and to  
18 recommend allocation of revenues resulting from the fee increases. The members of  
19 the committee shall include all of the following:

20 1. The state registrar of vital statistics.

21 2. Three local registrars, including one from a county with a population that  
22 does not exceed 22,000; one from a county with a population that exceeds 22,000 but  
23 does not exceed 300,000; and one from a county with a population that exceeds  
24 300,000.

1           3. Three representatives of the department of health and family services.

2           4. One genealogist.

3           (b) By July 1, 2002, the committee appointed under paragraph (a) shall develop  
4 an outline of its proposals.

5           (c) By January 1, 2003, the committee appointed under paragraph (a) shall  
6 report its findings and recommendations, including a proposed schedule of fees  
7 chargeable for vital records that supports implementation of an on-line electronic  
8 filing system and security measures to protect against identity theft, to the  
9 legislature in the manner provided under section 13.172 (2) of the statutes and to the  
10 governor.”.

11           **1675.** Page 1336, line 2: delete lines 2 to 4 and substitute “SERVICES. If after  
12 supporting the costs specified in section 46.46 of the statutes, as affected by this act,  
13 and lapsing the amounts specified in SECTION 9223 (4z) (b) and (5zk) of this act there  
14 remain any moneys in the appropriation account under section 20.435 (8) (mb) of the  
15 of the statutes, as affected by this act, those remaining moneys are allocated for costs  
16 associated with transferring cases of children in”.

17           **1676.** Page 1336, line 12: after “administration.” insert “The department of  
18 health and family services may propose expending or encumbering no more than  
19 \$2,933,700 under this subsection.”.

20           **1677.** Page 1336, line 23: after that line insert:

21           “(9bk) INCOME AUGMENTATION ACTIVITIES. The authorized FTE positions for the  
22 department of health and family services are increased by 1.0 FED position on  
23 October 1, 2001, to be funded from the appropriation under section 20.435 (8) (mb)

1 of the statutes, for the purpose of performing income augmentation activities under  
2 section 46.46 of the statutes.”.

3 **1678.** Page 1337, line 15: delete “2002” and substitute “2003”.

4 **1679.** Page 1338, line 2: after that line insert:

5 “(9wo) REPORT ON POTENTIAL BADGER CARE HEALTH CARE PROGRAMS SAVINGS. The  
6 department of health and family services shall study the potential for long-term  
7 savings under the badger care health care program under section 49.665 of the  
8 statutes, as affected by this act. No later than January 1, 2002, the department of  
9 health and family services shall report the results of the study, together with its  
10 findings and recommendations, to the joint committee on finance.”.

11 **1680.** Page 1338, line 20: after that line insert:

12 “(16r) PLAN FOR SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES. The  
13 department of health and family services shall develop a plan to administer and fund  
14 services for persons with developmental disabilities. The plan, which shall include  
15 any recommended statutory language changes that are needed to implement the  
16 plan, shall be included in that department’s budget request that is submitted to the  
17 department of administration for the 2003–05 biennium. The plan shall include the  
18 following components:

19 (a) Institutional and community-based services for persons with  
20 developmental disabilities shall be administered within one administrative subunit  
21 of the department of health and family services. The subunit that is designated to  
22 administer these services shall be the subunit that is administering  
23 community-based services for persons with developmental disabilities on the  
24 effective date of this paragraph.

1           (b) Funding under the medical assistance program for institutional services  
2 and home and community–based waiver services for persons with developmental  
3 disabilities shall be combined into one appropriation, to the extent permissible under  
4 federal law. The funding in this appropriation may not be tied to any specific  
5 program or service setting, but shall be individually tailored to enable the person to  
6 live in the least restrictive setting appropriate to his or her needs and preferences.

7           (16rq) MEDICAL ASSISTANCE WAIVERS FOR DEVELOPMENTAL DISABILITIES SERVICES.  
8 The department of health and family services shall determine whether any new  
9 waivers under the medical assistance program are necessary to administer funding  
10 for medical assistance services as described in subsection (16r) (b). That department  
11 shall apply for any waivers of federal medical assistance statutes and regulations  
12 from the federal department of health and human services that the department of  
13 health and family services determines are necessary to administer funding for  
14 medical assistance services as described in subsection (16r) (b).

15           (16rr) WRITTEN PLANS OF CARE FOR PERSONAL CARE SERVICES; RULES. The  
16 department of health and family services shall submit in proposed form the rules  
17 required under section 49.45 (2) (a) 24. of the statutes, as created by this act, to the  
18 legislative council staff under section 227.15 (1) of the statutes no later than the first  
19 day of the fourth month beginning after the effective date of this subsection.

20           (16rs) PILOT PROGRAM FOR LONG–TERM CARE OF CHILDREN WITH DISABILITIES.

21           (a) In this subsection:

22           1. “Administering agency” means a county department under section 46.23,  
23 51.42, or 51.437 of the statutes or a human services agency that administers the  
24 program under a contract with such a county department.

1           2. “Program” means a pilot program that provides a system of long–term care  
2 for children with disabilities and their families.

3           (b) The department of health and family services shall, as soon as possible  
4 before July 1, 2002, seek waivers of federal medical assistance statutes and  
5 regulations from the federal department of health and human services that are  
6 necessary to implement, in pilot sites, the program. If the waivers are granted, the  
7 program shall have all of the following characteristics:

8           1. Eligibility under sections 46.27 (11), 46.275, 46.277, 46.278, 46.985, and  
9 51.44 of the statutes shall be expanded to include children with severe disabilities  
10 and long–term care needs and children eligible for medical assistance with high  
11 medical costs, and medical assistance coverage of services shall be expanded to  
12 include services focused on the needs of children with developmental disabilities and  
13 their families.

14           2. The administration of the program shall be consistent with section 46.985  
15 of the statutes, including a family–centered assessment and planning process.

16           3. The program shall operate within rate settings based upon a child’s level of  
17 care and support needs. The department of health and family services shall  
18 promulgate rules that specify rates that are consistent with federal medical  
19 assistance home and community–based waiver regulations.

20           4. The department of health and family services shall coordinate supports and  
21 services under the program with the medical assistance fee–for–service system,  
22 including the prior authorization process.

23           5. The lead agency for the program shall be an administering agency.

1           6. Counties in which the program is located shall provide, contract for the  
2 provision of, organize, or arrange for long-term care supports for eligible children up  
3 to age 24 years, consistent with section 46.985 (1) (b) and (6) (f) of the statutes.

4           7. Information and assistance services operated under the program shall  
5 provide, contract, or arrange for the provision of all of the following:

6           a. Information and referral services and other assistance at hours that are  
7 convenient for the public.

8           b. Within the limits of available funding, prevention and intervention services.

9           c. Counseling concerning public and private benefits programs.

10          d. Assistance with understanding rights of children and parents within the  
11 long-term care system.

12          8. The administering agency shall determine functional and financial  
13 eligibility for the program by coordinating with the department of health and family  
14 services in completing all of the following:

15          a. A determination of functional eligibility for the children's long-term support  
16 benefit.

17          b. A determination of financial eligibility and of the maximum amount of cost  
18 sharing required for a family who is seeking long-term care services, under  
19 standards prescribed by the department of health and family services.

20          c. Assistance to a child who is eligible for a long-term support benefit and to  
21 the child's family with respect to the choice of whether or not to participate in the  
22 waiver pilot.

23          d. Assistance in enrolling in the program, for families who choose to enroll their  
24 children.



1           9. The cost of the program may not exceed the cost of existing services under  
2 sections 46.27 (11), 46.275, 46.277, 46.278, 46.985, and 51.44 of the statutes.

3           10. The program shall blend the costs per child served in the areas of the sites  
4 in which services are provided under sections 46.27 (11), 46.275, 46.277, 46.278,  
5 46.985, and 51.44 of the statutes.

6           11. The department of health and family services may develop a methodology  
7 to distribute funding under the program on a per child per month basis.

8           12. The department of health and family services shall reinvest into the  
9 children's long-term support system any funding saved by this new methodology.

10           13. The department of health and family services shall equitably assign  
11 priority on any necessary waiting lists, consistent with criteria prescribed by that  
12 department, for children who are eligible for the program, but for whom resources  
13 are not available.

14           14. The department of health and family services shall provide transitional  
15 services to families whose children with physical or developmental disabilities are  
16 preparing to enter the adult service system.

17           15. The department of health and family services shall determine eligibility for  
18 program applicants for state supplemental payments under section 49.77 of the  
19 statutes, medical assistance under section 49.46 of the statutes, and the federal food  
20 stamp program under 7 USC 2011 to 2029.

21           (c) If the federal waivers specified under paragraph (b) are approved, the  
22 department of health and family services shall, as soon as possible before July 1,  
23 2002, seek enactment of statutory language, including appropriation of necessary  
24 funding, to implement the model described under paragraph (b), as approved under  
25 the federal waivers. Any new resources for supports and services for long-term care

1 for children with disabilities and their families shall be managed under the program  
2 after approval of the federal waivers specified in paragraph (b) and enactment of  
3 necessary statutory language to implement the model under paragraph (b).”.

4 **1681.** Page 1338, line 20: after that line insert:

5 “(15e) FIFTH STANDARD FOR EMERGENCY DETENTION AND CIVIL COMMITMENT. The  
6 repeal of 1995 Wisconsin Act 292, sections 5, 12, 14, 16, 20, 22, 24, 28, 30, 30h, 32,  
7 and 37 (1), and the repeal of 1997 Wisconsin Act 35, sections 141, 144, 147, and 605  
8 (1), apply notwithstanding section 990.03 (3) of the statutes.”.

9 **1682.** Page 1338, line 20: after that line insert:

10 “(13d) PLAN FOR REGIONAL LABOR COST VARIATIONS FOR NURSING HOME  
11 REIMBURSEMENT. For purposes of determining medical assistance reimbursement for  
12 allowable direct care costs for facilities with respect to adjustments for regional labor  
13 cost variations under section 49.45 (6m) (ar) 1. a. of the statutes, the department of  
14 health and family services, together with representative of the nursing home  
15 industry and organized labor, shall develop a comprehensive plan that specifies  
16 varying regions of the state of Wisconsin with respect to labor costs for nursing home  
17 staff. The department of health and family services shall submit the plan, by  
18 September 1, 2001, or by the first day of the 2nd month beginning after the effective  
19 date of this subsection, whichever is later, to the joint committee on finance for  
20 review. If the cochairpersons of the joint committee on finance do not notify the  
21 secretary of health and family services within 14 working days after the date on  
22 which the plan is submitted that the committee intends to schedule a meeting to  
23 review the plan, the department of health and family services shall implement the  
24 plan in adjusting standards for medical assistance reimbursement of allowable

1 direct care costs for facilities under section 49.45 (6m) (ar) 1. a. of the statutes. If,  
2 within 14 working days after the date on which the plan is submitted, the  
3 cochairpersons of the committee notify the secretary of health and family services  
4 that the committee intends to schedule a meeting to review the plan, the department  
5 of health and family services may implement the plan only upon approval by the  
6 committee.”.

7 **1683.** Page 1338, line 20: after that line insert:

8 “(18f) RESPITE FACILITIES; RULES. The department of health and family services  
9 shall submit in proposed form the rules required under section 50.85 (8) of the  
10 statutes, as created by this act, to the legislative council staff under section 227.15  
11 (1) of the statutes no later than October 31, 2002.”.

12 **1684.** Page 1338, line 20: after that line insert:

13 “(14b) SUDDEN INFANT DEATH SYNDROME PREVENTION TRAINING; RULES. The  
14 department of health and family services shall submit in proposed form the rules  
15 required under section 48.67 of the statutes, as affected by this act, to the legislature  
16 under section 227.19 of the statutes no later than the first day of the 6th month  
17 beginning after the effective date of this subsection.”.

18 **1685.** Page 1338, line 20: after that line insert:

19 “(16mn) STUDY ON FUNDING THE HEALTH INSURANCE RISK-SHARING PLAN. The board  
20 of governors of the health insurance risk-sharing plan under chapter 149 of the  
21 statutes, as affected by this act, shall conduct a study on alternative funding sources  
22 for the health insurance risk-sharing plan. No later than January 1, 2002, the board  
23 of governors shall report the results of the study, together with its findings and  
24 recommendations, to the standing committees of the legislature on health in the

1 manner provided under section 13.172 (3) of the statutes and to the members of the  
2 joint committee on finance.”.

3 **1686.** Page 1338, line 20: after that line insert:

4 “(12r) STATEWIDE TRAUMA CARE SYSTEM; POSITIONS. The authorized FTE positions  
5 for the department of health and family services are increased by 2.0 PR project  
6 positions, to be funded from the appropriation account under section 20.435 (1) (kx)  
7 of the statutes, for the purposes of the statewide trauma care system under section  
8 146.56 of the statutes, as affected by this act, for the period beginning on July 1, 2001,  
9 and ending on June 30, 2003.

10 (12s) STATEWIDE TRAUMA CARE SYSTEM; REGIONAL ADVISORY TRAUMA COUNCILS.  
11 From the appropriation account under section 20.435 (1) (kx) of the statutes, the  
12 department of health and family services shall expend \$25,000 in state fiscal year  
13 2001–02 and \$50,000 in state fiscal year 2002–03 for expenses of the regional  
14 advisory trauma councils under section 146.56 (1) of the statutes, as affected by this  
15 act, and shall distribute \$290,000 in state fiscal year 2002–03 as grants to regional  
16 advisory trauma councils for performance of activities under the statewide trauma  
17 system.”.

18 **1687.** Page 1338, line 20: after that line insert:

19 “(13b) DURABLE MEDICAL EQUIPMENT; CUSTOMIZED WHEELCHAIR. From the  
20 appropriations under section 20.435 (4) (b) and (o) of the statutes, as affected by this  
21 act, notwithstanding the denial of a request for prior authorization for durable  
22 medical equipment for a customized wheelchair, the department of health and family  
23 services shall purchase a customized wheelchair for a resident of the Vernon Manor

1 nursing home in Vernon County who has cerebral palsy and for whom a physician  
2 has determined that a customized wheelchair is necessary.”.

3 **1688.** Page 1338, line 20: after that line insert:

4 “(14k) IMMUNIZATION REGISTRY.

5 (a) The department of health and family services shall submit to the joint  
6 committee on finance a request to supplement the appropriation account under  
7 section 20.435 (4) (bm) of the statutes, as affected by this act, for the purpose of  
8 developing and implementing a statewide immunization registry. The request shall  
9 include a memorandum of understanding between the department of health and  
10 family services and the Marshfield Clinic, on behalf of the Regional Early Childhood  
11 Immunization Network, that specifies the amount of moneys allocated under section  
12 49.175 (1) (ze) 9. of the statutes that will be used to support immunization data  
13 collection by the Regional Early Childhood Immunization Network, outside of the  
14 area currently served by the immunization registry system of the Marshfield Clinic  
15 and that results in a savings for the department’s immunization registry.

16 (b) If the cochairpersons of the committee do not notify the secretary of health  
17 and family services within 14 working days after receiving the memorandum of  
18 understanding and request under paragraph (a) that the cochairpersons have  
19 scheduled a meeting for the purpose of reviewing the request, the appropriation  
20 account under section 20.435 (4) (bm) of the statutes, as affected by this act, shall be  
21 supplemented from the appropriation account under section 20.865 (4) (a) of the  
22 statutes, as provided in the request. If, within 14 working days after receiving the  
23 proposal, the cochairpersons notify the secretary that the cochairpersons have  
24 scheduled a meeting for the purpose of reviewing the request, the appropriation

1 account may be supplemented from the appropriation account under section 20.865  
2 (4) (a) of the statutes only as approved by the committee. Notwithstanding section  
3 13.101 (3) of the statutes, the committee is not required to find that an emergency  
4 exists prior to supplementing the appropriation account under section 20.435 (4)  
5 (bm) of the statutes, as affected by this act.

6 (c) Not later than January 1, 2003, the department of health and family  
7 services shall submit a report on the immunization registry to the legislature in the  
8 manner provided under section 13.172 (2) of the statutes.

9 (14L) WINNEBAGO MENTAL HEALTH INSTITUTE AND MENDOTA MENTAL HEALTH  
10 INSTITUTE POSITION AUTHORIZATIONS.

11 (a) The authorized FTE positions for the department of health and family  
12 services are decreased by 1.58 GPR positions, funded from the appropriation under  
13 section 20.435 (2) (a) of the statutes, for the purpose of providing care to residents  
14 of the Winnebago Mental Health Institute and Mendota Mental Health Institute.

15 (b) The authorized FTE positions for the department of health and family  
16 services are increased by 1.58 PR positions, to be funded from the appropriation  
17 under section 20.435 (2) (gk) of the statutes, as affected by this act, for the purpose  
18 of providing care to residents of the Winnebago Mental Health Institute and  
19 Mendota Mental Health Institute.”.

20 **1689.** Page 1338, line 20: after that line insert:

21 “(14e) MILWAUKEE HEALTH CLINICS GRANTS. In fiscal year 2001–02, from the  
22 appropriation account under section 20.435 (5) (fh) of the statutes, as affected by this  
23 act, the department of health and family services shall provide all of the following:

1 (a) One grant in the amount of \$273,300 to the Milwaukee Immediate Care  
2 Center to allow continued operation of the facility.

3 (b) One grant in the amount of \$226,700 to the Martin Luther King Heritage  
4 Health Center to expand primary care examination rooms and to create an  
5 emergency care clinic at the Isaac Coggs Community Health Center.”.

6 **1690.** Page 1338, line 20: after that line insert:

7 “(15k) MEDICAL ASSISTANCE PROVIDER FRAUD AND ABUSE; RULES. The department  
8 of health and family services shall submit in proposed form the rules required under  
9 sections 49.45 (2) (a) 10. c., 11. b., and 12. b. and (b) 6m., 7., 8., and 9., (3) (g) 2. and  
10 (h) 1n., and (21) (e) of the statutes, as created by this act, to the legislative council  
11 staff under section 227.15 (1) of the statutes no later than the first day of the 10th  
12 month beginning after the effective date of this subsection.”.

13 **1691.** Page 1338, line 20: after that line insert:

14 “(14g) FEES FOR PATIENT HEALTH CARE RECORDS; RULES.

15 (a) The department of health and family services shall submit in proposed form  
16 the rules required under section 146.83 (3m) of the statutes, as created by this act,  
17 to the legislative council staff under section 227.15 (1) of the statutes no later than  
18 the first day of the 10th month beginning after the effective date of this subsection.

19 (b) To develop the rules under paragraph (a), the secretary of health and family  
20 services shall establish an advisory committee composed of members who represent  
21 a balance of persons who maintain patient health care records and persons who  
22 request patient health care records.”.

23 **1692.** Page 1338, line 20: after that line insert:

1           “(13dd) INCREASE IN HOSPITAL AND HEALTH MAINTENANCE ORGANIZATION RATES OF  
2 REIMBURSEMENT. No later than 90 days after the effective date of this subsection, the  
3 department of health and family services shall submit to the joint committee on  
4 finance a plan for distributing the moneys appropriated in the 2001–03 fiscal  
5 biennium under section 20.435 (4) (o) and (w) of the statutes, as affected by this act,  
6 for increasing the maximum rate of reimbursement paid to hospitals and health  
7 maintenance organizations for outpatient services provided under the medical  
8 assistance program under subchapter IV of chapter 49 of the statutes. The plan may  
9 not increase the maximum rate of reimbursement paid to hospitals for outpatient  
10 services so that the increase results in an increase in the discount rate, which is  
11 shown as the difference between the rate of reimbursement paid to fee-for-service  
12 providers for the same services that are provided by health maintenance  
13 organizations and the rate of payment made to health maintenance organizations for  
14 those services, of more than \$2,500,000 in each of calendar years 2002 and 2003. If  
15 the cochairpersons of the committee do not notify the secretary of health and family  
16 services within 14 working days after receiving the plan that the cochairpersons  
17 have scheduled a meeting for the purpose of reviewing the plan, the department of  
18 health and family services shall implement the plan. If, within 14 working days after  
19 receiving the plan, the cochairpersons notify the secretary of health and family  
20 services that the cochairpersons have scheduled a meeting for the purpose of  
21 reviewing the plan, the department of health and family services may implement the  
22 plan only as approved by the committee.”.

23           **1693.** Page 1338, line 20: after that line insert:

24           “(15j) ASSISTIVE TECHNOLOGY AND ADAPTIVE EQUIPMENT.



1 (a) From the appropriation account under section 20.435 (6) (a) of the statutes,  
2 the subunit in the department of health and family services that deals with physical  
3 disabilities shall expend \$15,000 in each of state fiscal years 2001–02 and 2002–03  
4 to administer funding for assistive technology and adaptive equipment for persons  
5 with physical disabilities; develop statewide reporting mechanisms, contract  
6 performance evaluation, and training; and work with vendors to obtain updated  
7 assistive technology and adaptive equipment.

8 (b) From the appropriation account under section 20.435 (7) (bc) of the statutes,  
9 the department of health and family services shall distribute \$15,000 in each of state  
10 fiscal years 2001–02 and 2002–03 to the Easter Seals Society of Wisconsin, Inc., to  
11 provide persons with disabilities in the agricultural industry with specialized  
12 assistance regarding adaptations or modifications of agricultural equipment.

13 (c) From the appropriation account under section 20.435 (7) (bc) of the statutes,  
14 the department of health and family services shall expend \$20,000 in each of state  
15 fiscal years 2001–02 and 2002–03 to provide recycled medical equipment, including  
16 wheelchairs, and equipment parts, maintenance, and distribution costs to persons  
17 with disabilities.

18 (d) From the appropriation account under section 20.435 (7) (c) of the statutes,  
19 the department of health and family services shall award grants of \$18,750 in each  
20 of state fiscal years 2001–02 and 2002–03 to each of the eight independent living  
21 centers for the severely disabled, to provide information, resources, and assessments  
22 for the needs for assistive technology and adaptive equipment of persons with  
23 disabilities who are residents of the independent living centers.”.

24 **1694.** Page 1338, line 20: after that line insert:

1           “(13q) HEALTH INSURANCE SUPPLEMENT FOR COMMUNITY DISABILITY SERVICE  
2 PROVIDERS. From the appropriation under section 20.435 (4) (bu) of the statutes, as  
3 created by this act, the department of health and family services shall in state fiscal  
4 year 2001–02 distribute moneys to applying providers of services under home and  
5 community–based waiver programs under 42 USC 1396n (c), including the  
6 long–term support community options program under section 46.27 of the statutes  
7 and the community integration programs under sections 46.275, 46.277, and 46.278  
8 of the statutes, to offset costs of providing health insurance to employees of the  
9 providers. Moneys distributed under this subsection to an applying provider are  
10 limited to the amount the provider expends for employee health care insurance costs  
11 or \$50,000, whichever is less.”.

12           **1695.** Page 1338, line 20: after that line insert:

13           “(13k) EXPANSION OF PROGRAM OF ALL–INCLUSIVE CARE OF THE ELDERLY. From the  
14 appropriation under section 20.435 (7) (bc) of the statutes, the department of health  
15 and family services shall provide \$60,000 for start–up costs to expand to Racine  
16 County the program of all–inclusive care for persons aged 65 or older authorized  
17 under 42 USC 1395 to 1395gg.”.

18           **1696.** Page 1338, line 20: after that line insert:

19           “(14q) MARRIAGE COUNSELING. The authorized FTE positions for the department  
20 of health and family services, funded from the appropriation under section 20.435  
21 (3) (kx) of the statutes, are decreased by 1.0 PR position for the provision of marriage  
22 counseling services.”.

23           **1697.** Page 1338, line 20: after that line insert:

1           “(16h) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY; ADMINISTRATION. Before July  
2           1, 2002, the department of health and family services may develop and submit to the  
3           department of administration a proposal for expenditure of the funds appropriated  
4           under section 20.865 (4) (a) of the statutes for administration of the prescription drug  
5           assistance for elderly program under section 49.688 of the statutes, as created by this  
6           act. The department of administration may approve, disapprove, or modify and  
7           approve any proposal it receives under this subsection. If the department of  
8           administration approves the proposal, the department shall submit the proposal,  
9           together with any modifications, to the cochairpersons of the joint committee on  
10          finance. If the cochairpersons of the committee do not notify the secretaries of  
11          administration and health and family services within 14 working days after  
12          receiving the proposal that the cochairpersons have scheduled a meeting for the  
13          purpose of reviewing the proposal, the secretary of administration may transfer from  
14          the appropriation account under section 20.865 (4) (a) of the statutes to the  
15          appropriation account under section 20.435 (4) (a) of the statutes the amount  
16          specified in the proposal or any proposed modifications of the proposal for  
17          expenditure as specified in the proposal or any proposed modifications of the  
18          proposal and may approve any position authority specified in the proposal or any  
19          proposed modifications of the proposal. If, within 14 working days after receiving the  
20          proposal, the cochairpersons notify the secretaries of administration and health and  
21          family services that the cochairpersons have scheduled a meeting for the purpose of  
22          reviewing the proposal, the secretary of administration may not transfer any amount  
23          specified in the proposal or any proposed modifications of the proposal from the  
24          appropriation account under section 20.865 (4) (a) of the statutes and may not

1 approve any position authority specified in the proposal or any proposed  
2 modifications of the proposal, except as approved by the committee.”.

3 **1698.** Page 1338, line 22: after that line insert:

4 “(1x) REPORT ON LOAN FORGIVENESS PROGRAM. The higher educational aids board  
5 shall develop a program to forgive loans of students who graduate from the  
6 University of Wisconsin System or from the technical college system and farm for a  
7 period of 5 consecutive years. The board shall submit a report summarizing the  
8 program to the governor, and to the legislature in the manner provided under section  
9 13.172 (2) of the statutes, by March 1, 2002.”.

10 **1699.** Page 1338, line 24: delete “(1)mk)” and substitute “(1mk)”.

11 **1700.** Page 1340, line 17: after that line insert:

12 “(1x) VOTING SYSTEM TRANSITIONAL ASSISTANCE. Notwithstanding section 13.101  
13 (3) (a) of the statutes, if the elections board requests a supplemental appropriation  
14 from the joint committee on finance for the purpose of providing voting system  
15 transitional assistance under section 7.08 (7) of the statutes, as created by this act,  
16 or SECTION 9115 (1x) of this act, no finding of emergency is required.  
17 Notwithstanding sections 13.10 and 13.101 (3) of the statutes, if the elections board  
18 requests a supplemental appropriation under this subsection, and the  
19 cochairpersons of the joint committee on finance do not notify the elections board that  
20 a meeting of the committee has been scheduled to discuss the request within 14  
21 working days of the date that the request is made, the request is considered to be  
22 approved by the committee.”.

23 **1701.** Page 1341, line 9: after that line insert:

1           “(1q) HIGH-CAPACITY WELL STUDY. The joint legislative council shall study the  
2 issues raised by high-capacity wells in this state.”.

3           **1702.** Page 1341, line 24: after that line insert:

4           “(2z) AUDIT OF GEOGRAPHIC INFORMATION SYSTEMS MAPPING SERVICES. The joint  
5 legislative audit committee is requested to, and may, direct the legislative audit  
6 bureau to perform a performance evaluation audit of the geographic information  
7 systems mapping services provided by the department of natural resources. The  
8 audit shall include an analysis of the degree to which the services offered by the  
9 department of natural resources compete with the services offered by private  
10 businesses and an analysis of whether it is most cost-effective for those services to  
11 be provided by the department of natural resources or by private businesses. If the  
12 committee directs the legislative audit bureau to perform an audit, the bureau shall  
13 file its report as described in section 13.94 (1) (b) of the statutes.”.

14           **1703.** Page 1343, line 5: after that line insert:

15           “(3xx) ACCUMULATED UNUSED SICK LEAVE CREDIT CONVERSION STUDY.

16           (a) The joint survey committee on retirement systems shall study the issue of  
17 allowing participants in the Wisconsin retirement system who have terminated  
18 covered employment and who have at least 25 years of creditable service under the  
19 Wisconsin retirement system, but who are not eligible to receive an immediate  
20 annuity under the Wisconsin retirement system at the time that they terminate  
21 covered employment, to be able to convert their accumulated unused sick leave into  
22 credits for the payment of health insurance premiums under section 40.05 (4) (b) of  
23 the statutes on the date on which the department of employee trust funds receives  
24 the participant’s application for a retirement annuity or for a lump sum payment

1 under section 40.25 (1) of the statutes. The departments of employment relations  
2 and employee trust funds shall provide any information requested by the joint  
3 survey committee on retirement systems. The joint survey committee on retirement  
4 systems shall submit the results of the study and recommendations to the  
5 department of employment relations no later than January 1, 2002.

6 (b) No later than 30 days after receiving the results of the study and  
7 recommendations submitted under paragraph (a), the department of employment  
8 relations shall submit proposed legislation incorporating the recommendations to  
9 the joint committee on employment relations.”.

10 **1704.** Page 1343, line 5: after that line insert:

11 “(3y) AUDIT OF STATE AIRCRAFT USAGE. The joint legislative audit committee is  
12 requested to direct the legislative audit bureau to conduct a performance evaluation  
13 audit of aircraft usage by state agencies. If the legislative audit bureau performs the  
14 audit, the bureau is requested to include an evaluation of whether the current  
15 number of aircraft owned by the state is appropriate. If the legislative audit bureau  
16 performs the audit, it shall file its report as described under section 13.94 (1) (b) of  
17 the statutes by January 1, 2003.”.

18 **1705.** Page 1343, line 11: after that line insert:

19 “(4z) STUDY ON NEW ECONOMY. The joint legislative council is requested to  
20 conduct a study on how the state government, the state’s research universities, and  
21 the state’s business community can foster economic development in this state by  
22 assisting and developing businesses and industries that are based on science and  
23 technology. If the joint legislative council conducts the study, the joint legislative  
24 council shall report its findings, conclusions, and recommendations to the legislature

1 in the manner provided under section 13.172 (2) of the statutes by January 1, 2002,  
2 and shall include in its report recommendations relating to all of the following:

3 (a) Ways to increase the number and percentage of jobs in this state in  
4 businesses and industries that are based on science and technology.

5 (b) Ways to increase the average earnings of employees employed in this state  
6 in businesses and industries that are based on science and technology.

7 (c) Ways to increase the amount of venture capital invested in this state and  
8 the amount spent on research and development in this state.

9 (d) Ways to increase the number of homes in this state that have computers and  
10 access to the Internet.

11 (e) A strategy to bring the best and brightest researchers to this state.”.

12 **1706.** Page 1343, line 11: after that line insert:

13 “(4b) JURY SELECTION STUDY AND REPORT. The joint legislative council is  
14 requested to study how juries are selected, including what actions are needed to  
15 increase the participation of racial and ethnic minorities on juries so that juries  
16 reflect the racial and ethnic composition of the areas from which the juries were  
17 selected. If the joint legislative council conducts the study, it shall report its findings  
18 and recommendations to the legislature in the manner provided under section  
19 13.172 (2) of the statutes.”.

20 **1707.** Page 1343, line 11: after that line insert:

21 “(4m) EVALUATION AND REPORT TO LEGISLATURE. By October 1, 2004, the  
22 legislative audit bureau shall evaluate, on a quantitative and qualitative basis, the  
23 success of restorative justice programming in Milwaukee county and the county  
24 selected under section 978.044 (4) of the statutes, as created by this act, in serving

1 victims, offenders, and communities affected by crime and shall report its findings  
2 to the appropriate standing committees of the legislature, as determined by the  
3 speaker of the assembly and the president of the senate, under section 13.172 (3) of  
4 the statutes.”.

5 **1708.** Page 1343, line 11: after that line insert:

6 “(5q) AUDIT OF THE DIVISION OF INTERNATIONAL AND EXPORT DEVELOPMENT. The  
7 joint legislative audit committee is requested to direct the legislative audit bureau  
8 to perform a financial and performance evaluation audit of the division of  
9 international and export development in the department of commerce. The audit  
10 shall examine the general operations of the division. If the committee directs the  
11 legislative audit bureau to perform the audit under this subsection, the bureau shall  
12 file its report as described in section 13.94 (1) (b) of the statutes by January 1, 2003.”.

13 **1709.** Page 1343, line 24: after that line insert:

14 “(1k) RECYCLING EFFICIENCY INCENTIVE GRANTS. Notwithstanding section 16.42  
15 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes  
16 for purposes of the 2003–05 biennial budget bill, the department of natural resources  
17 shall submit information concerning the appropriation under section 20.370 (6) (bv)  
18 of the statutes, as created by this act, as though the amount appropriated to the  
19 department under that appropriation for fiscal year 2002–03 were \$7,600,000.

20 (1kL) EMERGENCY RULES FOR RECYCLING PILOT PROGRAM. Using the procedure  
21 under section 227.24 of the statutes, the department of natural resources may  
22 promulgate as emergency rules the rules required under section 287.11 (4) (a) of the  
23 statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the  
24 statutes, the emergency rules may remain in effect until December 31, 2005.



1 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not  
2 required to provide evidence that promulgating a rule under this subsection as an  
3 emergency rule is necessary for the preservation of public peace, health, safety, or  
4 welfare and is not required to provide a finding of emergency for a rule promulgated  
5 under this subsection.

6 (1km) RECYCLING POSITION AUTHORIZATION. The authorized FTE positions for the  
7 department of natural resources are increased by 1.0 SEG position to be funded from  
8 the appropriation under section 20.370 (2) (hq) of the statutes, for recycling program  
9 administration.”.

10 **1710.** Page 1344, line 13: after that line insert:

11 “(2g) NONPOINT SOURCE POSITIONS. The authorized FTE positions for the  
12 department of natural resources are increased by 5.5 SEG positions, funded by the  
13 appropriation under section 20.370 (3) (mt) of the statutes, to reflect the transfer of  
14 funding for nonpoint source water pollution control to the environmental fund.

15 (2h) NONPOINT SOURCE ADMINISTRATION. The authorized FTE positions for the  
16 department of natural resources are increased by 8.0 SEG positions, funded by the  
17 appropriation under section 20.370 (4) (mr) of the statutes, to reflect the transfer of  
18 funding for nonpoint source water pollution control to the environmental fund.”.

19 **1711.** Page 1344, line 13: after that line insert:

20 “(2t) COMPUTER ACCESSIBLE WATER RESOURCE MANAGEMENT INFORMATION.

21 (a) During the 2001–03 fiscal biennium, the department of natural resources  
22 may submit to the joint committee on finance a proposal concerning the continued  
23 development of a system to provide computer accessible water resource management  
24 information.

1 (b) If the cochairpersons of the committee do not notify the department within  
2 14 working days after the date of any submittal under paragraph (a) that the  
3 committee has scheduled a meeting for the purpose of reviewing the proposal, the  
4 appropriation under section 20.370 (4) (aq) of the statutes, as affected by this act, is  
5 supplemented by \$100,000 for fiscal year 2002–03, from the appropriation account  
6 under section 20.865 (4) (u) of the statutes, and the appropriation under section  
7 20.370 (4) (ax) of the statutes, as created by this act, is supplemented by \$100,000  
8 for fiscal year 2002–03, from the appropriation account under section 20.865 (4) (u)  
9 of the statutes, for the purpose of implementing the proposal. If, within 14 working  
10 days after the date of the submittal under paragraph (a), the cochairpersons of the  
11 committee notify the department that the committee has scheduled a meeting for the  
12 purpose of reviewing the proposal and if the committee approves the proposal, the  
13 committee may, from the appropriation under section 20.865 (4) (u) of the statutes,  
14 supplement the appropriation under section 20.370 (4) (aq) of the statutes, as  
15 affected by this act, by an amount not to exceed \$100,000 for fiscal year 2002–03 and  
16 may supplement the appropriation under section 20.370 (4) (ax) of the statutes, as  
17 created by this act, by an amount not to exceed \$100,000 for fiscal year 2002–03 for  
18 the purpose of implementing the proposal. Notwithstanding section 13.101 (3) (a)  
19 of the statutes, the committee is not required to find that an emergency exists.”.

20 **1712.** Page 1344, line 14: delete lines 14 to 19.

21 **1713.** Page 1344, line 19: after that line insert:

22 “(4p) SPARTA OVERPASS. During the 2001–03 fiscal biennium, the department  
23 of natural resources shall provide \$124,000 from the appropriation under section  
24 20.370 (5) (cz) of the statutes, as created by this act, to the city of Sparta in Monroe

1 County for construction of the snowmobile–bicycle–pedestrian overpass over I 90  
2 specified in SECTION 9152 (4k) of this act.”.

3 **1714.** Page 1346, line 3: delete lines 3 to 14 and substitute:

4 “(5mk) GREAT LAKES FORESTRY MUSEUM.

5 (a) In fiscal year 2001–02, from the appropriation under section 20.370 (5) (aw)  
6 of the statutes, as affected by this act, the department of natural resources shall  
7 award a grant in an amount not to exceed \$150,000 to an organization known as the  
8 Great Lakes Forestry Museum to develop a facility in the city of Rice Lake for  
9 educating the public about the history of forestry and logging in this state. In fiscal  
10 year 2002–03, from the appropriation under section 20.375 (2) (rq) of the statutes,  
11 as created by this act, the department of forestry shall award a grant in an amount  
12 not to exceed \$150,000 to the same organization for the same purpose. The amount  
13 of the funding shall be equal to the amount of contributions towards the facility from  
14 funding sources other than this state.

15 (b) Within 6 months after spending the full amount of the grants under  
16 paragraph (a), the organization shall submit to the department of natural resources  
17 and the department of forestry a report detailing how the grant proceeds were used.”.

18 **1715.** Page 1346, line 15: before that line insert:

19 “(5vv) URBAN FORESTRY GRANT FOR WINNEBAGO COUNTY. From the appropriation  
20 under section 20.370 (5) (bw) of the statutes, as affected by this act, and  
21 notwithstanding the limitation under section 23.097 (1) of the statutes that urban  
22 forestry grants be awarded to cities and villages, the department of natural resources  
23 shall provide \$37,500 in fiscal year 2001–02 to Winnebago County to provide funding  
24 to Winnebago County under section 23.097 of the statutes, as affected by this act.

1           (5vw) URBAN FORESTRY GRANT FOR OUTAGAMIE COUNTY. From the appropriation  
2 under section 20.370 (5) (bw) of the statutes, as affected by this act, and  
3 notwithstanding the limitation under section 23.097 (1) of the statutes that urban  
4 forestry grants be awarded to cities and villages, the department of natural resources  
5 shall provide \$37,500 in fiscal year 2001–02 to Outagamie County to provide funding  
6 to Outagamie County under section 23.097 of the statutes, as affected by this act.

7           (5vx) URBAN FORESTRY GRANT FOR BURNETT COUNTY. From the appropriation  
8 under section 20.370 (5) (bw) of the statutes, as affected by this act, and  
9 notwithstanding the limitation under section 23.097 (1) of the statutes that urban  
10 forestry grants be awarded to cities and villages, the department of natural resources  
11 shall provide \$25,000 in fiscal year 2001–02 to Burnett County to provide funding  
12 to Burnett County under section 23.097 of the statutes, as affected by this act.

13           (5vy) URBAN FORESTRY GRANT FOR WAUPACA. From the appropriation under  
14 section 20.370 (5) (bw) of the statutes, as affected by this act, the department of  
15 natural resources shall provide \$15,000 in fiscal year 2001–02 and from the  
16 appropriation under section 20.375 (2) (w) of the statutes, as affected by this act, the  
17 department of forestry shall provide \$15,000 in fiscal year 2002–03 to the city of  
18 Waupaca for a tree planting demonstration project.”.

19           **1716.** Page 1346, line 17: after “2001–02 and” insert “from the appropriation  
20 under section 20.375 (2) (w) of the statutes, as affected by this act, the department  
21 of forestry shall provide”.

22           **1717.** Page 1346, line 17: delete “\$50,000 in fiscal year 2001–02 and \$50,000”  
23 and substitute “\$150,000 in fiscal year 2001–02 and \$150,000”.

1           **1718.** Page 1346, line 21: after “2001–02 and” insert “from the appropriation  
2 under section 20.375 (2) (w) of the statutes, as affected by this act, the department  
3 of forestry shall provide”.

4           **1719.** Page 1348, line 6: after that line insert:

5           “(8d) MANITOWOC RIVER PROJECT. From the appropriation under section 20.370  
6 (5) (cq) of the statutes, as affected by this act, and before applying the percentages  
7 under section 30.92 (4) (b) 6. of the statutes, the department of natural resources in  
8 fiscal year 2001–02 shall provide \$340,000 to the city of Manitowoc to dredge the  
9 Manitowoc River in the area where the submarine U.S.S. Cobia is moored and to  
10 make dock wall repairs and improvements to that mooring area. The city of  
11 Manitowoc need not contribute any moneys to match the amount provided from the  
12 appropriation under section 20.370 (5) (cq) of the statutes, as affected by this act.  
13 Notwithstanding section 30.92 (4) (b) 7. or 8. a. of the statutes, as affected by this act,  
14 the dredging project specified under this subsection qualifies as a recreational  
15 boating project for the purpose of providing moneys under this subsection. This  
16 project need not be placed on the priority list under section 30.92 (3) (a) of the  
17 statutes. This subsection does not apply after June 30, 2002.”.

18           **1720.** Page 1348, line 6: after that line insert:

19           “(8c) JANESVILLE RIVERFRONT PARKWAY DEVELOPMENT PROJECT. From the  
20 appropriation under section 20.370 (5) (cq) of the statutes, as affected by this act, the  
21 department of natural resources shall provide \$250,000 to the city of Janesville for  
22 a project to develop a riverfront parkway that includes the development of a marina  
23 with a boat launch and transient boat slips. The amount expended under this  
24 subsection shall be considered an expenditure for an inland water project under

1 section 30.92 (4) (b) 6. of the statutes. The city of Janesville need not contribute any  
2 moneys to match the amount provided from the appropriation under section 20.370  
3 (5) (cq) of the statutes, as affected by this act. Notwithstanding section 30.92 (4) (b)  
4 4., 7., or 8. of the statutes, as affected by this act, the project specified under this  
5 subsection qualifies as a recreational boating project for the purpose of providing  
6 moneys under this subsection. This project need not be placed on the priority list  
7 under section 30.92 (3) (a) of the statutes. This subsection does not apply after June  
8 30, 2003.”.

9 **1721.** Page 1348, line 6: after that line insert:

10 “(8m) PERROT STATE PARK BRIDGE STUDY. The department of natural resources  
11 shall study the feasibility and desirability of constructing a bridge at Perrot State  
12 Park in the town of Trempealeau that would provide safe access by park users to  
13 Trempealeau Mountain. No later than June 30, 2002, the department shall submit  
14 a report to the legislature concerning the results of the study in the manner provided  
15 under section 13.172 (2) of the statutes.”.

16 **1722.** Page 1348, line 6: after that line insert:

17 “(8k) MENOMINEE RIVER BOAT LAUNCH IMPROVEMENTS. From the appropriation  
18 under section 20.370 (5) (cq) of the statutes, as affected by this act, and before  
19 applying the percentages under section 30.92 (4) (b) 6. of the statutes, the  
20 department of natural resources shall provide to the city of Marinette the amount  
21 necessary for improvements to boat launching facilities, including parking lots, that  
22 provide access to the Menominee River, in an amount not to exceed \$242,600. This  
23 project need not be placed on the priority list under section 30.92 (3) (a) of the  
24 statutes. This subsection does not apply after June 30, 2003.”.

1           **1723.** Page 1348, line 6: after that line insert:

2           “(9n) SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION. The department of  
3 natural resources shall provide in fiscal year 2001–02, from the appropriation under  
4 section 20.370 (5) (cq) of the statutes, as affected by this act, \$200,000 for the  
5 Southeastern Wisconsin Fox River commission. The commission may use these  
6 funds for its activities authorized under subchapter VI of chapter 33 of the statutes  
7 and for providing matching funding for any grants that the commission may be able  
8 to obtain.”.

9           **1724.** Page 1348, line 6: after that line insert:

10           “(8q) LAKE MANAGEMENT GRANT FOR FISH LAKE. From the appropriation under  
11 section 20.370 (6) (ar) of the statutes, the department of natural resources during  
12 fiscal year 2001–02 shall provide a lake management grant of \$200,000 to Dane  
13 County for water quality and lake level improvements for Fish Lake and Mud Lake  
14 in Dane County and Crystal Lake located in both Dane County and Columbia  
15 County. The 75% limitation under section 281.69 (2) (a) of the statutes does not apply  
16 to this grant.”.

17           **1725.** Page 1348, line 6: after that line insert:

18           “(8mk) ATLAS MILL RENOVATION. From the appropriation under section 20.370  
19 (5) (ax) of the statutes, as created by this act, the department of natural resources  
20 shall provide \$250,000 in fiscal year 2001–02 to an organization known as the Paper  
21 International Hall of Fame, Inc., to renovate the facility known as the Atlas Mill  
22 located in the city of Appleton into a facility to be known as the World Paper Center.”.

23           **1726.** Page 1348, line 6: after that line insert:

24           “(9zw) TRANSFER OF THE DIVISION OF FORESTRY TO THE DEPARTMENT OF FORESTRY.

1           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
2 liabilities of the department of natural resources that are primarily related to the  
3 functions of the division of forestry, as determined by the secretary of administration,  
4 shall become the assets and liabilities of the department of forestry. If either  
5 department is dissatisfied with the secretary's determination, that department may  
6 bring the matter to the cochairpersons of the joint committee on finance for  
7 consideration by the committee, and the committee shall affirm or modify the  
8 decision.

9           (b) *Employee transfers.*

10           1. All incumbent employees holding positions in the department of natural  
11 resources relating primarily to the functions of the division of forestry, as determined  
12 by the secretary of administration, are transferred on the effective date of this  
13 subdivision to the department of forestry. If either department is dissatisfied with  
14 the secretary's determination, that department may bring the matter to the  
15 cochairpersons of the joint committee on finance for consideration by the committee,  
16 and the committee shall affirm or modify the decision.

17           2. The secretary of administration shall determine which incumbent  
18 employees holding positions in the department of natural resources that relate  
19 primarily to general administration and program support will be transferred to the  
20 department of forestry. If either department is dissatisfied with the secretary's  
21 determination, that department may bring the matter to the cochairpersons of the  
22 joint committee on finance for consideration by the committee, and the committee  
23 shall affirm or modify the decision.

24           (c) *Employee status.* Employees transferred under paragraph (b) shall have the  
25 same rights and status under subchapter V of chapter 111 and chapter 230 of the



1 statutes in the department of forestry that they enjoyed in the department of natural  
2 resources immediately before the transfer. Notwithstanding section 230.28 (4) of the  
3 statutes, no employee so transferred who has attained permanent status in class is  
4 required to serve a probationary period.

5 (d) *Tangible personal property.* On the effective date of this paragraph, all  
6 tangible personal property, including records, of the department of natural resources  
7 that is primarily related to the functions of the division of forestry, as determined by  
8 the secretary of administration, shall be transferred to the department of forestry.  
9 If either department is dissatisfied with the secretary's determination, that  
10 department may bring the matter to the cochairpersons of the joint committee on  
11 finance for consideration by the committee, and the committee shall affirm or modify  
12 the decision.

13 (e) *Contracts.* All contracts entered into by the department of natural resources  
14 in effect on the effective date of this paragraph that are primarily related to the  
15 functions of the division of forestry, as determined by the secretary of administration,  
16 remain in effect and are transferred to the department of forestry. If either  
17 department is dissatisfied with the secretary's determination, that department may  
18 bring the matter to the cochairpersons of the joint committee on finance for  
19 consideration by the committee, and the committee shall affirm or modify the  
20 decision. The department of forestry shall carry out any such contractual obligations  
21 unless modified or rescinded by the department of forestry to the extent allowed  
22 under the contract.

23 (f) *Rules and orders.* All rules promulgated by the department of natural  
24 resources that are primarily related to the functions of the division of forestry, as  
25 determined by the secretary of administration, and that are in effect on the effective

1 date of this paragraph remain in effect until their specified expiration dates or until  
2 amended or repealed by the department of forestry. All orders issued by the  
3 department of natural resources that are primarily related to the functions of the  
4 division of forestry, as determined by the secretary of administration, and that are  
5 in effect on the effective date of this paragraph remain in effect until their specified  
6 expiration dates or until modified or rescinded by the department of forestry. If  
7 either department is dissatisfied with the secretary's determination, that  
8 department may bring the matter to the cochairpersons of the joint committee on  
9 finance for consideration by the committee, and the committee shall affirm or modify  
10 the decision.

11 (g) *Pending matters.* Any matter pending with the department of natural  
12 resources on the effective date of this paragraph that is primarily related to the  
13 functions of the division of forestry, as determined by the secretary of administration,  
14 is transferred to the department of forestry and all materials submitted to or actions  
15 taken by the department of natural resources with respect to the pending matter are  
16 considered as having been submitted to or taken by the department of forestry. If  
17 either department is dissatisfied with the secretary's determination, that  
18 department may bring the matter to the cochairpersons of the joint committee on  
19 finance for consideration by the committee, and the committee shall affirm or modify  
20 the decision.

21 (h) *Position changes.*

22 1. The authorized FTE positions for the department of natural resources are  
23 decreased by 3.5 FED positions related to forests funded from the appropriation  
24 under section 20.370 (1) (my) of the statutes.

1           2. The authorized FTE positions for the department of natural resources are  
2 decreased by 2.0 FED positions related to southern state forests funded from the  
3 appropriation under section 20.370 (1) (my) of the statutes.

4           3. The authorized FTE positions for the department of natural resources are  
5 decreased by 1.48 PR positions related to forestry funded from the appropriation  
6 under section 20.370 (8) (mk) of the statutes.

7           4. The authorized FTE positions for the department of natural resources are  
8 increased by 44.75 SEG positions funded from the appropriation under section  
9 20.370 (1) (mv) of the statutes, as created by this act.

10          5. The authorized FTE positions for the department of natural resources are  
11 increased by 2.0 FED positions funded from the appropriation under section 20.370  
12 (1) (mx) of the statutes, as created by this act.

13          18. There are authorized for the department of forestry 2.5 FTE SEG positions  
14 to be funded from the appropriation under section 20.375 (2) (sv) of the statutes, as  
15 affected by this act.

16          21. There are authorized for the department of forestry 1.48 FTE PR positions  
17 to be funded from the appropriation under section 20.375 (3) (tm) of the statutes, as  
18 created by this act.

19          22. There are authorized for the department of forestry 432.94 FTE SEG  
20 positions related to forestry to be funded from the appropriation under section 20.375  
21 (2) (q) of the statutes, as created by this act.

22          23. There are authorized for the department of forestry 31.41 FTE SEG  
23 positions related to land program management to be funded from the appropriation  
24 under section 20.375 (2) (q) of the statutes, as created by this act.

1           24. There are authorized for the department of forestry 31.16 FTE SEG  
2 positions related to land facilities and lands to be funded from the appropriation  
3 under section 20.375 (2) (q) of the statutes, as created by this act.

4           25. There are authorized for the department of forestry 10.03 FTE SEG  
5 positions related to enforcement and science to be funded from the appropriation  
6 under section 20.375 (2) (q) of the statutes, as affected by this act.

7           26. There are authorized for the department of forestry 76.55 FTE SEG  
8 positions related to administration and technology to be funded from the  
9 appropriation under section 20.375 (2) (q) of the statutes, as created by this act.

10          27. There are authorized for the department of forestry 29.91 FTE SEG  
11 positions related to customer service to be funded from the appropriation under  
12 section 20.375 (2) (q) of the statutes, as created by this act.

13          28. There are authorized for the department of forestry 3.5 FTE FED positions  
14 to be funded from the appropriation under section 20.375 (2) (x) of the statutes, as  
15 created by this act.

16          (9zy)       APPOINTMENT OF FORESTRY SECRETARY; EARLY APPOINTMENT.  
17 Notwithstanding the effective date of the treatment of section 15.45 of the statutes  
18 by this act, the governor may nominate and with the advice and consent of the senate  
19 appoint, before July 1, 2002, the secretary of forestry to take office on July 1, 2002.”.

20           **1727.** Page 1349, line 10: after that line insert:

21           “(5w) WISCONSIN HUMANITIES COUNCIL. Notwithstanding sections 20.255 (2) (cf)  
22 and 115.366 (1) of the statutes, from the amount appropriated to the department of  
23 public instruction under section 20.255 (2) (cf) of the statutes in the 2001–02 fiscal

1 year, the department shall pay \$50,000 to the Wisconsin Humanities Council to  
2 organize and plan the Wisconsin Book Festival.”

3 **1728.** Page 1349, line 10: after that line insert:

4 “(3q) DEAF AND HARD-OF-HEARING EDUCATION COUNCIL. Notwithstanding the  
5 length of term specified in section 15.377 (2) of the statutes, one of the initial  
6 members of the deaf and hard-of-hearing education council appointed under section  
7 15.377 (2) (a) of the statutes, one of the initial members appointed under section  
8 15.377 (2) (i) of the statutes, the initial member appointed under section 15.377 (2)  
9 (b) of the statutes, and the initial member appointed under section 15.377 (2) (c) of  
10 the statutes shall serve for terms expiring on July 1, 2002; the initial members  
11 appointed under section 15.377 (2) (d), (e), and (f) of the statutes and one of the initial  
12 members appointed under section 15.377 (2) (i) of the statutes shall serve for terms  
13 expiring on July 1, 2003; and the initial members appointed under section 15.377 (2)  
14 (g) and (h) of the statutes, one of the initial members appointed under section 15.377  
15 (2) (a) of the statutes, and one of the members appointed under section 15.377 (2) (i)  
16 of the statutes shall serve for terms expiring on July 1, 2004.”

17 **1729.** Page 1349, line 11: delete the material beginning with that line and  
18 ending with page 1350, line 10.

19 **1730.** Page 1350, line 13: delete the material beginning with “section” and  
20 ending with “act” on line 14 and substitute “SECTION 9149 (3mk) of this act”.

21 **1731.** Page 1350, line 14: after that line insert:

22 “(6w) AFTER-SCHOOL CARE GRANTS PROGRAM.

23 (a) A school board may apply to the state superintendent of public instruction  
24 for a grant to fund an after-school care program for pupils who are eligible to receive

1 temporary assistance for needy families under 42 USC 601 to 619 and who would  
2 otherwise be unsupervised by an adult in the afternoon after school.

3 (b) The state superintendent of public instruction shall award grants from the  
4 appropriation under section 20.255 (2) (kn) of the statutes, as created by this act, and  
5 shall ensure, to the extent feasible, that the grants are evenly distributed among  
6 rural, suburban, and urban school districts.”.

7 **1732.** Page 1350, line 14: after that line insert:

8 “(10k) JOINT LEGISLATIVE COUNCIL STUDY ON SCHOOL FINANCING. The joint  
9 legislative council is requested to conduct a study of school financing. If the joint  
10 legislative council conducts the study, it shall report its findings, conclusions, and  
11 recommendations to the legislature in the manner provided under section 13.172 (2)  
12 of the statutes by June 30, 2003.”.

13 **1733.** Page 1350, line 14: after that line insert:

14 “(10fm) JOINT LEGISLATIVE COUNCIL STUDY ON SPECIAL EDUCATION. The joint  
15 council is requested to conduct a study of criteria to determine a pupil’s need for  
16 special education services; the extent of the problem of providing special education  
17 services to violent pupils and recommendations on how to address the problem; the  
18 availability of alternative regular education programs that might be more  
19 appropriate for pupils currently enrolled in special education programs; the impact  
20 of statewide, standardized tests on referrals to special education; current training  
21 of special education teachers; special education funding; and whether it is possible  
22 to recover a larger percentage of medical assistance funds for the provision of special  
23 education services. If the joint legislative council conducts the study, it shall report

1 its findings, conclusions, and recommendations to the legislature in the manner  
2 provided under section 13.172 (2) of the statutes by June 30, 2003.”.

3 **1734.** Page 1350, line 14: after that line insert:

4 “(10f) REVENUE LIMITS. For the purpose of determining a school district’s  
5 revenue limit in the 2002–03 school year, the department of public instruction shall  
6 exclude from the base the amount of state aid received, and property taxes levied, to  
7 pay the additional cost of 4–year–old kindergarten pupils who are not children with  
8 disabilities, as defined in section 115.76 (5) of the statutes, resulting from 2001  
9 Wisconsin Act .... (this act), sections 2761d and 2761g.”.

10 **1735.** Page 1350, line 16: after that line insert:

11 “(1p) PROJECT POSITION. Notwithstanding section 230.27 (1) of the statutes, 1.0  
12 FTE project position that is authorized for the board of commissioners to perform  
13 duties related to submerged log activities and that terminates in September 2001 is  
14 extended to September 30, 2002, and the authorized FTE positions for the board of  
15 commissioners are increased by 1.0 PR project position until September 30, 2002, for  
16 the purpose of performing duties relating to submerged log activities.”.

17 **1736.** Page 1352, line 3: delete lines 3 to 7 and substitute:

18 “(2zq) DISTRIBUTED GENERATION RULES.

19 (a) The public service commission shall submit in proposed form the rules  
20 required under section 196.496 (2) of the statutes, as created by this act, to the  
21 legislative council staff under section 227.15 (1) of the statutes no later than the first  
22 day of the 9th month beginning after the effective date of this paragraph.

23 (b) The public service commission shall create a committee under section  
24 227.13 of the statutes to advise the commission with respect to promulgating the

1 rules required under section 196.496 (2) of the statutes, as created by this act. The  
2 advisory committee shall consist of one employee each of the department of  
3 administration and the department of natural resources, designated by the  
4 secretaries of the respective departments, and members who represent interests  
5 regarding distributed generation facilities, including distributed generation  
6 equipment manufacturers and installers, customers, energy advocacy groups, utility  
7 workers, environmental groups, public utilities, and electric cooperative  
8 associations.”.

9 **1737.** Page 1352, line 7: after that line insert:

10 “(3mk) WISCONSIN ADVANCED TELECOMMUNICATIONS FOUNDATION ASSESSMENTS.

11 (a) In this subsection:

12 1. “Commission” means the public service commission.

13 2. “Endowment fund” means the fund established by the foundation under  
14 section 14.28 (2) (g), 1999 stats.

15 3. “Foundation” means the Wisconsin Advanced Telecommunications  
16 Foundation.

17 4. “Telecommunications provider” has the meaning given in section 196.01 (8p)  
18 of the statutes.

19 (b) No later than the first day of the 2nd month beginning after the effective  
20 date of this paragraph, the commission shall do each of the following:

21 1. Determine the total amount that the foundation solicited from each  
22 telecommunications provider for contribution to the endowment fund and the total  
23 amount that each telecommunications provider contributed to the endowment fund.



1           2. Assess against each telecommunications provider the difference, if any,  
2 between the amount solicited by the foundation and the amount contributed by the  
3 telecommunications provider, as determined under subdivision 1.

4           (c) A telecommunications provider shall pay an assessment made by the  
5 commission under paragraph (b) within 30 days after the commission mails the bill  
6 to the telecommunications provider. The bill constitutes notice of the assessment  
7 and demand for payment. Disputes over failure to pay the assessment shall be  
8 governed by section 196.85 (3) to (8), 1999 stats., except that any reference to a public  
9 utility shall refer instead to a telecommunications provider, and any reference to a  
10 bill rendered under section 196.85 (1) of the statutes, 1999 stats., shall refer instead  
11 to a bill rendered under this paragraph.

12           (d) A telecommunications provider may establish a surcharge on customers'  
13 bills to collect the amount of an assessment paid under paragraph (c), but only if the  
14 bills indicate that the surcharge is being assessed due to the telecommunications  
15 provider's failure to meet its responsibility to make contributions to the Wisconsin  
16 Advanced Telecommunications Fund.”.

17           **1738.** Page 1352, line 9: after “EXAMINATIONS” insert “AND EVALUATIONS”.

18           **1739.** Page 1352, line 11: after “examinations” insert “and evaluations”.

19           **1740.** Page 1352, line 13: delete the material beginning with “for” and ending  
20 with “and” on line 14 and substitute “for the physician or optometrist to indicate.”.

21           **1741.** Page 1352, line 20: delete lines 20 to 25.

22           **1742.** Page 1352, line 25: after that line insert:

23           “(1c) STUDY ON PROMOTING ECONOMIC GROWTH. The department of revenue shall  
24 study options for restructuring shared revenue to encourage high-growth sectors of

1 the economy and the creation of high-quality jobs in this state. The study shall  
2 include considering using up to 10% of the amount distributed to counties and  
3 municipalities under section 79.03 of the statutes to match local efforts to encourage  
4 creation of high-quality jobs in this state; recommending ways to incorporate smart  
5 growth planning under section 16.965 of the statutes into the shared revenue  
6 program; and studying the feasibility of allowing towns to maintain their boundaries  
7 in exchange for shared revenue payments. No later than January 1, 2003, the  
8 department of revenue shall report the result of its study to the secretary of  
9 administration.”.

10 **1743.** Page 1352, line 25: after that line insert:

11 “(1q) ESTATE TAX; PROPOSED LEGISLATION. If the federal government enacts any  
12 law that provides revenue to the state that is intended to offset any loss of estate tax  
13 revenue under chapter 72 of the statutes as a result of any federal law enacted in  
14 2001, the department of revenue shall submit proposed legislation regarding  
15 modifications to the estate tax under chapter 72 of the statutes to the joint committee  
16 on finance. Proposed legislation submitted under this subsection may not, in  
17 conjunction with the fiscal effect of any federal law, result in any increase or decrease  
18 in total state tax revenues.”.

19 **1744.** Page 1353, line 3: after “payments” insert “for counties”.

20 **1745.** Page 1353, line 6: delete “municipalities and”.

21 **1746.** Page 1353, line 12: after “2002” insert “county”.

22 **1747.** Page 1353, line 13: after “revenue” insert “payments”.

23 **1748.** Page 1353, line 19: delete “shared revenue” and substitute “county  
24 shared revenue payments”.

1           **1749.** Page 1354, line 8: after that line insert:

2           “(4p) LOTTERY AND GAMING PROPERTY TAX CREDIT.

3           (a) Notwithstanding section 79.10 (10) (bm) and (bn) of the statutes, as affected  
4 by this act, and section 79.10 (10) (bm) 2. of the statutes, as created by this act, a  
5 person who was eligible for a credit under section 79.10 (9) (bm), 1999 stats., or under  
6 section 79.10 (10) (bn), 1999 stats., related to the 2000 property tax assessment, but  
7 who did not receive the credit, may claim the credit by applying to the department  
8 of revenue in the manner specified under section 79.10 (10) (bm) 2. of the statutes,  
9 as created by this act, no later than October 1, 2001.

10           (b) Notwithstanding section 79.10 (10) (bm) and (bn) of the statutes, as affected  
11 by this act, and section 79.10 (10) (bm) 2. of the statutes, as created by this act, the  
12 department of revenue shall pay, from the appropriation under section 20.835 (3) (s)  
13 of the statutes, as created by this act, all eligible claims under section 79.10 (9) (bm),  
14 1999 stats., or under section 79.10 (10) (bn), 1999 stats., related to the 1999 property  
15 tax assessment that the department received no later than October 1, 2001.”.

16           **1750.** Page 1354, line 22: after that line insert:

17           “(1n) COURT INTERPRETER PROGRAM. The authorized FTE positions for the  
18 supreme court are increased by 1.0 GPR project position, for a 2–year period  
19 beginning on the first day of the 2nd month beginning after publication, to be funded  
20 from the appropriation under section 20.680 (2) (a) of the statutes, for the purpose  
21 of developing and administering a court interpreter testing and training program.”.

22           **1751.** Page 1355, line 23: after that line insert:

23           “(2ht) HERITAGE TOURISM PROGRAM. The authorized FTE positions for the  
24 department of tourism are increased by 1.0 PR positions, to be funded from the

1 appropriation under section 20.380 (1) (kg) of the statutes, as affected by this act, for  
2 operation of the heritage tourism program under section 41.19 of the statutes, as  
3 affected by this act.”.

4 **1752.** Page 1356, line 13: after that line insert:

5 “(2vx) UNIFIED DISADVANTAGED BUSINESS CERTIFICATION PROGRAM.

6 (a) No person may use the list of disadvantaged businesses established by the  
7 department of transportation under section 84.076 (3), 1999 stats., for bids first  
8 advertised after the last day of the 5th month beginning after the effective date of  
9 this paragraph.

10 (b) Notwithstanding section 84.072 of the statutes, as created by this act, no  
11 later than the first day of the 4th month beginning after the effective date of this  
12 paragraph, the department of transportation shall certify as a disadvantaged  
13 business under section 84.072 of the statutes, as created by this act, any business  
14 that, on the effective date of this paragraph, is certified by the department as a  
15 disadvantaged business for the purposes of section 84.076, 1999 stats.  
16 Notwithstanding section 84.072 of the statutes, as created by this act, the  
17 department of transportation is not required to review any documentation in  
18 certifying under this paragraph a business as a disadvantaged business under  
19 section 84.072 of the statutes, as created by this act.”.

20 **1753.** Page 1356, line 13: after that line insert:

21 “(2t) STATEWIDE TRAUMA CARE SYSTEM. From the appropriation account under  
22 section 20.395 (4) (ax) of the statutes, as affected by this act, the department of  
23 transportation shall transfer \$185,000 in fiscal year 2001–02 and \$500,000 in fiscal

1 year 2002–03 to the appropriation under section 20.435 (1) (kx) of the statutes for the  
2 purposes of the statewide trauma care system under section 146.56 of the statutes.”.

3 **1754.** Page 1356, line 13: after that line insert:

4 “(2cd) ALLOCATION OF EXPENDITURE REDUCTIONS; LAPSES TO TRANSPORTATION FUND.

5 (a) Within 30 days of the final credits by the department of employee trust  
6 funds to appropriations of the department of transportation to implement 1999  
7 Wisconsin Act 11, section 27 (1) (b) 1., for the payment of contributions under the  
8 Wisconsin retirement system, the department of transportation shall submit a plan  
9 to the joint committee on finance that does all of the following:

10 1. Allocates reductions of \$3,530,800 in fiscal year 2001–02 among program  
11 revenue, program revenue–service, segregated fund revenue, and segregated fund  
12 revenue–service appropriations, as defined in section 20.001 (2) (b), (c), (d), and (da)  
13 of the statutes, under section 20.395 of the statutes, as affected by this act, less any  
14 amount lapsed in fiscal year 2000–01 as a result of any credits by the department of  
15 employee trust funds to the department of transportation’s appropriations to  
16 implement such act.

17 2. Allocates reductions of \$800,000 in each fiscal year of the 2001–03 fiscal  
18 biennium from among the appropriations under section 20.395 (3) (iq) and (5) (cq)  
19 and (dq) of the statutes; the appropriation under section 20.395 (4) (aq) of the  
20 statutes, as affected by this act; and, from moneys associated with delivery costs of  
21 the department of transportation, the appropriations under section 20.395 (3) (cq)  
22 and (eq) of the statutes, as affected by this act, and the appropriation under section  
23 20.395 (3) (bq) of the statutes.

24 (b) The plan submitted under paragraph (a) shall require all of the following:

1           1. That the amount of any proposed reductions under paragraph (a) 1. from  
2 program revenue, program revenue–service, or segregated fund revenue–service  
3 appropriations lapse to the transportation fund.

4           2. That the amount of any proposed reductions under paragraph (a) 2. lapse to  
5 the transportation fund.

6           (c) If the cochairpersons of the committee do not notify the department of  
7 transportation that the committee has scheduled a meeting for the purpose of  
8 reviewing the proposed plan within 14 working days after the date of the submittal,  
9 the department of transportation may implement the plan. If, within 14 days after  
10 the date of the submittal, the cochairpersons of the committee notify the department  
11 of transportation that the committee has scheduled a meeting for the purpose of  
12 reviewing the proposed plan, the department of transportation may not implement  
13 the plan until it is approved by the committee, as submitted or as modified.”.

14           **1755.** Page 1357, line 6: after that line insert:

15           “(3b) LONG-RANGE SURFACE TRANSPORTATION INVESTMENT PLANNING COMMITTEE.

16           (a) There is created a long–range surface transportation investment planning  
17 committee consisting of the governor, or a representative of the governor, and 14  
18 members nominated by the speaker of the assembly and the majority leader of the  
19 senate, acting jointly, and appointed by the governor. Members shall be nominated  
20 and appointed within 20 days after the effective date of this paragraph and shall  
21 include:

22           1. A representative of the senate.

23           2. A representative of the assembly.

24           3. A representative of the Wisconsin Alliance of Cities.

- 1           4. A representative of the League of Wisconsin Municipalities.
  - 2           5. A representative of the Wisconsin Towns Association.
  - 3           6. A representative of the Wisconsin Counties Association.
  - 4           7. A representative of the Wisconsin Transportation Builders Association.
  - 5           8. A representative of the Wisconsin Urban and Rural Transit Association.
  - 6           9. A representative of the Citizens for a Better Environment.
  - 7           10. A representative of the American Automobile Association of Wisconsin.
  - 8           11. A representative of the Wisconsin Council of the Blind.
  - 9           12. A representative of the Wisconsin Association of Railroad Passengers.
  - 10          13. A representative of a community proposing a commuter rail initiative.
  - 11          14. A representative of the Bicycle Federation of Wisconsin.
- 12           (b) The committee shall have the following duties: to gather information  
13 relating to state and local needs for surface transportation programs, including state  
14 highways, transit, local roads, passenger rail including commuter rail, and bicycle  
15 and pedestrian transportation; to involve the participation of relevant groups,  
16 including those with interests in all relevant transportation modes, local and state  
17 government, the environment, transportation program users, persons with  
18 disabilities, and private businesses; to assess potential future long-range funding  
19 needs for surface transportation programs up to a 20-year planning horizon or 2020;  
20 to develop a recommended multiprogram state surface transportation investment  
21 plan, including funding; and to prepare a report containing the committee's  
22 evaluation, findings, and recommendations. Not later than October 15, 2002, the  
23 committee shall submit the report to the governor and to the legislature in the  
24 manner provided under section 13.172 (2) of the statutes.

1 (c) The committee shall hold its first meeting no later than 28 days after the  
2 effective date of this paragraph and shall select a chairperson at that meeting. The  
3 department of transportation and the legislative fiscal bureau shall provide staff  
4 assistance to the committee.”.

5 **1756.** Page 1357, line 8: delete “(fq) of the statutes, as created by this act,”  
6 and substitute “(eq) of the statutes, as affected by this act,”.

7 **1757.** Page 1357, line 14: after that line insert:

8 “(3e) IMPROVEMENTS TO USH 51 IN CITY OF MADISON. Notwithstanding section  
9 85.07 of the statutes, during the 2001–03 fiscal biennium, the department of  
10 transportation shall expend funds not to exceed \$300,000 from federal funds  
11 available under 23 USC 152 for a highway improvement project on USH 51 at the  
12 intersection of Rieder Road in the city of Madison in Dane County, if the project is  
13 consistent with the requirements of 23 USC 152 and regulations promulgated under  
14 23 USC 152. The project shall include reconstruction of the southbound lanes of USH  
15 51 at Rieder Road to incorporate a divided deceleration and turn lane on USH 51 for  
16 southbound traffic turning east onto Rieder Road from USH 51 and a divided  
17 acceleration lane on USH 51 for traffic traveling west on Rieder Road turning south  
18 onto USH 51. The project shall also include installation of any traffic control signals  
19 necessary to allow traffic traveling west on Rieder Road to turn onto southbound  
20 USH 51 without requiring southbound traffic on USH 51 to stop.”.

21 **1758.** Page 1357, line 14: after that line insert:

22 “(3h) HANSON ROAD BRIDGE IN BURKE. Not later than December 31, 2003, the  
23 department of transportation shall construct the Hanson Road bridge project in the



1 town of Burke in Dane County and shall reconfigure Portage Road in the town of  
2 Burke to accommodate such construction.”.

3 **1759.** Page 1357, line 14: after that line insert:

4 “(3k) AUTOMATED DRIVERS’ LICENSE TESTING. The department of transportation  
5 shall conduct a study to determine whether to require automated drivers’ license  
6 testing throughout the state and shall prepare a report containing its findings and  
7 recommendations. The department shall submit the report to the governor, and to  
8 the legislature in the manner provided under section 13.172 (2) of the statutes, not  
9 later than June 30, 2003.”.

10 **1760.** Page 1357, line 19: after that line insert:

11 “(3wy) HIGHWAY REST AREAS. The total amount of any proposed expenditures or  
12 encumbrances that the department of transportation does not make in the 2001–03  
13 fiscal biennium as a result of the implementation of section 84.04 (4) of the statutes,  
14 as created by this act, shall be expended or encumbered by the department in the  
15 2001–03 fiscal biennium to reopen previously closed rest areas or to keep open rest  
16 areas that are proposed for closure in areas where other rest areas and motorist  
17 services described in section 86.195 (3) of the statutes are not available.”.

18 **1761.** Page 1358, line 16: after that line insert:

19 “(4k) SPARTA OVERPASS. In the 2001–03 fiscal biennium, from the appropriation  
20 under section 20.395 (2) (nx) of the statutes, the department of transportation shall  
21 award a grant of \$496,000 to the city of Sparta in Monroe County for construction  
22 of a snowmobile–bicycle–pedestrian overpass over I 90 in the city of Sparta. The  
23 overpass shall be at least 14 feet in width and shall be located to provide convenient

1 and safe access to the Elroy–Sparta State Trail, the La Crosse River State Trail, and  
2 nearby snowmobile trails.”.

3 **1762.** Page 1358, line 16: after that line insert:

4 “(4e) CAPITOL COURT PROJECT. Of the amounts appropriated to the department  
5 of transportation under section 20.395 (3) (cq) of the statutes, as affected by this act,  
6 on the effective date of this subsection, the department shall allocate \$250,000 for  
7 preliminary engineering for and construction, reconstruction, or improvement of  
8 highways, transportation facilities, or other functionally related or auxiliary  
9 facilities or structures associated with the Capitol Court project on West Capitol  
10 Drive in the city of Milwaukee and for associated economic development.  
11 Notwithstanding section 20.001 (3) (c) of the statutes, if the department has not  
12 expended or encumbered any funds for the project on or before June 30, 2003, the  
13 funds allocated under this subsection shall lapse from the appropriation account  
14 under section 20.395 (3) (cq) of the statutes, as affected by this act, to the  
15 transportation fund.”.

16 **1763.** Page 1358, line 16: after that line insert:

17 “(4h) EISNER AVENUE PEDESTRIAN–BIKE TRAIL PROJECT. In the 2001–03 fiscal  
18 biennium, from the appropriation under section 20.395 (2) (nx) of the statutes, the  
19 department of transportation shall award a grant under section 85.026 (2) of the  
20 statutes to the city of Sheboygan in Sheboygan County or the town of Sheboygan in  
21 Sheboygan County, or both, for the project known as the Eisner Avenue  
22 Pedestrian–Bike Trail Improvement project, if the recipient of the grant awarded  
23 under this subsection contributes funds for the project that total at least 20% of the  
24 costs of the project.”.

1           **1764.** Page 1358, line 20: after that line insert:

2           “(4v) GRANTS TO BROWN COUNTY AND MUNICIPALITIES. From the appropriation  
3 under section 20.395 (2) (iq) of the statutes in fiscal year 2001–02, the department  
4 of transportation shall award grants under section 84.185 of the statutes, as affected  
5 by this act, totaling \$410,000 in January 2002 to Brown County, the city of Green Bay,  
6 and the village of Ashwaubenon to be used to pay costs associated with the CTH  
7 “VK”/Lombardi Avenue project in the city of Green Bay in Brown County. Grant  
8 proceeds under this subsection shall be distributed in proportion to the percentage  
9 of the costs of the project to be borne by each local governmental unit. The provisions  
10 of section 84.185 of the statutes, as affected by this act, relating to the awarding of  
11 grants, the amount of grants, and the eligibility requirements for grants, including  
12 a required local contribution under section 84.185 (2) (b) 5. of the statutes, do not  
13 apply to grants awarded under this subsection”.

14           **1765.** Page 1358, line 20: delete “50%” and substitute “15%”.

15           **1766.** Page 1359, line 7: after that line insert:

16           “(4z) IMPROVEMENT OF 85TH STREET IN KENOSHA COUNTY. Notwithstanding  
17 limitations on the amount and use of aids provided under section 86.31 of the  
18 statutes, as affected by this act, or on eligibility requirements for receiving aids  
19 under section 86.31 of the statutes, as affected by this act, the department of  
20 transportation shall award a grant of \$609,000 in the 2001–03 fiscal biennium to the  
21 village of Pleasant Prairie in Kenosha County for improvements to 85th Street in the  
22 village of Pleasant Prairie. Payment of the grant under this subsection shall be made  
23 from the appropriation under section 20.395 (2) (fr) of the statutes, as affected by this  
24 act, before making any other allocation of funds under section 86.31 (3) (b) of the

1 statutes, and is in addition to the village of Pleasant Prairie’s entitlement, as defined  
2 in section 86.31 (1) (ar) of the statutes, to aids under section 86.31 of the statutes, as  
3 affected by this act.”.

4 **1767.** Page 1359, line 15: after that line insert:

5 “(5c) HIGHWAYS DESIGNATED FOR USE BY OVERSIZE VEHICLES. Notwithstanding  
6 section 348.07 (4) of the statutes, the secretary of transportation shall designate the  
7 following highways to which sections 348.07 (2) (f), (fm), (gm), and (gr) and 348.08  
8 (1) (e) and (h) of the statutes apply: STH 107 from CTH “A” in Marathon County to  
9 STH 64 in Lincoln County, CTH “A” from STH 97 to CTH “K” in Marathon County,  
10 CTH “K” from Wausau in Marathon County to Merrill in Lincoln County, CTH “Q”  
11 from CTH “K” to USH 51 in Lincoln County, CTH “U” from STH 107 to USH 51 in  
12 Marathon County, and STH 97 from STH 29 in Marathon County to STH 64 in Taylor  
13 County. This subsection does not apply after June 30, 2003, or, if the secretary makes  
14 a determination before June 30, 2003, whether to designate the highways specified  
15 under this subsection under section Trans 276.07, Wisconsin Administrative Code,  
16 on the day after such determination.”.

17 **1768.** Page 1359, line 15: after that line insert:

18 “(5e) ASHLAND RAILROAD DEPOT. From the appropriations under section 20.395  
19 (2) (nx) of the statutes, the department of transportation shall award a grant under  
20 section 85.026 (2) of the statutes of \$1,000,000 in fiscal year 2002–03 to the city of  
21 Ashland to be used to restore the historic Ashland railroad depot, if a person, other  
22 than the state, contributes funds for the restoration that at least equal 20% of the  
23 costs of the restoration.”.

24 **1769.** Page 1359, line 15: after that line insert:

1           “(5v) BUS FOR TRANSPORTING THE ELDERLY. In the 2001–03 fiscal biennium, from  
2 the appropriation under section 20.395 (1) (cq) of the statutes, the department of  
3 transportation shall allocate \$30,000 to award a grant to an eligible applicant under  
4 section 85.22 of the statutes for the acquisition of a bus to provide transportation  
5 services to the elderly in the village of Twin Lakes and the town of Randall in  
6 Kenosha County.”.

7           **1770.** Page 1359, line 15: after that line insert:

8           “(5g) RAILROAD CROSSING IMPROVEMENT IN LADYSMITH. The department of  
9 transportation shall allocate \$480,000 in the 2001–03 fiscal biennium from the  
10 appropriations under section 20.395 (2) (gr) and (gx) of the statutes, as affected by  
11 this act, for the construction of an underpass under the railroad tracks on Phillips  
12 Street for the purpose of providing emergency vehicle access to the entire city of  
13 Ladysmith.”.

14           **1771.** Page 1359, line 25: delete “reconstruction” and substitute  
15 “rehabilitation”.

16           **1772.** Page 1360, line 4: delete “RECONSTRUCTION” and substitute  
17 “REHABILITATION”.

18           **1773.** Page 1360, line 11: on lines 11 and 14, delete “reconstruction” and  
19 substitute “rehabilitation”.

20           **1774.** Page 1361, line 2: after that line insert:

21           “(5yq) STATE TRUNK HIGHWAY 15/45 LOCATION STUDY AND ENVIRONMENTAL IMPACT  
22 ASSESSMENT. Notwithstanding section 13.489 (1m) of the statutes, the department of  
23 transportation shall allocate \$200,000 in fiscal year 2001–02 from the  
24 appropriations under section 20.395 (3) (bq), (br), and (bx) of the statutes to conduct

1 a location study and an environmental assessment for an STH 15/USH 45 highway  
2 project from Greenville to New London in Outagamie County.”.

3 **1775.** Page 1362, line 11: after that line insert:

4 “(6bg) STH 100 RECONSTRUCTION. Not later than June 30, 2003, the department  
5 of transportation shall begin reconstruction of that portion of STH 100 between STH  
6 32 and STH 38 in Milwaukee County.”.

7 **1776.** Page 1362, line 11: after “County.” insert “The word “liquor” may not  
8 appear on a business sign mounted under this subsection.”.

9 **1777.** Page 1362, line 17: after that line insert:

10 “(6dg) STREETLIGHT IN LITTLE FALLS. Not later than June 30, 2003, the  
11 department of transportation shall install a streetlight at the intersection of STH 27  
12 and STH 71 in the town of Little Falls in Monroe County.”.

13 **1778.** Page 1362, line 21: after that line insert:

14 “(6pp) SIGNS IN WALWORTH COUNTY. Not later than June 30, 2003, the  
15 department of transportation shall erect signs along I 43 approaching the city of  
16 Delavan in Walworth County identifying the downtown area of the city of Delavan  
17 as a “Historic Downtown” and providing directional information to the “Historic  
18 Downtown.””.

19 **1779.** Page 1362, line 21: after that line insert:

20 “(6x) TRAFFIC CONTROL SIGNALS IN OAK CREEK. No later than June 30, 2003, the  
21 department of transportation shall install traffic control signals at the intersection  
22 of STH 38 and Oakwood Road in the city of Oak Creek in Milwaukee County.”.

23 **1780.** Page 1362, line 21: after that line insert:

1           “(6q) SIGNS IN MARATHON COUNTY. Not later than June 30, 2003, the department  
2 of transportation shall erect 2 signs, one for each direction of travel, along STH 29  
3 in Marathon County, and 2 signs, one for each direction of travel, along STH 107 in  
4 Marathon County. Each sign shall identify and provide directional information to  
5 the area that is commonly known as “Little Chicago” and shall be erected near the  
6 highway exit providing the most direct route from the highway to the area that is  
7 commonly known as “Little Chicago.””.

8           **1781.** Page 1362, line 21: after that line insert:

9           “(6h) SIGNS FOR THE CLEAR LAKE ALL VETERANS’ MEMORIAL AND CEMETERY.  
10 Notwithstanding s. 86.19 (1) of the statutes, the department of transportation shall  
11 erect 2 directional signs along USH 63 in the Clear Lake region in Polk County for  
12 the Clear Lake All Veterans’ Memorial and Cemetery not later than June 30, 2002.”.

13           **1782.** Page 1362, line 21: after that line insert:

14           “(6s) SIGNS IN MILWAUKEE COUNTY. Not later than 60 days after the effective date  
15 of this subsection, the department of transportation shall erect 2 signs, one for each  
16 direction of travel, along I 43/894 approaching the 60th Street exit in the city of  
17 Greenfield in Milwaukee County, providing directional information to downtown  
18 Greendale.”.

19           **1783.** Page 1362, line 21: after that line insert:

20           “(6r) TRAFFIC CONTROL SIGNALS IN WEST SALEM. Not later than December 31,  
21 2001, the department of transportation shall install traffic control signals at the  
22 intersection of STH 16 and Brickl Road in the village of West Salem in La Crosse  
23 County.”.

24           **1784.** Page 1363, line 2: after that line insert:

1           “(7q) REQUEST FOR ADDITIONAL MAINTENANCE ACTIVITIES FUNDING. At the 4th  
2 quarterly meeting of the joint committee on finance under section 13.10 of the  
3 statutes in the 2001–02 fiscal year, the department of transportation may submit to  
4 the committee a request for the transfer of moneys not to exceed \$10,000,000 from  
5 the appropriation under section 20.395 (3) (cq) of the statutes, as affected by this act,  
6 to the appropriation under section 20.395 (3) (eq) of the statutes, as affected by this  
7 act, in the 2002–03 fiscal year for the purpose of funding the installation,  
8 replacement, rehabilitation, or maintenance of highway signs, traffic control signals,  
9 highway lighting, pavement markings, and intelligent transportation systems.”.

10           **1785.** Page 1363, line 3: delete lines 3 to 7.

11           **1786.** Page 1363, line 25: after that line insert:

12           “(1d) RENEW WISCONSIN PERFORMANCE STANDARDS. The board of regents of the  
13 University of Wisconsin System shall direct the University of Wisconsin  
14 System–Extension to work with the League of Wisconsin Municipalities, the  
15 Wisconsin Alliance of Cities, the Wisconsin Towns Association, and the Wisconsin  
16 Counties Association to provide training on performance standards as provided  
17 under section 66.0316 (6) (c) of the statutes, as created by this act.”.

18           **1787.** Page 1364, line 16: after that line insert:

19           “(3pn) NONRESIDENT TUITION. Notwithstanding section 36.27 (1) (a) of the  
20 statutes, the board of regents of the University of Wisconsin shall increase  
21 nonresident undergraduate tuition by 2.5% in the 2001–02 academic year and by  
22 2.5% in the 2002–03 academic year.”.

23           **1788.** Page 1364, line 16: after that line insert:

24           “(3s) CONSOLIDATION OF STATE VEHICLE FLEET MAINTENANCE OPERATIONS.



1           (a) On the effective date of this paragraph, the assets and liabilities of the board  
2 of regents of the University of Wisconsin System that are primarily related to its  
3 vehicle fleet maintenance functions at the University of Wisconsin–Madison, as  
4 determined by the secretary of administration, shall become assets and liabilities of  
5 the department of administration.

6           (b) On the effective date of this paragraph, all tangible personal property,  
7 including records, of the board of regents of the University of Wisconsin System that  
8 is primarily related to its vehicle fleet maintenance functions at the University of  
9 Wisconsin–Madison, as determined by the secretary of administration, is  
10 transferred to the department of administration.

11           (c) All contracts entered into by the board of regents of the University of  
12 Wisconsin System in effect on the effective date of this paragraph that are primarily  
13 related to its vehicle fleet maintenance functions at the University of  
14 Wisconsin–Madison, as determined by the secretary of administration, are  
15 transferred to the department of administration. The department of administration  
16 shall carry out any contractual obligations under such a contract until the contract  
17 is modified or rescinded by the department of administration to the extent allowed  
18 under the contract.

19           (d) All rules promulgated by the board of regents of the University of Wisconsin  
20 System that are primarily related to its vehicle fleet maintenance functions at the  
21 University of Wisconsin–Madison, and that are in effect on the effective date of this  
22 paragraph remain in effect until their specified expiration dates or until amended  
23 or repealed by the department of administration. All orders issued by the board of  
24 regents of the University of Wisconsin System that are primarily related to its  
25 vehicle fleet maintenance functions at the University of Wisconsin–Madison, and

1 that are in effect on the effective date of this paragraph remain in effect until their  
2 specified expiration dates or until modified or rescinded by the department of  
3 administration.

4 (e) Any matter pending with the board of regents of the University of Wisconsin  
5 System that is primarily related to its vehicle fleet maintenance functions at the  
6 University of Wisconsin–Madison on the effective date of this paragraph is  
7 transferred to the department of administration, and all materials submitted to or  
8 actions taken by the board of regents of the University of Wisconsin System with  
9 respect to the pending matter are considered as having been submitted to or taken  
10 by the department of administration.

11 (f) Notwithstanding section 16.42 of the statutes, the board of regents of the  
12 University of Wisconsin System shall submit information under section 16.42 of the  
13 statutes for purposes of the 2003–05 biennial budget bill reflecting any savings  
14 incurred from consolidation of vehicle fleet maintenance functions under this  
15 subsection.

16 (g) The board of regents of the University of Wisconsin System shall fully  
17 cooperate with the department of administration in implementing this subsection.”.

18 **1789.** Page 1364, line 16: after that line insert:

19 “(3g) MATHEMATICS POSITION. The board of regents of the University of  
20 Wisconsin System shall ensure that at least one of the FTE positions authorized in  
21 the 2002–03 fiscal year by this act shall be filled by a faculty or staff member in the  
22 mathematics department of the University of Wisconsin–Madison.”.

23 **1790.** Page 1364, line 16: after that line insert:

24 “(3c) POSITION AUTHORIZATIONS.

1 (a) In this subsection:

2 1. “Board” means the board of regents of the University of Wisconsin System.

3 2. “Limited term appointment” means an appointment under section 230.26 (1)  
4 of the statutes.

5 (b) Notwithstanding section 16.505 (1) of the statutes, as affected by this act,  
6 before July 1, 2003, the board may create up to 50 authorized FTE positions in the  
7 classified service of the state civil service system at the University of  
8 Wisconsin–Madison in positions that are frequently filled by limited term  
9 appointments, as determined by the board in consultation with the department of  
10 employment relations. The authorized FTE positions may be GPR positions, PR  
11 positions, or SEG positions, or any combination thereof.

12 (c) Notwithstanding section 230.15 of the statutes, the board may initially  
13 appoint to the positions created under paragraph (b) only individuals who have held  
14 limited term appointments at the University of Wisconsin–Madison for at least one  
15 year. Individuals so appointed are not required to be certified under section 230.25  
16 of the statutes and are not required to have qualified for the position by competitive  
17 examination. Any position created under paragraph (b) may not be filled by transfer  
18 under section 230.29 of the statutes.

19 (d) Notwithstanding section 20.928 (1) of the statutes, before July 1, 2003, the  
20 board may not certify under section 20.928 (1) of the statutes any sum of money  
21 needed to pay any costs associated with a position created under paragraph (b) if that  
22 position is a GPR position.

23 (e) During the 2001–03 fiscal biennium, the board shall report quarterly to the  
24 department of administration and to the joint committee on finance on the number  
25 of positions created under paragraph (b).

1 (f) No later than September 1, 2003, the board shall submit a report to the  
2 governor, the department of employment relations, and to the chief clerk of each  
3 house of the legislature for distribution to the legislature under section 13.172 (2) of  
4 the statutes concerning the creation of the positions under paragraph (b). The report  
5 shall determine if the number of limited term appointments at the University of  
6 Wisconsin–Madison has been reduced as a result of the creation of positions under  
7 paragraph (b); document the number of individuals appointed to positions created  
8 under paragraph (b) and the number of years of employment that these individuals  
9 had as limited term appointments at the time of their appointment to the positions  
10 created under paragraph (b); and examine the reasons why any individual who was  
11 appointed to a position created under paragraph (b) subsequently terminated  
12 employment with the board.

13 (3e) FRINGE BENEFITS FOR CERTAIN LIMITED TERM APPOINTMENTS. Notwithstanding  
14 section 230.26 (4) of the statutes, any person who holds a limited term appointment  
15 under section 230.26 (1) of the statutes at the University of Wisconsin–Madison and  
16 is a participating employee, as defined in section 40.02 (46) of the statutes, shall  
17 receive paid vacation and sick leave during the period that begins on the effective  
18 date of this subsection and ends on June 30, 2003. For the purpose of calculating the  
19 amount of paid vacation and sick leave to which a person holding a limited term  
20 appointment is entitled under this subsection, the person shall be considered a  
21 permanent employee.”.

22 **1791.** Page 1364, line 16: after that line insert:

23 “(5p) FUNDING. For the 2002–03 fiscal year, the board of regents of the  
24 University of Wisconsin System shall do all of the following:

1 (a) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
2 \$325,000 for additional faculty and staff at the University of Wisconsin–Green Bay.

3 (b) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
4 \$1,850,000 to fund an expansion of information systems and computer science  
5 programs at the University of Wisconsin–Eau Claire and to initiate a work–based  
6 university consortium at the University of Wisconsin–Stout.

7 (c) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
8 \$266,000 to fund additional course offerings in computer science and informational  
9 technology at the University of Wisconsin–River Falls.

10 (d) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
11 \$1,320,000 to fund the expansion of computer, Internet, technology, and media  
12 studies programs at the University of Wisconsin–Whitewater.

13 (e) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
14 \$295,000 to fund the University of Wisconsin–Platteville, University of  
15 Wisconsin–Fox Valley, and University of Wisconsin–Oshkosh engineering  
16 collaboration.

17 (f) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
18 \$612,000 for the University of Wisconsin–Extension small business development  
19 centers.

20 (g) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
21 \$277,900 to offer high technology courses at the University of Wisconsin–La Crosse.

22 (h) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
23 \$293,600 to establish an adult student access and advocacy office and to expand the  
24 number of students enrolled in the master of science in information systems program  
25 at the University of Wisconsin–Oshkosh.

1 (i) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
2 \$403,000 to expand the number of high technology courses offered and to establish  
3 a molecular biology and bio-informatics certificate program at the University of  
4 Wisconsin-Parkside.

5 (j) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
6 \$1,204,500 to provide digital science distance education courses from the University  
7 of Wisconsin-Stevens Point for nontraditional students.

8 (k) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
9 \$200,200 to implement a transportation and logistics management bachelor's degree  
10 program at the University of Wisconsin-Superior.

11 (L) Of moneys appropriated under section 20.285 (1) (a) of the statutes allocate  
12 \$983,500 to expand technology courses designed for working adults at the University  
13 of Wisconsin college campuses.”.

14 **1792.** Page 1364, line 23: delete “(wd),”.

15 **1793.** Page 1364, line 24: delete “(wg),” and substitute “(wg)”.

16 **1794.** Page 1366, line 25: delete “Wisconsin veterans service organizations,”.

17 **1795.** Page 1367, line 1: delete “, and county veterans’ service officers”.

18 **1796.** Page 1368, line 4: after that line insert:

19 “(7v) VICTORIOUS CHARGE MONUMENT GRANT. From the appropriation under  
20 section 20.485 (2) (eg) of the statutes, as created by this act, the department of  
21 veterans affairs shall provide a grant of \$50,000 in fiscal year 2001-02 to the  
22 Milwaukee Arts Board for the restoration of the Victorious Charge Civil War  
23 monument located in the city of Milwaukee.”.

24 **1797.** Page 1368, line 4: after that line insert:

1           “(8g) GRANT TO WISCONSIN VETERANS TRIBUTE MEMORIAL. In fiscal year 2001–02,  
2 the department shall provide a grant from the appropriation account under section  
3 20.485 (2) (e) of the statutes, as affected by this act, in the amount of \$3,000 to the  
4 Wisconsin Veterans Tribute Memorial in Chippewa County for the repair and  
5 replacement of flags at the memorial if the Wisconsin Veterans Tribute Memorial  
6 provides matching funds of \$3,000.”.

7           **1798.** Page 1368, line 4: after that line insert:

8           “(8b) SOUTHERN WISCONSIN VETERANS RETIREMENT CENTER. The authorized FTE  
9 positions for the department of veterans affairs are increased by 28.0 PR positions,  
10 to be funded from the appropriation under section 20.485 (1) (gk) of the statutes, as  
11 affected by this act, for the operation of the Southern Wisconsin Veterans Retirement  
12 Center.”.

13           **1799.** Page 1368, line 4: after that line insert:

14           “(8c) VETERANS EMERGENCY AID PILOT PROGRAM. From the appropriation under  
15 section 20.485 (2) (rm) of the statutes, as affected by this act, in fiscal year 2002–03,  
16 the department of veterans affairs shall provide a grant of \$20,000 to the Monroe  
17 County Veterans Service Office to administer an emergency aid pilot program that  
18 provides emergency aid to low–income veterans who have received services from the  
19 Veterans Administration Medical Center in Tomah or the Veterans Assistance  
20 Center at the Veterans Administration Medical Center in Tomah. The Monroe  
21 County veterans service officer shall determine the eligibility of veterans for the aid  
22 under this subsection. The grant awarded under this subsection may be used only  
23 for the emergency aid pilot program. Any emergency aid awarded under this

1 subsection shall be used to pay for emergency services, such as transportation  
2 services, food, or temporary housing.”.

3 **1800.** Page 1368, line 4: after that line insert:

4 “(8n) COMMANDANT FOR THE WISCONSIN VETERANS HOME AT KING. The authorized  
5 FTE positions for the department of veterans affairs are increased by 1.0 PR position,  
6 to be funded from the appropriation under section 20.485 (1) (gk) of the statutes, for  
7 the administration of the Wisconsin Veterans Home at King.”.

8 **1801.** Page 1369, line 11: after that line insert:

9 “(4d) WISCONSIN CONSERVATION CORPS ADMINISTRATIVE SUPPORT. The authorized  
10 FTE positions for the Wisconsin conservation corps board, funded from the  
11 appropriation under section 20.445 (6) (c), 1999 stats., are decreased by 2.5 GPR  
12 positions having responsibility for providing administrative support for the board.”.

13 **1802.** Page 1371, line 24: delete lines 24 and 25.

14 **1803.** Page 1372, line 1: delete lines 1 to 5.

15 **1804.** Page 1373, line 9: delete “bureau” and substitute “bureau,”.

16 **1805.** Page 1375, line 17: after that line insert:

17 “(10c) PREDATORY RESIDENTIAL REAL ESTATE LENDING PRACTICES INVESTIGATION.

18 (a) *Grant for investigation of predatory residential real estate lending practices.*  
19 From the appropriation under section 20.445 (1) (a) of the statutes, the department  
20 of workforce development shall award a grant of \$150,000 in fiscal year 2001–02 to  
21 the Milwaukee Metropolitan Fair Housing Council, Inc., for the investigation of  
22 predatory practices of lenders in the making of loans that are secured by a first lien  
23 real estate mortgage on, or an equivalent security interest in, a one–family to  
24 4–family dwelling that the borrower uses as his or her principal place of residence.



1 The investigation shall examine the practices of lenders only in Milwaukee County.  
2 The investigation shall examine the practices of making loans based upon the equity  
3 in a property rather than on the particular borrower’s ability to repay the loan,  
4 including credit insurance and other financial products as part of or in association  
5 with loans, and inducing borrowers to repeatedly refinance their loans, and shall  
6 examine any other unfair, deceptive, false, misleading, or unconscionable practices  
7 within the scope of the investigation.

8 (b) *Report on predatory residential real estate lending practices.* By January  
9 1, 2004, the Milwaukee Metropolitan Fair Housing Council, Inc., shall submit a  
10 report evaluating the results of its investigation under paragraph (a) to the secretary  
11 of workforce development, and by February 1, 2004, the secretary of workforce  
12 development shall forward copies of the report to the appropriate standing  
13 committees of the legislature in the manner provided under section 13.172 (3) of the  
14 statutes, to the secretary of financial institutions, and to the governor. The report  
15 shall indicate the number of predatory practices discovered during the investigation,  
16 and, for each loan with regard to which a predatory practice is discovered, a  
17 description of the practice, the total amount of the loan, the cost to the borrower as  
18 a result of the practice, the income level, age, race, national origin, and gender of the  
19 borrower, and a description of the census block in which the real estate securing the  
20 loan is located.”.

21 **1806.** Page 1375, line 17: after that line insert:

22 “(11c) SUDDEN INFANT DEATH SYNDROME PREVENTION TRAINING; RULES. The  
23 department of workforce development shall submit in proposed form the rules  
24 required under section 49.155 (1d) (a) of the statutes, as affected by this act, to the

1 legislature under section 227.19 of the statutes no later than the first day of the 6th  
2 month beginning after the effective date of this subsection.”.

3 **1807.** Page 1375, line 17: after that line insert:

4 “(10d) EARLY CHILDHOOD EXCELLENCE INITIATIVE; LA CAUSA. Notwithstanding  
5 section 49.175 (1) (r) of the statutes, as affected by this act, from the moneys allocated  
6 under section 49.175 (1) (r) of the statutes, as affected by this act, the department of  
7 workforce development shall provide, in each year of the 2001–03 fiscal biennium,  
8 a grant of \$250,000 to La Causa, Inc., to expand its day care facilities and to provide  
9 community services.”.

10 **1808.** Page 1375, line 17: after that line insert:

11 “(10g) COMMUNITY REINVESTMENT FUNDS FOR MILWAUKEE COUNTY.  
12 Notwithstanding section 49.175 (1) (d) 2. of the statutes, as affected by this act, from  
13 the moneys allocated under section 49.175 (1) (d) 2. of the statutes, as affected by this  
14 act, the department shall provide \$656,000 in fiscal year 2001–02 and \$1,312,000 in  
15 fiscal year 2002–03 to Milwaukee County to provide services to individuals who are  
16 eligible to receive temporary assistance for needy families under 42 USC 601 to 619.”.

17 **1809.** Page 1376, line 14: substitute “307,300 307,300” for “384,100  
18 384,100”.

19 **1810.** Page 1376, line 16: delete that line.

20 **1811.** Page 1376, line 17: delete that line.

21 **1812.** Page 1376, line 25: delete “Any” and substitute “Except as provided in  
22 this paragraph, any”.

1           **1813.** Page 1377, line 4: after “revenue.” insert “The department of military  
2           affairs may not submit a request under this paragraph to reduce the appropriation  
3           account for the Badger Challenge program under section 20.465 (4) (b) of the  
4           statutes.”.

5           **1814.** Page 1378, line 9: after that line insert:

6           “(3q) CITY OF LA CROSSE CLAIM. There is directed to be expended from the  
7           appropriation under section 20.395 (1) (ar) of the statutes, as affected by the acts of  
8           1999 and 2001, \$8,420.92 in payment of a claim against the state made by the city  
9           of La Crosse as partial reimbursement for the penalty that was assessed against the  
10          city for tardy filing of its annual report with the departments of transportation and  
11          revenue for 1999 under section 86.303 (5) (g) of the statutes. Acceptance of this  
12          payment releases this state and its officers, employees, and agents from any further  
13          liability relating to deduction of penalties from general transportation aids payable  
14          to the city for the 2000 calendar year.”.

15          **1815.** Page 1378, line 9: after that line insert:

16          “(3b) VETERANS SERVICES. The authorized FTE positions for the department of  
17          electronic government are increased by 2.0 PR positions, to be funded from the  
18          appropriation under section 20.530 (1) (ke) of the statutes, as affected by this act, for  
19          the purpose of administering the program under section 22.07 (9) of the statutes, as  
20          created by this act.”.

21          **1816.** Page 1378, line 9: after that line insert:

22          “(3f) CHANGE THE TOWN OF HOBART INTO A VILLAGE. The town of Hobart, in Brown  
23          County, shall become a village if all of the procedures contained in sections 66.0201  
24          to 66.0213 of the statutes are fulfilled, except that approval by the department of

1 administration under section 66.0207 of the statutes is not necessary for the town  
2 to become a village. In addition, the town of Hobart, in Brown County, and the City  
3 of Green Bay shall enter into a boundary agreement under section 66.0307 of the  
4 statutes, although the agreement need not be finalized before the referendum is held  
5 under section 66.0211 of the statutes.”.

6 **1817.** Page 1378, line 9: after that line insert:

7 “(3t) UNIVERSITY OF WISCONSIN–PARKSIDE; CHARTER SCHOOL.

8 (a) This act authorizes the chancellor of the University of Wisconsin–Parkside  
9 to establish or to contract for the establishment of a charter school, but only in a  
10 populous school district that is located in close proximity to the campus. The  
11 legislature finds that these limitations will better enable the university to assess the  
12 ability of the charter school to improve the academic performance of pupils.

13 (b) The legislature finds that improving the academic performance of pupils in  
14 this state is a state responsibility of statewide dimension and that authorizing the  
15 University of Wisconsin–Parkside to establish or to contract for the establishment  
16 of a charter school as described in paragraph (a) will have a direct and immediate  
17 effect on that statewide concern.”.

18 **1818.** Page 1378, line 9: after that line insert:

19 “(3y) STUDY OF STATE AIRCRAFT USAGE. If the legislative audit bureau does not  
20 initiate the audit described in SECTION 9132 (3y) of this act by December 1, 2001, the  
21 departments of administration, transportation, and natural resources shall jointly  
22 conduct a study of the use of aircraft by state agencies and shall determine how  
23 reductions can be made in the costs associated with that use. If the study is  
24 conducted, the departments shall jointly report the results of the study to the chief

1 clerk of each house of the legislature for distribution to the appropriate standing  
2 committees in the manner provided under section 13.172 (3) of the statutes no later  
3 than January 1, 2003.”.

4 **1819.** Page 1381, line 11: delete the material beginning with “There” and  
5 ending with “transferred” on line 12 and substitute “Notwithstanding section 20.001  
6 (3) (c) of the statutes, on July 1, 2001, there is lapsed to the general fund \$875,200”.

7 **1820.** Page 1381, line 12: before “under section” insert “to the office of justice  
8 assistance”.

9 **1821.** Page 1381, line 12: delete the material beginning with “statutes” and  
10 ending with “2001–02” on line 13 and substitute “statutes, as affected by the acts of  
11 2001.”.

12 **1822.** Page 1381, line 13: after that line insert:

13 “(7q) LAND INFORMATION; INCORPORATIONS AND ANNEXATIONS.

14 (a) Notwithstanding section 20.001 (3) (a) of the statutes, on the effective date  
15 of this subsection there is lapsed to the general fund \$400,000 from the appropriation  
16 account of the department of administration under section 20.505 (1) (ie) of the  
17 statutes, as affected by this act.

18 (b) Notwithstanding section 20.001 (3) (a) of the statutes, on July 1, 2002 there  
19 is lapsed to the general fund \$400,000 from the appropriation account of the  
20 department of administration under section 20.505 (1) (ie) of the statutes, as affected  
21 by the acts of 2001.”.

22 **1823.** Page 1381, line 19: after that line insert:

1           “(1) WAREHOUSE KEEPER AND GRAIN DEALER FEES. The unencumbered balance in  
2 the appropriation account under section 20.115 (1) (jm), 1999 stats., is transferred  
3 to the agricultural producer security fund.

4           (2) DAIRY AND VEGETABLE PRODUCER SECURITY. From the unencumbered balance  
5 in the appropriation account under section 20.115 (1) (gm), 1999 stats., the secretary  
6 of administration shall transfer to the agricultural producer security fund the  
7 amount that the secretary determines is derived from moneys received under section  
8 100.03 (3) (a) 2., 1999 stats., section 100.03 (3) (a) 3., 1999 stats., and section 100.06  
9 (9), 1999 stats.”.

10           **1824.** Page 1386, line 8: delete “\$3,816,300” and substitute “\$6,750,000”.

11           **1825.** Page 1387, line 5: delete that line and substitute “\$3,008,300 in fiscal  
12 year 2001–02 and \$3,328,500 in fiscal year 2002–03 in moneys”.

13           **1826.** Page 1389, line 4: after that line insert:

14           “(2i) ADDITIONAL TRANSFERS FROM ENVIRONMENTAL FUND. There is transferred  
15 from the environmental fund to the general fund, \$956,200 on June 30, 2002, and  
16 \$1,055,200 on June 30, 2003.”.

17           **1827.** Page 1389, line 12: after that line insert:

18           “(5z) FOREST INCOME AIDS TRANSFER. On the effective date of this subsection,  
19 there is transferred \$200,000 from the forestry account of the conservation fund to  
20 the appropriation account to the department of natural resources under section  
21 20.370 (9) (iq) of the statutes, as affected by this act.”.

22           **1828.** Page 1391, line 8: delete lines 8 to 20.

23           **1829.** Page 1392, line 19: delete lines 19 to 23.

24           **1830.** Page 1394, line 5: after that line insert:

1           “(3q) UNCLAIMED PRIZES. The treatment of section 562.065 (4) of the statutes  
2 first applies to prizes that are unclaimed on the 90th day after the effective date of  
3 this subsection.”.

4           **1831.** Page 1394, line 18: after that line insert:

5           “(1d) AGRICULTURAL CHEMICAL CLEANUP PROGRAM. The treatment of section 94.73  
6 (3m) (r) of the statutes first applies to applications received on the effective date of  
7 this subsection for costs incurred not more than 36 months before the effective date  
8 of this subsection.”.

9           **1832.** Page 1394, line 21: after that line insert:

10           “(1k) MINNESOTA–WISCONSIN BOUNDARY AREA COMMISSION AND COMPACT  
11 WITHDRAWAL. The treatment of sections 13.123 (3) (a) and 13.45 (3) (a) of the statutes  
12 first applies to expenses incurred on the effective date of this subsection.”.

13           **1833.** Page 1395, line 6: delete lines 6 to 9 and substitute:

14           “(1n) COURT INTERPRETERS. The treatment of sections 20.625 (1) (c), 48.315 (1)  
15 (h), 48.375 (7) (d) 1m., 758.19 (8), 814.67 (1) (am), (b) (intro.) and 2., 885.37 (title), (1)  
16 (a) and (b), (2), (4) (a), and (5) (a), 885.38, 905.015, and 938.315 (1) (h) of the statutes  
17 first applies to interpreters used by a clerk of court or appointed by a court on the  
18 effective date of this subsection.”.

19           **1834.** Page 1395, line 12: delete “(by SECTION”.

20           **1835.** Page 1395, line 13: delete “3922”.

21           **1836.** Page 1396, line 3: after that line insert:

22           “(5z) PROPERTY DEVELOPMENT RIGHTS. The treatment of section 893.335 of the  
23 statutes first applies to transactions for the sale of property development rights  
24 entered into on the effective date of this subsection.”.

1           **1837.** Page 1396, line 6: after that line insert:

2           “(6d) FEES OF REGISTER IN PROBATE. The treatment of section 814.66 (1) (a) 2. and  
3 (b) 2. and (3) of the statutes first applies to petitions filed on the effective date of this  
4 subsection.”.

5           **1838.** Page 1396, line 6: after that line insert:

6           “(6q) YOUTH REPORT CENTER. The treatment of sections 103.67 (2) (j), 118.163  
7 (1m) (c) and (2) (L), 938.17 (2) (h) 1., 938.245 (2) (a) 9m. and (5), 938.32 (1) (a) and  
8 (1p), 938.34 (7j), 938.342 (1d) (c) and (1g) (k), 938.343 (3m), 938.344 (2g) (a) 5., and  
9 938.355 (6) (d) 5. and (6m) (a) (intro.) and 4. and (ag) of the statutes first applies to  
10 a juvenile who commits a delinquent act or a civil law or ordinance violation, or who  
11 is found to be in need of protection or services under section 938.13 of the statutes,  
12 on the effective date of this subsection.”.

13           **1839.** Page 1396, line 6: after that line insert:

14           “(7p) AUTHENTICATION OF HEALTH CARE RECORDS. The treatment of section 908.03  
15 (6m) (b) (intro.) of the statutes first applies to actions commenced on the effective  
16 date of this subsection.”.

17           **1840.** Page 1396, line 6: after that line insert:

18           “(8z) TIME LIMIT ON COURT ANSWERS. The treatment of sections 601.73 (2) (c),  
19 801.09 (2) (a) and (c), 801.095 (1), (2), (3), and (4), 802.06 (1), (1m), and (6), and 802.09  
20 (1) of the statutes first applies to actions commenced on the effective date of this  
21 subsection.”.

22           **1841.** Page 1396, line 10: after that line insert:

23           “(2q) PRACTICAL EXAMINATION OF CRANE OPERATORS. Notwithstanding section  
24 101.22 (3) (b) (intro.) of the statutes, the treatment of section 101.22 (3) (b) 3. of the



1 statutes first applies to a crane operator certification program that issues a crane  
2 operator certificate on the first day of the 12th month beginning after the effective  
3 date of this subsection.”.

4 **1842.** Page 1396, line 12: delete lines 12 to 21.

5 **1843.** Page 1397, line 6: after that line insert:

6 “(7k) CONTRACTS FOR DATA ENTRY OR TELEMARKETING SERVICES. The treatment of  
7 section 301.029 (2) (a) of the statutes first applies to contracts entered into or  
8 renewed by the department of corrections on the effective date of this subsection.”.

9 **1844.** Page 1397, line 6: after that line insert:

10 “(7c) NOTIFICATION TO UNIVERSITY OF WISCONSIN BOARD OF REGENTS REGARDING  
11 SEX OFFENDERS. The treatment of section 301.46 (2s) and (5) (a) (intro.) of the statutes  
12 first applies to information concerning a person who registers under section 301.45  
13 (2) of the statutes on the effective date of this subsection or who updates information  
14 under section 301.45 (4) of the statutes on the effective date of this subsection.”.

15 **1845.** Page 1397, line 11: after that line insert:

16 “(1y) LEAVES OF ABSENCE FOR SERVICE AS AN ELECTION OFFICIAL. The treatment of  
17 sections 7.33 (4) and (5) and 111.93 (3) of the statutes first applies to employees who  
18 are affected by a collective bargaining agreement containing provisions inconsistent  
19 with this treatment on the day on which the collective bargaining agreement expires  
20 or is extended, modified, or renewed, whichever occurs first.”.

21 **1846.** Page 1397, line 11: after that line insert:

22 “(1q) ELECTION RECOUNTS. The treatment of section 9.01 (1) (a), (ad), (ag) 1., 1m.,  
23 2., 3., and 3m., and (ar) 3. of the statutes first applies to petitions for recounts filed  
24 on the effective date of this subsection.”.

1           **1847.** Page 1397, line 11: after that line insert:

2           “(1k) TRAINING AND CERTIFICATION OF CHIEF INSPECTORS. The treatment of  
3 sections 7.03 (1) (a), 7.15 (1) (e), 7.30 (1) and (6) (b), and 7.31 (2) of the statutes first  
4 applies with respect to elections held on September 1, 2002.”.

5           **1848.** Page 1397, line 22: after that line insert:

6           “(8m) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (nc) 1.  
7 d. and e. and (4) (cm) 5s. and 8t. of the statutes first applies to petitions for arbitration  
8 filed under section 111.70 (4) (cm) 6. of the statutes on the effective date of this  
9 subsection.”.

10           **1849.** Page 1397, line 25: after that line insert:

11           “(1d) RENT-TO-OWN AGREEMENTS AND RENTAL-PURCHASE COMPANIES.

12           (a) *Rent-to-own agreements generally.* The treatment of sections 218.632 to  
13 218.636, 218.64, 218.65 to 218.658, 218.682 (3), 218.688, 409.104 (12m), and 421.202  
14 (7m) of the statutes first applies to rent-to-own agreements entered into on the  
15 effective date of this subsection.

16           (b) *Liability waivers.* The treatment of section 218.638 of the statutes first  
17 applies to liability waivers entered into on the effective date of this subsection.

18           (c) *Rental-purchase companies generally.* The treatment of sections 218.617  
19 to 218.628, 218.682 (1) and (2), and 220.02 (2) (b) and (3) and chapter 218 (title) of  
20 the statutes first applies to any person engaging in business as a rental-purchase  
21 company on the effective date of this subsection.

22           (d) *Price cards.* The treatment of section 218.644 of the statutes first applies  
23 to a rental-purchase company that displays property on the effective date of this  
24 subsection.

1           (e) *Advertising*. The treatment of section 218.646 of the statutes first applies  
2 to a rental–purchase company that advertises a rent–to–own agreement on the  
3 effective date of this subsection.

4           (f) *Referral transactions*. The treatment of section 218.648 of the statutes first  
5 applies to a rental–purchase company giving or offering to give a rebate or discount  
6 to an individual on the effective date of this subsection.

7           (g) *Assignment of earnings*. The treatment of section 218.68 of the statutes first  
8 applies to a rental–purchase company taking or arranging for an assignment of  
9 earnings on the effective date of this subsection.”.

10           **1850.** Page 1397, line 25: after that line insert:

11           “(1j) MERGER OR CONSOLIDATION OF COOPERATIVES. The treatment of sections  
12 185.61 (1) and 185.62 (5) of the statutes first applies to plans of merger or  
13 consolidation that are submitted by a board of directors of a cooperative under  
14 section 185.61 of the statutes on the effective date of this subsection.”.

15           **1851.** Page 1397, line 25: after that line insert:

16           “(1q) FEES. The treatment of sections 180.0122 (1) (a), (m), (n), (o), (om), (x), and  
17 (y) and 183.0114 (1) (w) of the statutes first applies to fees that are submitted on the  
18 effective date of this subsection.”.

19           **1852.** Page 1399, line 20: after that line insert:

20           “(16k) INCOME AUGMENTATION ACTIVITIES. The treatment of sections 20.435 (8)  
21 (mb) and 46.46 (1) of the statutes with respect to performance by the department of  
22 health and family services of income augmentation activities first applies to income  
23 augmentation activities performed under section 46.46 of the statutes on the  
24 effective date of this subsection, but does not affect any contract to perform income

1 augmentation activities under section 46.46 (1), 1999 stats., entered into before the  
2 effective date of this subsection.”.

3 **1853.** Page 1399, line 20: after that line insert:

4 “(17k) ALCOHOL AND OTHER DRUG ABUSE TREATMENT OF MINORS. The treatment of  
5 sections 51.13 (1) (a), (b), (d), and (e), (2) (a), (b), and (d), (3) (b) and (c), (4) (a) (intro.),  
6 (c), (d), and (g) (intro.) and 1., (6) (a), and (7) (a), (b), and (c), 51.22 (2), 51.35 (3) (a),  
7 (b), and (g), 51.47 (title) and (1), 51.48, and 51.61 of the statutes, the renumbering  
8 and amendment of section 51.13 (1) (c) of the statutes, the amendment of section  
9 51.35 (3) (c) of the statutes, and the creation of section 51.13 (1) (c) 2. of the statutes  
10 first apply to individuals who are receiving treatment for alcohol or other drug abuse  
11 in an approved inpatient treatment facility, or who are receiving outpatient  
12 treatment for alcohol or other drug abuse, on the effective date of this subsection  
13 regardless of whether admission to the inpatient facility or outpatient program  
14 occurred or was sought prior to the effective date of this subsection.”.

15 **1854.** Page 1399, line 20: after that line insert:

16 “(18k) TAKING OVER OPERATION OF MEDICAL ASSISTANCE PROVIDER. The treatment  
17 of sections 49.45 (2) (b) 8. and (21) (title), (a), (ag), (b), and (e) and 50.03 (13) (a) of  
18 the statutes first applies to sales or other transfers completed on the effective date  
19 of this subsection.

20 (18m) ASSESSMENT FOR REPEATED RECOVERIES AGAINST PROVIDERS OF MEDICAL  
21 ASSISTANCE. The treatment of section 49.45 (2) (b) 9. of the statutes first applies to  
22 repeated recoveries from the identical provider that are made on the effective date  
23 of this subsection.

1           (18n) DECERTIFICATION OR SUSPENSION OF PROVIDERS OF MEDICAL ASSISTANCE. The  
2           renumbering and amendment of section 49.45 (2) (a) 12. of the statutes and the  
3           creation of section 49.45 (2) (a) 12. b. of the statutes first apply to violations of federal  
4           statutes or regulations or state statutes or rules committed on the effective date of  
5           this subsection.

6           (18p) CERTIFICATION OF PROVIDERS OF MEDICAL ASSISTANCE. The renumbering and  
7           amendment of section 49.45 (2) (a) 11. of the statutes and the creation of section 49.45  
8           (2) (a) 11. b. and (b) 7. of the statutes first apply to applications for certification  
9           received on the effective date of this subsection.

10          (18pk) RECOVERIES AGAINST PROVIDERS OF MEDICAL ASSISTANCE. The treatment of  
11          sections 49.85 (2) (a) and (3) (a) 1. and 71.93 (1) (a) 3. of the statutes, the renumbering  
12          and amendment of section 49.45 (2) (a) 10. of the statutes, and the creation of section  
13          49.45 (2) (a) 10. b. and c. of the statutes first apply to recoveries imposed on the  
14          effective date of this subsection.

15          (18pm) AUDITS AND ACCESS TO RECORDS OF PROVIDERS OF MEDICAL ASSISTANCE. The  
16          repeal of section 49.45 (3) (h) 1. and 2. of the statutes, the renumbering and  
17          amendment of section 49.45 (3) (g) and (h) 3. of the statutes, and the creation of  
18          section 49.45 (3) (g) 2. and (h) 1n. of the statutes first apply to audits or investigations  
19          performed on or access requested on the effective date of this subsection.

20          (18pn) LIMIT ON NUMBER OF CERTIFIED MEDICAL ASSISTANCE PROVIDERS. The  
21          treatment of sections 49.45 (2) (b) 6m. of the statutes first applies to certifications  
22          made on the effective date of this subsection.”.

23           **1855.** Page 1399, line 20: after that line insert:

1           “(16f) MEDICAL ASSISTANCE FOR INDEPENDENT FOSTER CARE ADOLESCENTS. The  
2 treatment of sections 49.46 (1) (a) 5m. and 51.42 (3) (ar) 4m. and 4p. of the statutes  
3 first applies to individuals leaving foster care or treatment foster care placement on  
4 the effective date of this subsection.”.

5           **1856.** Page 1399, line 20: after that line insert:

6           “(16d) GRANTS FOR COMPETENCY EXAMINATIONS. The treatment of section 46.48  
7 (10) of the statutes first applies to grants for competency examinations made on the  
8 effective date of this subsection.”.

9           **1857.** Page 1399, line 25: after that line insert:

10           “(1c) CLAIM FOR CHIROPRACTIC SERVICES. If a policy, plan, or contract contains  
11 provisions that are inconsistent with the treatment of sections 628.46 (2m) and  
12 632.875 (2) (intro.) of the statutes, the treatment of sections 628.46 (2m) and 632.875  
13 (2) (intro.) of the statutes first applies to that policy, plan, or contract on the day on  
14 which the policy, plan, or contract is terminated or renewed, whichever occurs first.”.

15           **1858.** Page 1399, line 25: after that line insert:

16           “(3q) SMALL EMPLOYER HEALTH INSURANCE RATES.

17           (a) The treatment of sections 635.02 (2) and 635.05 (1) of the statutes first  
18 applies to policies or plans that are issued or renewed to small employers on the first  
19 day of the 13th month beginning after the effective date of this paragraph.

20           (b) The treatment of section 635.05 (2) (a) 2. of the statutes first applies to  
21 policies or plans that are renewed on the first day of the 13th month beginning after  
22 the effective date of this paragraph.”.

23           **1859.** Page 1400, line 18: after that line insert:

1           “(2w) SELECTIVE SERVICE REGISTRATION. The treatment of sections 230.143 and  
2           230.15 (1) of the statutes first applies to appointments made on the first day of the  
3           13th month beginning after the effective date of this subsection.”.

4           **1860.** Page 1400, line 23: before that line insert:

5           “(1m) SOLID WASTE TIPPING FEE. The treatment of section 289.645 (3) (intro.) and  
6           (a) of the statutes first applies to solid waste disposed of on the effective date of this  
7           subsection.”.

8           **1861.** Page 1401, line 16: after that line insert:

9           “(4m) DESIGNATION OF CHIEF FORESTER. The creation of section 23.113 of the  
10          statutes first applies to appointments made on the effective date of this subsection.”.

11          **1862.** Page 1401, line 19: after that line insert:

12          “(1k) MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of section 119.23 (2)  
13          (a) 3. of the statutes first applies to private schools that intend to participate in the  
14          Milwaukee parental choice program in the 2002–03 school year.”.

15          **1863.** Page 1402, line 2: after that line insert:

16          “(7x) SCHOOL DAY MILK PROGRAM. The treatment of sections 20.255 (2) (cp) and  
17          115.343 (title), (1), and (2) (c) of the statutes first applies to aid paid to schools under  
18          section 115.343 of the statutes, as affected by this act, in the 2002–03 school year.”.

19          **1864.** Page 1402, line 5: after that line insert:

20          “(8h) FOUR-YEAR-OLD KINDERGARTEN. The treatment of sections 119.23 (4) (bm),  
21          121.004 (7) (c) 1. c. and (cm), 121.07 (6) (a) (intro.), 121.15 (3m) (a) 1. (as it relates to  
22          pupils enrolled in 4-year-old kindergarten), and 121.91 (4) (L) of the statutes first  
23          applies to state aid distributed in, and school districts’ revenue limit for, the 2002–03  
24          school year.”.

1           **1865.** Page 1402, line 6: delete lines 6 to 10.

2           **1866.** Page 1402, line 7: delete “66.092 (2)” and substitute “66.0921 (2)”.

3           **1867.** Page 1402, line 13: after that line insert:

4           “(12d) SUPPLEMENTAL AID. The treatment of section 115.435 (1) (c) of the statutes  
5 first applies to tax assessments as of the January 1 immediately preceding the  
6 effective date of this subsection.”.

7           **1868.** Page 1402, line 13: after that line insert:

8           “(16c) USE OF CALCULATORS. The treatment of section 118.30 (2) (f) of the statutes  
9 first applies to examinations administered during the 2002–03 school year.”.

10          **1869.** Page 1402, line 13: after that line insert:

11          “(14c) REVENUE LIMIT ADJUSTMENT. The treatment of section 121.91 (4) (m) of the  
12 statutes first applies to a school district’s revenue limit for the 2001–02 school year.”.

13          **1870.** Page 1403, line 1: delete lines 1 to 4 and substitute:

14          “(4wxm) LEASED GENERATION CONTRACTS. The treatment of sections 196.491 (1)  
15 (w) 2., 196.52 (9), and 196.795 (5) (k) 1. and 3. of the statutes and the renumbering  
16 and amendment of section 196.491 (1) (w) of the statutes first apply to leased  
17 generation contracts that are entered into, modified, renewed, or extended on the  
18 effective date of this subsection.”.

19          **1871.** Page 1403, line 5: after that line insert:

20          “(1k) IRREVOCABLE BURIAL TRUSTS. The treatment of section 445.125 (1) (a) 2. of  
21 the statutes first applies to burial trust agreements entered into on the effective date  
22 of this subsection.”.

23          **1872.** Page 1403, line 9: after that line insert:



1           “(2p) LOTTERY AND GAMING PROPERTY TAX CREDIT. The treatment of section 20.835  
2           (3) (s) of the statutes, the renumbering of section 79.10 (10) (bm) and (bn) of the  
3           statutes, and the creation of section 79.10 (10) (bm) 2. and (bn) 2. of the statutes first  
4           apply to credits based on the property tax assessments as of January 1, 2001.”.

5           **1873.** Page 1404, line 15: after “MILWAUKEE” insert “AND BELOIT”.

6           **1874.** Page 1404, line 15: delete “ZONE” and substitute “ZONES”.

7           **1875.** Page 1404, line 16: delete that line and substitute “560.795 (1) (e) and  
8           (f), (2) (a), (b) 5. and 6., and (c), (3) (a) 4. and 5., (b) 1., 2., 3., 4., 5., 6., 7., and 8., (c),  
9           and (d), (4) (a) (intro.), and (5) of the statutes”.

10          **1876.** Page 1404, line 19: delete that line and substitute “treatment of section  
11          560.795 (1) (e) and (f), (2) (a), (b) 5. and 6., and (c), (3) (a) 4. and 5., (b) 1., 2., 3., 4.,  
12          5., 6., 7., and 8., (c), and (d), (4) (a) (intro.),”.

13          **1877.** Page 1404, line 21: after that line insert:

14          “(9c) TAX EXEMPTION FOR MILITARY, UNIFORMED SERVICES PENSIONS. The treatment  
15          of section 71.05 (1) (am) and (an) of the statutes first applies to taxable years  
16          beginning on January 1, 2002.”.

17          **1878.** Page 1404, line 21: after that line insert:

18          “(9m) MAXIMUM SHARED REVENUE PAYMENTS. The treatment of section 79.06 (2)  
19          (b) of the statutes first applies to payments made in November 2001.”.

20          **1879.** Page 1405, line 7: after that line insert:

21          “(10w) PROPERTY TAX EXEMPTION FOR DIGITAL BROADCASTING EQUIPMENT. The  
22          treatment of section 70.111 (25) of the statutes first applies to the property tax  
23          assessments as of January 1, 2002.”.

1           **1880.** Page 1405, line 14: after that line insert:

2           “(11z) DEVELOPMENT ZONES CREDIT. The treatment of sections 71.07 (2di) (b) 1.  
3 and 3. and (2dx) (b) (intro.), (be), and (bg), 71.28 (1di) (b) 1. and 3. and (1dx) (b)  
4 (intro.), (be), and (bg), and 71.47 (1di) (b) 1. and 3. and (1dx) (b) (intro.), and (be) and  
5 (bg) of the statutes first applies to taxable years beginning on January 1 of the year  
6 in which this subsection takes effect, except that if this subsection takes effect after  
7 July 31 the treatment of sections 71.07 (2di) (b) 1. and 3. and (2dx) (b) (intro.), (be),  
8 and (bg), 71.28 (1di) (b) 1. and 3. and (1dx) (b) (intro.), and 71.47 (1di) (b) 1. and 3.  
9 and (1dx) (b) (intro.), (be), and (bg) of the statutes first applies to taxable years  
10 beginning on January 1 of the year following the year in which this subsection takes  
11 effect.”.

12           **1881.** Page 1405, line 16: after that line insert:

13           “(12e) RAILROAD REPAIR FACILITY. The treatment of sections 76.02 (6m), 76.16,  
14 and 76.24 (2) (a) of the statutes first applies to the property tax assessments as of  
15 January 1, 2002.”.

16           **1882.** Page 1405, line 22: delete the material beginning with that line and  
17 ending with page 1406, line 2.

18           **1883.** Page 1406, line 5: after that line insert:

19           “(17f) PROPERTY TAX EXEMPTION FOR CASH REGISTERS AND FAX MACHINES. The  
20 treatment of sections 38.28 (2) (b) 2., 70.11 (39m), 70.35 (1) and (2), 70.36 (1m), 70.995  
21 (12r), 73.06 (3), 76.025 (1), 76.81 (related to exempt cash registers and fax machines),  
22 79.03 (3) (b) 3., 79.095 (2) (a), (3), and (4), and 121.06 (4) of the statutes first applies  
23 to the property tax assessments as of January 1, 2003.”.

24           **1884.** Page 1406, line 21: delete lines 21 to 23.

1           **1885.** Page 1406, line 23: after that line insert:

2           “(23k) AUTOMATIC TELLER MACHINES. The treatment of section 70.11 (39) of the  
3 statutes, as it applies to automatic teller machines, first applies to the property tax  
4 assessments as of January 1, 2002.”.

5           **1886.** Page 1406, line 25: after that line insert:

6           “(24d) INTOXICATING LIQUOR LICENSE QUOTAS. The treatment of section 125.51 (4)  
7 (br) 1. e. and f. and 2. of the statutes first applies to the issuance of reserve “Class  
8 B” licenses on the effective date of this subsection.”.

9           **1887.** Page 1406, line 25: after that line insert:

10           “(24p) EXPENDITURE RESTRAINT PROGRAM. The treatment of section 79.05 (2) (c)  
11 of the statutes first applies to payments in 2003.”.

12           **1888.** Page 1407, line 1: delete lines 1 to 6.

13           **1889.** Page 1407, line 14: after “statutes” insert “, as it applies to custom  
14 software,”.

15           **1890.** Page 1407, line 16: delete lines 16 to 18.

16           **1891.** Page 1407, line 19: delete lines 19 to 21.

17           **1892.** Page 1408, line 7: delete lines 7 to 9.

18           **1893.** Page 1408, line 9: after that line insert:

19           “(30nk) AGRICULTURAL DEVELOPMENT ZONES. The treatment of sections 71.07  
20 (2dx) (a) 2., (b) (intro.), (c), and (d), 71.28 (1dx) (a) 2., (b) (intro.), (c), and (d), 71.47  
21 (1dx) (a) 2., (b) (intro.), (c), and (d) (with respect to claiming tax credits in an  
22 agricultural development zone), and 560.798 (with respect to claiming tax credits)  
23 of the statutes first applies to taxable years beginning on January 1, 2003.”.

1           **1894.** Page 1409, line 4: delete lines 4 to 6.

2           **1895.** Page 1409, line 10: after that line insert:

3           “(3wy) HIGHWAY REST AREAS. The treatment of section 84.04 (4) of the statutes  
4 first applies to construction commenced on the effective date of this subsection.”.

5           **1896.** Page 1409, line 12: after that line insert:

6           “(4k) SUSPENSION OF JUVENILES’ OPERATING PRIVILEGES. The treatment of sections  
7 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes first applies to forfeitures  
8 imposed on the effective date of this subsection.”.

9           **1897.** Page 1409, line 16: after that line insert:

10           “(5k) REFERENDA ON TOWN HIGHWAYS AND BRIDGES SPENDING LIMITS. The  
11 treatment of section 81.01 (3) (b) of the statutes first applies with respect to referenda  
12 called on the effective date of this subsection.”.

13           **1898.** Page 1411, line 2: after that line insert:

14           “(8k) VEHICLES ON CLASS “B” HIGHWAYS. The treatment of section 348.16 (3) of  
15 the statutes first applies to the operation of a motor vehicle on the effective date of  
16 this subsection, but does not preclude the counting of other convictions as prior  
17 convictions for purposes of sentencing by a court.”.

18           **1899.** Page 1414, line 2: after that line insert:

19           “(c) The treatment of section 767.27 (2) and (2m) of the statutes first applies  
20 to actions in which a child or family support order under chapter 767 of the statutes,  
21 as affected by this act, including a revision order under section 767.32 of the statutes,  
22 as affected by this act, is granted on the effective date of this paragraph.

1           (8x) INCOME CALCULATION FOR WISCONSIN WORKS. The treatment of section  
2           49.145 (3) (b) 1. of the statutes first applies to eligibility determinations for the  
3           Wisconsin works program that are made on the effective date of this subsection.”.

4           **1900.** Page 1414, line 23: after “(1) (a)” insert “(by SECTION 3774)”.

5           **1901.** Page 1415, line 4: delete lines 4 to 14.

6           **1902.** Page 1415, line 11: after that line insert:

7           “(8k) BIDDING THRESHOLD; TOWN SANITARY DISTRICT PUBLIC WORKS CONTRACTS. The  
8           treatment of section 60.77 (6) (a) of the statutes first applies to contracts that are let  
9           by a town sanitary district on the effective date of this subsection.”.

10          **1903.** Page 1415, line 14: after that line insert:

11          “(8z) SPECIAL CHARGES FOR MUNICIPAL SERVICES. The treatment of sections  
12          66.0627 (2) and (3) (a) and 66.0707 (2) of the statutes first applies to special charges  
13          that are imposed on the effective date of this subsection.”.

14          **1904.** Page 1416, line 14: delete lines 14 to 16.

15          **1905.** Page 1416, line 16: after that line insert:

16          “(12j) SUPERVISED RELEASE OF SEXUALLY VIOLENT PERSONS. The treatment of  
17          sections 980.08 (5) and 980.105 of the statutes first applies to petitions for supervised  
18          release filed on the effective date of this subsection.”.

19          **1906.** Page 1416, line 16: after that line insert:

20          “(12c) TIME LIMITATIONS ON PROSECUTIONS. The treatment of section 939.74 (1),  
21          (2) (c), and (2d) of the statutes first applies to offenses not barred from prosecution  
22          on the effective date of this subsection.”.

23          **1907.** Page 1416, line 25: after that line insert:

1           “(2q) DEPARTMENT OF ELECTRONIC GOVERNMENT. The treatment of section 20.505  
2 (1) (ka) (by SECTION 813b) of the statutes takes effect on September 1, 2007.”.

3           **1908.** Page 1416, line 25: after that line insert:

4           “(3k) GRANTS FOR COOPERATIVE COUNTY-TRIBAL LAW ENFORCEMENT. The repeal of  
5 sections 20.505 (6) (kr) and (8) (hm) 15r. of the statutes takes effect on July 1, 2003.”.

6           **1909.** Page 1416, line 25: after that line insert:

7           “(3r) UNCLAIMED PRIZES. The treatment of sections 20.455 (2) (fm), 20.505 (8)  
8 (b), and 562.065 (4) of the statutes and SECTION 9301 (3q) of this act take effect on July  
9 1, 2002.”.

10          **1910.** Page 1417, line 5: after that line insert:

11          “(1) AGRICULTURAL PRODUCER SECURITY. The treatment of sections 15.137 (1),  
12 20.115 (1) (g), (gf), (gm), (jm), (q), (v), (w), and (wb), 25.17 (1) (ag), 25.463, 165.25 (4)  
13 (ar) (by SECTION 2856b), 221.0320 (2) (a) (intro.), and 348.27 (10) and chapter 126 of  
14 the statutes and SECTIONS 9104 (1) and 9204 (1) and (2) of this act take effect on  
15 January 1, 2002.

16          (2) VEGETABLE CONTRACTORS. The treatment of sections 93.135 (1) (rm), 93.50  
17 (1) (g), 97.29 (4), 100.03 (by SECTION 2404), and 100.235 (1) (b) and (em), (2), (3), and  
18 (4) of the statutes takes effect on February 1, 2002.

19          (3) MILK CONTRACTORS. The treatment of sections 97.20 (2) (d) 2. and (3m), 97.22  
20 (10), 100.06 (by SECTION 2405), and 100.26 (5) of the statutes takes effect on May 1,  
21 2002.

22          (4) GRAIN DEALERS AND WAREHOUSE KEEPERS. The treatment of sections 93.06 (8),  
23 93.135 (1) (s) and (sm), 93.20 (1), 93.21 (5) (a), and 221.0320 (2) (a) (intro.) and  
24 chapter 127 of the statutes takes effect on September 1, 2002.”.

1           **1911.** Page 1417, line 16: delete lines 16 to 19 and substitute:

2           “(1n) COURT INTERPRETERS. The treatment of sections 20.625 (1) (c), 48.315 (1)  
3 (h), 48.375 (7) (d) 1m., 758.19 (8), 814.67 (1) (am), (b) (intro.) and 2., 885.37 (title), (1)  
4 (a) and (b), (2), (4) (a), and (5) (a), 885.38, 905.015, and 938.315 (1) (h) of the statutes  
5 and SECTION 9309 (1n) of this act take effect on July 1, 2002.”.

6           **1912.** Page 1417, line 22: delete “(by SECTION”.

7           **1913.** Page 1417, line 23: delete “3922”.

8           **1914.** Page 1418, line 3: after that line insert:

9           “(2xyf) MANUFACTURING EXTENSION GRANTS FROM REPAYMENTS. The treatment of  
10 section 560.25 (2) (intro.) (by SECTION 3692c) of the statutes takes effect on June 30,  
11 2003.”.

12           **1915.** Page 1418, line 3: after that line insert:

13           “(2q) CRANE OPERATORS. The treatment of sections 101.02 (15) (a), 101.19 (1) (ig),  
14 and 101.22 of the statutes and SECTION 9110 (9qr) of this act take effect on the first  
15 day of the 12th month beginning after publication.”.

16           **1916.** Page 1418, line 3: after that line insert:

17           “(3z) HORSE BOARDING AND HORSE TRAINING FACILITIES. The treatment of section  
18 101.01 (11) (by SECTION 2446rb) and (12) (by SECTION 2447db) of the statutes takes  
19 effect on the first day of the 2nd month beginning after publication.”.

20           **1917.** Page 1418, line 8: after that line insert:

21           “(2x) ELIMINATION OF PUNCH CARD ELECTRONIC VOTING SYSTEMS. The treatment  
22 of sections 5.02 (1e) and (1m), 5.35 (2) and (6) (b), 5.54, 5.55, 5.66 (2), 5.68 (3), 5.79,  
23 5.81 (1), (2), and (3), 5.82, 5.84 (1), 5.85 (2) and (3), 5.91 (14), 5.94, 6.15 (3) (a) 1. and  
24 (b), 6.22 (4) and (5), 6.24 (6) and (7), 6.82 (1) (a) and (2) (a) and (b), 6.87 (3) (d), (4),

1 and (5), 6.875 (6), 7.15 (3) (b), 7.37 (4) and (8), 7.50 (1) (d) and (2) (a), (b), and (d), 10.01  
2 (2) (b), 10.06 (3) (e), 12.13 (1) (f) and (3) (e) and (j), and 59.08 (9) of the statutes takes  
3 effect on January 1, 2002.

4 (2y) VOTING SYSTEM TRANSITIONAL ASSISTANCE. The repeal of sections 7.08 (7) and  
5 20.510 (1) (c) of the statutes takes effect on July 1, 2008.”.

6 **1918.** Page 1418, line 18: after that line insert:

7 “(1d) RENT-TO-OWN AGREEMENTS; OTHER THAN EMERGENCY RULES. The treatment  
8 of sections 220.02 (2) (b) and (3), 409.104 (12m), and 421.202 (7m), subchapter XI of  
9 chapter 218, and chapter 218 (title) of the statutes and SECTION 9320 (1d) of this act  
10 take effect on the first day of the 6th month beginning after publication.”.

11 **1919.** Page 1420, line 4: delete lines 4 and 5.

12 **1920.** Page 1420, line 19: after that line insert:

13 “(18f) RESPITE FACILITIES. The treatment of sections 50.01 (1) (b), (1g) (h), and  
14 (3) (f), 50.065 (1) (c) (intro.), 50.50 (3) (a) 7., 50.85, 50.90 (intro.), 50.91, 50.92 (2) and  
15 (3), 50.925, 50.93 (3) and (4) (a), 50.97, 50.98 (1), and 50.981 and subchapter IV (title),  
16 of chapter 50 of the statutes takes effect on March 1, 2003.”.

17 **1921.** Page 1420, line 19: after that line insert:

18 “(17k) ALCOHOL AND OTHER DRUG ABUSE TREATMENT OF MINORS. The repeal and  
19 recreation of section 51.35 (3) (c) of the statutes takes effect on December 1, 2001, or  
20 on the day after publication, whichever is later.”.

21 **1922.** Page 1420, line 19: after that line insert:

22 “(16zo) INCOME AUGMENTATION SERVICE RECEIPTS. The treatment of section  
23 20.435 (8) (mb) (by SECTION 732r) of the statutes takes effect on July 1, 2003.”.

24 **1923.** Page 1420, line 19: after that line insert:



1           “(18k) MEDICAL ASSISTANCE PROVIDER FRAUD AND ABUSE. The treatment of  
2 sections 49.45 (21) (title) and (b), 49.85 (2) (a) and (3) (a) 1., 50.03 13) (a), and 71.93  
3 (1) (a) 3. of the statutes, the repeal of section 49.45 (3) (h) 1. and 2. of the statutes,  
4 the renumbering and amendment of section 49.45 (2) (a) 10., 11., and 12., (3) (g) and  
5 (h) 3., and (21) (a) of the statutes, and the creation of section 20.435 (4) (iL), 49.45 (2)  
6 (a) 10. b. and c., 11. b., and 12. b. and (b) 6m., 7., 8., and 9., (3) (g) 2. and (h) 1n., (21)  
7 (ag) and (e) of the statutes and SECTION 9323 (18k), (18m), (18n), (18p), (18pk),  
8 (18pm), and (18pn) of this act take effect on January 1, 2003.”.

9           **1924.** Page 1420, line 19: after that line insert:

10           “(16f) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The treatment of sections  
11 146.83 (1) (b) and (c) and 908.03 (6m) (d) (by SECTION 3872y) of the statutes takes  
12 effect on January 1, 2003.”.

13           **1925.** Page 1420, line 19: after that line insert:

14           “(17g) MEDICAL ASSISTANCE FOR INDEPENDENT FOSTER CARE ADOLESCENTS. The  
15 treatment of sections 49.46 (1) (a) 5m. and 51.42 (3) (ar) 4m. and 4p. of the statutes  
16 and SECTION 9323 (16f) of this act take effect on January 1, 2003.”.

17           **1926.** Page 1420, line 19: after that line insert:

18           “(16g) INCOME AUGMENTATION SERVICE RECEIPTS. The treatment of section 20.435  
19 (8) (mb) (by SECTION 732r) of the statutes takes effect on July 1, 2003.”.

20           **1927.** Page 1420, line 19: after that line insert:

21           “(18j) ASSISTIVE TECHNOLOGY AND ADAPTIVE EQUIPMENT. The treatment of section  
22 20.435 (6) (a) (by SECTION 721s), (7) (bc) (by SECTION 725b), and (7) (c) (by SECTION  
23 726q) of the statutes takes effect on July 1, 2003.”.

24           **1928.** Page 1420, line 19: after that line insert:

1           “(15r) HEALTH INSURANCE SUPPLEMENT. The repeal of section 20.435 (4) (bu) of  
2 the statutes takes effect on July 1, 2002.”.

3           **1929.** Page 1420, line 19: after that line insert:

4           “(19h) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY. The treatment of section  
5 20.435 (4) (bv) of the statutes takes effect on September 1, 2002.”.

6           **1930.** Page 1421, line 4: after that line insert:

7           “(3q) SMALL EMPLOYER HEALTH INSURANCE RATES. The treatment of sections  
8 635.02 (2), 635.05 (1) and (2) (a) 2., and 635.12 of the statutes takes effect on the first  
9 day of the 13th month beginning after the effective date of this subsection.”.

10          **1931.** Page 1421, line 11: after that line insert:

11          “(2p) WEAPONS IN SCHOOLS HOTLINE. The treatment of section 165.72 (title), (1)  
12 (a) and (ad), (2) (intro.) and (c), (2g), (2m), and (7) of the statutes takes effect on the  
13 first day of the 4th month beginning after publication.”.

14          **1932.** Page 1421, line 12: after that line insert:

15          “(1z) LEGISLATIVE HOTLINE. The treatment of sections 13.205 and 84.02 (5) (a)  
16 of the statutes takes effect on July 1, 2002.”.

17          **1933.** Page 1421, line 19: after that line insert:

18          “(2w) SELECTION SERVICE REGISTRATION. The treatment of sections 36.11 (27),  
19 39.28 (6), 111.335 (1) (cv), 230.143, and 230.15 (1) of the statutes and SECTION 9336  
20 (2w) of this act take effect on January 1, 2002, or on the first day of the 4th month  
21 beginning after the effective date of this subsection, whichever is later.”.

22          **1934.** Page 1421, line 23: after that line insert:

23          “(1z) DEPARTMENT OF FORESTRY. The repeal of sections 15.343, 20.370 (1) (er),  
24 23.09 (2) (d) 1., 23.09 (2) (d) 5., 27.016 (1) (c), 70.114 (1) (a), and 106.215 (7) (c) of the

1 statutes; the renumbering of sections 20.370 (1) (ct), 20.370 (1) (cu), 20.370 (1) (cv),  
2 20.370 (1) (Lt), 20.370 (1) (mz), 20.370 (5) (at), 20.370 (5) (av), 20.370 (5) (ay), 20.370  
3 (5) (bq), 20.370 (5) (br), 20.370 (5) (bs), 20.370 (5) (bt), 20.370 (5) (bu), 20.370 (5) (bv),  
4 20.370 (5) (bw), 20.370 (5) (bx), 20.370 (5) (by), 20.370 (5) (dx), 23.09 (11) (a), 23.097  
5 (1) (by SECTION 1037m), 25.29 (7) (intro.), 27.01 (7) (h), and 27.01 (7m) (a) of the  
6 statutes; the renumbering and amendment of sections 20.370 (1) (cq), 20.370 (1) (cr),  
7 20.370 (1) (cs), 20.370 (5) (as), 20.370 (au), 23.09 (17m) (a), 25.29 (7) (a), 25.29 (7) (b),  
8 and 27.01 (7m) (b) of the statutes; the amendment of sections 1.055 (1), 1.056, 13.101  
9 (6) (a) (by SECTION 99m), 15.225 (2) (c), 16.967 (6) (by SECTION 343p), 20.115 (7) (qc)  
10 (by SECTION 425c), 20.143 (1) (t), 20.285 (1) (qm), 20.285 (1) (rc), 20.370 (1) (eq), 20.370  
11 (1) (mu), 20.370 (4) (aw), 20.370 (5) (da), 20.370 (5) (dq), 20.370 (7) (fa), 20.370 (7) (ft),  
12 20.370 (7) (mc), 20.380 (2) (q), 20.445 (6) (u), 20.445 (6) (y), 20.866 (1) (u) (by SECTION  
13 962b), 20.866 (2) (tu) (by SECTION 969eg), 23.09 (2p) (a), 23.09 (2p) (b), 23.09 (3) (a),  
14 23.09 (17m) (b), 23.09 (18) (a), 23.09 (18) (b), 23.09 (18) (c), 23.09 (21m), 23.09 (26)  
15 (a), 23.09 (26) (am) 2., 23.0917 (1) (c), 23.0917 (3) (a) (by SECTION 1034hm), 23.092 (5)  
16 (a), 23.094 (4) (a), 23.095 (1m) (title), 23.095 (1m) (a), 23.0955 (2) (am), 23.0956 (1)  
17 (intro.), 23.0957 (2) (intro.) (by SECTION 1036f), 23.0957 (3) (d) (by SECTION 1036x),  
18 23.096 (2) (a), 23.096 (3) (intro.), 23.096 (4) (a) 1., 23.096 (4) (a) 2., 23.096 (4) (b),  
19 23.098 (1) (ag), 23.098 (2), 23.098 (3), 23.098 (4) (a), 23.098 (4) (am), 23.098 (4) (b),  
20 23.11 (1), 23.113, 23.13, 23.14 (1), (1m), and (2), 23.15 (title), 23.15 (1), 23.15 (2), 23.15  
21 (3), 23.15 (4), 23.15 (5) (a), 23.15 (5) (b), 23.175 (3m), 23.26 (3), 23.29 (2), 23.293 (4),  
22 23.293 (5), 23.295 (2) (intro.), 23.295 (3) (f), 23.305 (title), 23.305 (2), 23.305 (3), 23.33  
23 (1) (ig), 23.33 (5) (a), 23.33 (5m) (c) 4., 23.33 (5m) (c) 5., 23.33 (8) (c), 23.33 (9) (b)  
24 (intro.), 23.33 (12) (a), 24.39 (1), 24.39 (2), 25.29 (1) (a), 25.29 (6) (by SECTION 1119c),  
25 25.295 (1) (b), 26.01, 26.06 (1), 26.08 (1), 26.08 (2) (a), 26.08 (3), 26.11 (6), 26.11 (7)

1 (a) (by SECTION 1148c), 26.11 (7) (b), 26.12 (2), 26.14 (2), 26.20 (6) (b), 26.22, 26.30 (2),  
2 26.30 (4), 26.37 (1) (intro.), 26.37 (1) (a), 26.37 (1) (b), 26.37 (1) (c), 26.37 (1) (d), 26.37  
3 (1) (e), 26.37 (1) (f), 26.37 (1) (g), 26.39 (2) and (3), 27.01 (7) (a) 3., 27.01 (7) (gu), 27.01  
4 (10) (b), 27.01 (10) (d) 1., 27.01 (10) (d) 2., 27.01 (10) (d) 3., 27.01 (10) (d) 4., 27.01 (10)  
5 (d) 5., 27.01 (10) (d) 6., 27.01 (10) (e), 27.01 (10) (f), 27.01 (10) (g) (intro.), 27.01 (10)  
6 (h), 27.01 (11) (a), 27.01 (11) (cm) 1., 27.01 (11) (cm) 2., 27.01 (11) (i), 27.019 (12),  
7 28.005, 28.01, 28.02 (title), 28.02 (1), 28.02 (2), 28.03 (1), 28.03 (3), 28.035 (2), 28.035  
8 (3) (b), 28.04 (2) (a), 28.04 (2) (b), 28.04 (2) (c), 28.04 (3) (a), 28.04 (3) (b), 28.05 (1),  
9 28.06 (2m) (by SECTION 1153qc), 28.08, 28.11 (5m) (a) (intro.), 28.11 (5r) (b), 28.11 (8)  
10 (a), 28.11 (8) (b) 1., 28.11 (8) (b) 2., 28.11 (9) (am), 28.11 (9) (ar) 1., 28.11 (9) (ar) 2.,  
11 30.277 (1m) (a), 30.50 (4s), 30.54 (2), 30.544, 30.67 (2) (a), 30.92 (1) (b), 30.92 (3) (b)  
12 7., 32.035 (3), 40.02 (48) (c), 42.09 (2) (b), 44.57 (1) (c), 59.01, 59.52 (6) (a), 59.74 (2)  
13 (g), 66.0217 (9) (b), 66.0221 (1) (by SECTION 2019mn), 66.0235 (5), 66.0307 (4) (a) 1.,  
14 66.0407 (5), 70.113 (1) (intro.), 70.113 (2) (a), 70.114 (1) (d), 70.114 (2), 70.114 (3),  
15 70.114 (4) (a), 70.58, 71.59 (1m), 77.02 (1), 77.02 (2), 77.02 (3), 77.03, 77.04 (2), 77.05,  
16 77.06 (1), 77.06 (2), 77.06 (3), 77.06 (4), 77.06 (5), 77.07 (2), 77.08, 77.09 (1), 77.10 (1)  
17 (a), 77.10 (1) (b), 77.10 (2) (a) 1., 77.10 (2) (a) 2., 77.10 (2) (b), 77.10 (4), 77.11, 77.13  
18 (1), 77.13 (2), 77.14, 77.16 (1), 77.81 (1), 77.82 (2) (intro.), 77.82 (4), 77.82 (4m) (bn),  
19 77.84 (3) (b), 77.85, 77.87 (3), 77.88 (2) (d), 77.88 (7), 77.89 (1), 77.89 (3), 77.91 (4),  
20 77.91 (5), 80.05 (2) (b), 80.39 (2), 84.01 (17), 84.02 (3) (a), 84.28 (1), 84.28 (2), 86.315  
21 (1), 118.025, 134.60, 165.25 (4) (a), 165.85 (4) (b) 1. (by SECTION 2859m), 227.46 (8),  
22 230.08 (2) (e) 8., 230.36 (1m) (b) 1. (intro.), 230.36 (1m) (b) 2. (intro.) (by SECTION  
23 3081d), 230.36 (2m) (a) 5., 303.04, 340.01 (3) (b), 341.65 (2) (b), 342.40 (3) (a), 347.06  
24 (1), 350.01 (9g), 350.12 (4) (b) (intro.) (by SECTION 3483m), 350.12 (4) (bg) 1. (by  
25 SECTION 3484m), 350.12 (4) (bm) (intro.), 350.12 (4) (bm) 1., 350.12 (4) (bm) 2., 350.12

1 (4) (br), 350.12 (4) (c) 1., 350.14 (1), 350.145 (3) (a) 1., 350.15 (3) (a), 350.17 (1), 800.02  
2 (2) (a) (intro.), 895.52 (2) (a) 2., 895.52 (3) (b), 895.53 (2), and 951.01 (4) of the statutes;  
3 and the creation of sections 15.45, 20.370 (1) (mv), 20.370 (1) (mx), 20.375 (intro.),  
4 20.375 (2) (title), 20.375 (2) (h), 20.375 (2) (k), 20.375 (2) (q), 20.375 (2) (qf), 20.375  
5 (2) (rq), 20.375 (2) (x), 20.375 (3) (title), 20.375 (3) (b), 20.375 (3) (c), 20.375 (3) (d),  
6 20.375 (3) (r), 20.375 (3) (s), 20.375 (3) (sg), 20.375 (3) (sr), 20.375 (3) (t), 20.375 (3)  
7 (tm), 20.375 (3) (tn), 20.375 (3) (um), 20.375 (3) (v), 20.375 (3) (x), 20.923 (4) (f) 7y.,  
8 23.09 (11) (ag), 23.09 (17m) (ac), 23.09 (20) (ar), 23.0917 (4r), 23.0919, 23.0955 (2) (c),  
9 23.0956 (3), 23.096 (2) (am), 23.096 (3m), 23.097 (1b), 23.098 (2m), 23.15 (1m), 23.15  
10 (4m), 23.15 (5) (c), 23.30 (4), 23.33 (9m), 25.17 (1) (fs), 25.17 (1) (fv), 25.28, 25.294,  
11 27.01 (7) (h) 2., 27.01 (7m) (a) 2., 27.01 (7m) (b) 2., 28.012 (title), 28.012 (1), 28.012  
12 (2), 28.012 (3), 28.012 (4), 28.012 (5), 28.012 (6), 28.012 (7), 28.012 (8), 28.012 (9),  
13 28.03 (4), 28.045, 28.90 (title), 28.90 (1), 28.92, 28.94, 28.98, 32.02 (15m), 40.02 (17)  
14 (n), 40.65 (4w), 70.113 (1m), 70.114 (4) (b), 227.43 (1) (bd), 227.43 (2) (am), 227.43 (3)  
15 (am), 227.43 (4) (am), 230.08 (2) (e) 4p., 347.06 (5), 895.53 (1) (am), and 990.01 (39)  
16 of the statutes and SECTION 9137 (9zw) of this act take effect on July 1, 2002.”.

17 **1935.** Page 1422, line 3: after that line insert:

18 “(2q) RACINE MUSEUM. The treatment of section 20.370 (5) (cq) (by SECTION 605c)  
19 of the statutes takes effect on July 1, 2005.”.

20 **1936.** Page 1422, line 10: after that line insert:

21 “(3mkx) GREAT LAKES FORESTRY MUSEUM — FORESTRY. The treatment of section  
22 20.375 (2) (rq) (by SECTION 629dom) of the statutes takes effect on July 1, 2003.”.

23 **1937.** Page 1422, line 10: substitute “2002” for “2003”.

24 **1938.** Page 1422, line 12: after that line insert:

1           “(5k) SOLID WASTE TIPPING FEE. The treatment of section 289.645 (3) (intro.) and  
2 (a) of the statutes and SECTION 9337 (1m) of this act take effect on January 1, 2002.”.

3           **1939.** Page 1422, line 14: after that line insert:

4           “(6k) SPARTA OVERPASS. The repeal of section 20.370 (5) (cz) of the statutes takes  
5 effect on July 1, 2003.”.

6           **1940.** Page 1422, line 14: after that line insert:

7           “(6p) AIR FILTRATION FOR RESIDENTIAL WELLS. The treatment of section 280.25 of  
8 the statutes takes effect on January 1, 2003.”.

9           **1941.** Page 1422, line 14: after that line insert:

10           “(7k) VENISON PROCESSING DONATION PROGRAM. The treatment of section 29.89  
11 (1) (intro.), (a), and (b) and (5) (b) 2. b. of the statutes takes effect on January 1, 2002.”.

12           **1942.** Page 1422, line 19: after that line insert:

13           “(1f) MARRIAGE INSTRUCTION. The treatment of section 118.019 (2) (intro.), (e)  
14 and (2m) of the statutes takes effect on the first day of the 13th month beginning after  
15 publication.”.

16           **1943.** Page 1422, line 19: after that line insert:

17           “(3f) SCHOOL COMMENCEMENT DATE. The treatment of sections 118.045 (3) and  
18 118.38 (1) (a) 8. of the statutes takes effect on July 1, 2002.”.

19           **1944.** Page 1422, line 19: after that line insert:

20           “(2m) MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of section 119.23  
21 (4m) of the statutes takes effect on July 1, 2002.”.

22           **1945.** Page 1422, line 24: after that line insert:

1           “(1k) IRREVOCABLE BURIAL TRUSTS. The treatment of section 445.125 (1) (a) 2. of  
2 the statutes and SECTION 9343 (1k) of this act take effect on July 1, 2003.”.

3           **1946.** Page 1422, line 24: after that line insert:

4           “(1m) DENTAL EXAMINING BOARD. The treatment of sections 15.405 (6) (a) and (b)  
5 of the statutes takes effect on December 31, 2002.”.

6           **1947.** Page 1423, line 11: after that line insert:

7           “(3f) PHARMACY INTERNSHIPS; PHARMACIST LICENSE EXEMPTIONS. The treatment of  
8 sections 15.915 (3), 19.42 (13) (d), 36.25 (20), 450.03 (1) (f) and (g), 450.04 (3) (b), and  
9 450.045 of the statutes takes effect on December 31, 2001.”.

10          **1948.** Page 1423, line 11: after that line insert:

11          “(3km) REAL ESTATE CLOSING AGENTS. The treatment of sections 440.08 (2) (a)  
12 66m., 452.01 (3p), 452.035, 452.05 (1) (a), 452.11 (1), 452.12 (6) (a), 452.13 (1) (b),  
13 452.13 (1) (c), 452.13 (2) (a), 452.13 (2) (b) (intro.), 452.13 (2) (c), 452.13 (2) (e) (intro.),  
14 452.13 (2) (e) 2., 452.13 (2) (f) 1., 452.13 (3), 452.13 (4), 452.14 (1), 452.14 (3) (intro.),  
15 452.14 (3) (b), 452.14 (3) (h), 452.14 (3) (i), 452.14 (3) (jm), 452.17 (2), 452.17 (4) (a)  
16 (intro.), 452.17 (4) (a) 1., 452.17 (4) (a) 2., 452.20, 452.21, and 452.22 (2) of the  
17 statutes takes effect on the first day of the 10th month beginning after publication.”.

18          **1949.** Page 1423, line 15: after that line insert:

19          “(1m) SALES AND USE TAX EXEMPTION FOR FLAGS. The treatment of section 77.54  
20 (46) of the statutes takes effect on the first day of the 2nd month beginning after  
21 publication.”.

22          **1950.** Page 1423, line 20: delete lines 20 and 21.

23          **1951.** Page 1423, line 21: after that line insert:

1           “(3c) LIQUOR AND WINE TAX EXEMPTION. The treatment of section 139.03 (5) (b)  
2           2. of the statutes takes effect on the first day of the 2nd month beginning after  
3           publication.”.

4           **1952.** Page 1423, line 21: after that line insert:

5           “(3w) SALES AND USE TAX EXEMPTION FOR WATER SLIDES. The treatment of section  
6           77.54 (47) of the statutes takes effect on the first day of the 2nd month beginning after  
7           publication.”.

8           **1953.** Page 1423, line 21: after that line insert:

9           “(3f) STATE AID PAYMENTS FOR TAX EXEMPT PROPERTY. The treatment of section  
10          20.835 (1) (e) (title) of the statutes takes effect on July 1, 2003.”.

11          **1954.** Page 1423, line 22: delete the material beginning with that line and  
12          ending with page 1424, line 3.

13          **1955.** Page 1424, line 3: after that line insert:

14          “(5ak) ESTATE TAX. The treatment of sections 72.01 (11m) and (11n) and 72.02  
15          of the statutes, the renumbering of section 72.30 (1) of the statutes, and the creation  
16          of section 72.30 (1) (b) of the statutes take effect on October 1, 2002.”.

17          **1956.** Page 1424, line 3: after that line insert:

18          “(5am) OUT-OF-STATE WINE SHIPPERS. The treatment of sections 125.031, 125.52  
19          (8), 125.53 (3), 125.58 (4), and 125.68 (10) (bm) of the statutes and the creation of s.  
20          125.58 (4) (a) 2., 3., and 4. of the statutes take effect on January 1, 2003.”.

21          **1957.** Page 1424, line 8: delete lines 8 and 9.

22          **1958.** Page 1424, line 13: after that line insert:



1           “(1e) TECHNICAL AND OCCUPATIONAL PROGRAM. The treatment of section 38.305  
2           (2) of the statutes takes effect on July 1, 2002.”.

3           **1959.** Page 1424, line 20: delete that line and substitute “(d) and (e), (6m) (a),  
4           (6r) (b) 2., 3., 4., 6., 7., and 8. (intro.)”.

5           **1960.** Page 1424, line 21: delete “SECTION 3406dm)”.

6           **1961.** Page 1424, line 22: after that line insert:

7           “(1q) VETERANS LICENSE PLATES FOR MOTORCYCLES. The treatment of sections  
8           341.14 (6w), 341.145 (1) (f) and (1g) (e), and 341.16 (1) (b) of the statutes takes effect  
9           on the first day of the 7th month beginning after publication.”.

10          **1962.** Page 1425, line 13: after that line insert:

11          “(5k) SUSPENSION OF JUVENILES’ OPERATING PRIVILEGES. The treatment of sections  
12          938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes and SECTION 9352 (4k) of this  
13          act take effect on October 1, 2001, or on the first day of the first month beginning after  
14          publication, whichever is later.”.

15          **1963.** Page 1425, line 16: delete lines 16 to 18.

16          **1964.** Page 1426, line 15: after that line insert:

17          “(10q) CORRECTION OF TRANSPORTATION AID PAYMENTS. The treatment of section  
18          20.395 (1) (ar) (by SECTION 632n) of the statutes takes effect on January 1, 2003.”.

19          **1965.** Page 1427, line 6: after that line insert:

20          “(3c) VETERANS EMERGENCY AID PILOT PROGRAM. The treatment of section 20.485  
21          (2) (rm) (by SECTION 788sf) of the statutes takes effect on June 30, 2003.”.

1           **1966.** Page 1428, line 4: delete that line and substitute “repeal of section  
2 49.175 (1) (d) 1. and 2. (title) of the statutes and the renumbering of section 49.175  
3 (1) (d) 2. of the statutes take effect on”.

4           **1967.** Page 1428, line 5: after that line insert:

5           “(3z) PREVAILING WAGE RATES; JOB CLASSIFICATIONS. The treatment of sections  
6 66.0903 (3) (ap) and 103.49 (3) (ag) of the statutes takes effect on January 1, 2002,  
7 or on the day after publication, whichever is later.”.

8           **1968.** Page 1428, line 10: delete lines 10 to 17.

9           **1969.** Page 1429, line 3: after that line insert:

10           “(5s) SALE OF RESIDUAL STATE PROPERTY. The treatment of section 13.48 (14) (am)  
11 (by SECTION 107mm), (b) (by SECTION 107nm), and (d) 4. (by SECTION 107pm) of the  
12 statutes and the repeal of sections 20.9145 (by SECTION 983mn) and 84.09 (9) (by  
13 SECTION 2307cg) of the statutes take effect on March 1, 2004.”.

14           **1970.** Page 1429, line 4: after that line insert:

15           “In enrolling this bill, the legislative reference bureau shall change the  
16 amounts shown in the schedule under section 20.005 (3) of the statutes to substitute  
17 in fiscal year 2001–02 and in fiscal year 2002–03 the following amounts for the  
18 amounts shown for each of the following appropriation paragraphs:

19	20.625 (1) (a)	50,124,300
20	20.660 (1) (a)	7,372,600
21	20.680 (1) (a)	4,025,700”.

22           **1971.** Page 1429, line 4: after that line insert:

23           “In enrolling this bill, the legislative reference bureau shall change the dollar  
24 amounts shown in the schedule under section 20.005 (3) of the statutes for the

1 appropriation under section 20.765 (1) (a) of the statutes to decrease the amount  
2 shown for fiscal year 2002–03 by \$2,000 to reflect the elimination of the legislative  
3 hotline.

4 In enrolling this bill, the legislative reference bureau shall change the dollar  
5 amounts shown in the schedule under section 20.005 (3) of the statutes for the  
6 appropriation under section 20.765 (1) (b) of the statutes to decrease the amount  
7 shown for fiscal year 2002–03 by \$2,000 to reflect the elimination of the legislative  
8 hotline.”.

9 **1972.** Page 1429, line 4: after that line insert:

10 “In enrolling this bill, the legislative reference bureau shall change the dollar  
11 amounts shown in the schedule under section 20.005 (3) of the statutes for the  
12 appropriation under section 20.765 (1) (a) of the statutes to increase the amount  
13 shown for fiscal year 2001–02 by \$9,500 and to increase the amount shown for fiscal  
14 year 2002–03 by \$9,500 to continue funding the LaFollette Capstone Program for the  
15 professional development of legislative staff.”.

16

(END)