****NOTE: This is reconciled s. 118.40 (2r) (e) 1. a. This SECTION has been affected by drafts with the following LRB numbers: -0851/3 and -1481/P1.

***-1481/P1.2* SECTION 2501.** 118.40 (2r) (e) 1. b. of the statutes is renumbered 118.40 (2r) (e) 2m. and amended to read:

118.40 **(2r)** (e) 2m. In the ~~2011-12~~ 2013-14 school year and in each school year thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this ~~subdivision~~ paragraph in the previous school year and the per pupil revenue limit adjustment under s. 121.91 (2m) in the current school year, multiplied by the number of pupils attending the charter school.

****NOTE: This is reconciled s. 118.40 (2r) (e) 1. b. This SECTION has been affected by drafts with the following LRB numbers: -0851/3 and -1481/P1.

***-0851/3.14* SECTION 2502.** 118.40 (2r) (e) 1. c. of the statutes is renumbered 118.40 (2r) (e) 3m. and amended to read:

118.40 **(2r)** (e) 3m. The amount paid per pupil under this ~~subdivision~~ paragraph may not be less than the amount paid per pupil under this ~~subdivision~~ paragraph in the previous school year. The department shall pay 25% of the total amount in September, 25% in December, 25% in February, and 25% in June. The department shall send the check to the operator of the charter school.

****NOTE: This is reconciled s. 118.40 (2r) (e) 1. c. This SECTION has been affected by drafts with the following LRB numbers: -0851/3 and -1481/P1.

***-0851/3.15* SECTION 2503.** 118.40 (2r) (e) 2. of the statutes is repealed.

***-0851/3.16* SECTION 2504.** 118.40 (2r) (f) of the statutes is repealed.

***-1213/1.37* SECTION 2505.** 118.40 (3) (d) of the statutes is amended to read:

118.40 **(3)** (d) A school board or an entity under sub. (2r) (b) shall give preference in awarding contracts for the operation of charter schools to those charter schools that serve children at risk~~, as defined in s. 118.153 (1) (a)~~.

***-0851/3.17* SECTION 2506.** 118.40 (7) (am) 2. of the statutes is amended to read:

118.40 **(7)** (am) 2. A charter school established under sub. (2r) or a private school located in the school district operating under ch. 119 that is converted to a charter school is not an instrumentality of any school district and no school board may employ any personnel for the charter school. If the chancellor of an institution within the University of ~~Wisconsin-Parkside~~ Wisconsin System contracts for the establishment of a charter school under sub. (2r), the board of regents of the University of Wisconsin System may employ instructional staff for the charter school.

***-0841/P2.4* SECTION 2507.** 118.40 (8) (d) 2. of the statutes is amended to read:

118.40 **(8)** (d) 2. Ensure that its teachers are available to provide direct pupil instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) ~~2.~~ each school year. No more than 10 hours in any 24-hour period may count toward the requirement under this subdivision.

***-0855/3.1* SECTION 2508.** 118.40 (8) (h) of the statutes is repealed.

***-0855/3.2* SECTION 2509.** 118.51 (3) (intro.) of the statutes is created to read:

118.51 **(3)** (intro.) Except as provided under sub. (3m), the following procedures govern pupil applications to attend a public school in a nonresident school district under this section:

***-0855/3.3* SECTION 2510.** 118.51 (3) (a) 1. of the statutes is amended to read:

118.51 **(3)** (a) 1. The parent of a pupil who wishes to attend a public school in a nonresident school district under this section shall submit an application, on a form provided by the department under sub. (15) (a), to the school board of the nonresident school district that the pupil wishes to attend, not earlier than the first Monday in

February and not later than the ~~3rd Friday following the first Monday in February~~ last weekday in April of the school year immediately preceding the school year in which the pupil wishes to attend. Applications may be submitted to no more than 3 nonresident school boards in any school year. ~~On the 4th Monday in February, the~~ The nonresident school board shall send a copy of the application to the pupil's resident school board and the department by the end of the first weekday following the last weekday in April. The application may include a request to attend a specific school or program offered by the nonresident school district.

***-0855/3.4* SECTION 2511.** 118.51 (3) (a) 1m. of the statutes is created to read:

118.51 **(3)** (a) 1m. By the first Friday following the first Monday in May, the resident school board shall send to the nonresident school district a copy of the individualized education program developed under s. 115.787 (2) for a child with a disability whose parent submitted an application under subd. 1.

***-0855/3.5* SECTION 2512.** 118.51 (3) (a) 2., 3. and 4. of the statutes are amended to read:

118.51 **(3)** (a) 2. A nonresident school board may not act on any application received under subd. 1. ~~until after the 3rd Friday following the first Monday in February~~ before May 1. If a nonresident school board receives more applications for a particular grade or program than there are spaces available in the grade or program, the nonresident school board shall determine which pupils to accept, including pupils accepted from a waiting list under sub. (5) (d), on a random basis, after giving preference to pupils and to siblings of pupils who are already attending the nonresident school district and, if the nonresident school district is a union high school district, to pupils who are attending an underlying elementary school district of the nonresident school district under this section. If a nonresident school board

determines that space is not otherwise available for open enrollment pupils in the grade or program to which an individual has applied, the school board may nevertheless accept a pupil or the sibling of a pupil who is already attending the nonresident school district and, if the nonresident school district is a union high school district, a pupil who is attending an underlying elementary school district of the nonresident school district under this section.

3. ~~On~~ Except as provided under sub. (5) (d) 1., on or before the first Friday following the first Monday in ~~April~~ June following receipt of the application, the nonresident school board shall notify the applicant, in writing, whether it has accepted the application. If the nonresident school board has accepted the applicant, the school board shall identify the specific school or program that the applicant may attend in the following school year. If the nonresident school board rejects an application, it shall include in the notice the reason for the rejection.

4. On or before the ~~first~~ 2nd Friday following the first Monday in ~~April~~ June following receipt of a copy of the application, if a resident school board denies a pupil's enrollment in a nonresident school district under sub. (6), (7) or (12) (b) 1., the resident school board shall notify the applicant and the nonresident school board, in writing, that the application has been denied and include in the notice the reason for the denial.

***-0855/3.6* SECTION 2513.** 118.51 (3) (a) 5. of the statutes is repealed.

***-0855/3.7* SECTION 2514.** 118.51 (3) (a) 6. of the statutes is amended to read:

118.51 **(3)** (a) 6. ~~If~~ Except as provided in sub. (5) (d) 2., if an application is accepted, on or before the ~~first~~ last Friday ~~following the first Monday~~ in June following receipt of a notice of acceptance, or within 10 days of receiving a notice of acceptance if a pupil is selected from a waiting list under ~~s. 118.40 (8) (h) 5.~~ sub. (5)

(d), the pupil's parent shall notify the nonresident school board of the pupil's intent to attend school in that school district in the following school year.

***-0855/3.8* SECTION 2515.** 118.51 (3) (a) 7. of the statutes is repealed.

***-0855/3.9* SECTION 2516.** 118.51 (3) (b) of the statutes is amended to read:

118.51 **(3)** (b) *Notice to resident school district.* Annually by ~~June 30~~ July 7, each nonresident school board that has accepted a pupil under this section for attendance in the following school year shall report the name of the pupil to the pupil's resident school board. ~~If a pupil is selected from a waiting list under s. 118.40 (8) (h) 5., the nonresident school board shall report the name of the pupil to the pupil's resident school board within 10 days of receiving notice of the pupil's selection from the department.~~

***-0855/3.10* SECTION 2517.** 118.51 (3m) of the statutes is created to read:

118.51 **(3m)** ALTERNATIVE APPLICATION PROCEDURES UNDER CERTAIN CIRCUMSTANCES. (a) Notwithstanding sub. (3), the parent of a pupil who wishes to attend a public school in a nonresident school district under this section may, in lieu of applying under sub. (3), submit an application under this subsection, on a form provided by the department under sub. (15) (a), to the school board of the nonresident school district that the pupil wants to attend if the pupil satisfies at least one of the criteria under par. (b). Applications may be submitted to no more than 3 nonresident school boards in any school year.

(b) The parent of a pupil may apply under this subsection only if the pupil meets one of the following criteria, and shall describe the criteria that the pupil meets in the application:

1. The resident school board determines that the pupil has been the victim of a violent criminal offense, as defined by the department by rule. An application

made on the basis of this criteria is not valid unless the nonresident school board receives the application within 30 days after the determination of the resident school board.

2. The pupil is or has been a homeless pupil in the current or immediately preceding school year. In this subdivision, "homeless pupil" means an individual who is included in the category of homeless children and youths, as defined in 42 USC 11434a (2).

3. The pupil has been the victim of repeated bullying or harassment and all of the following apply:

a. The pupil's parent has reported the bullying or harassment to the resident school board.

b. Despite action taken under subd. 3. a., the repeated bullying and harassment continues.

4. The place of residence of the pupil's parent or guardian and of the pupil has changed as a result of military orders. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application no later than 30 days after the date on which the military orders changing the place of residence were issued.

5. The pupil moved into this state. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application no later than 30 days after moving into this state.

6. The place of residence of the pupil has changed as a result of a court order or custody agreement or because the pupil was placed in a foster home or with a person other than the pupil's parent, or removed from a foster home or from the home of a person other than the pupil's parent. An application made on the basis of this

criteria is not valid unless the nonresident school board receives the application no later than 30 days after the pupil's change in residence.

7. The parent of the pupil and the nonresident school board agree that attending school in the nonresident school district is in the best interests of the pupil.

(c) If a nonresident school board receives an application under par. (a), the nonresident school board shall immediately forward a copy of the application to the resident school board, and shall notify the applicant, in writing, whether it has accepted the application no later than 20 days after receiving the application. If the nonresident school board has accepted the application, the nonresident school board shall identify the specific school or program that the pupil may attend.

(d) A resident school district may notify an applicant under par. (a) that the pupil may not attend a school or program in the nonresident school district only for the following reasons:

1. The resident school district determines that the criteria relied on by the applicant under par. (b) does not apply to the pupil.

2. a. Except as provided in subd. 2. b., the resident school district determines that the costs of the special education or related services required in the individualized education program under s. 115.787 (2) for a child with a disability whose parent has submitted an application under par. (a), as proposed to be implemented by the nonresident school district, would impose upon the child's resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil special education or related services costs for children with disabilities continuing to be served by the resident school district.

b. Subdivision 2. a. does not apply to a pupil who submits an application under par. (a) if the pupil relied upon the criteria set forth in par. (b) 1.

(e) If an application is accepted by the nonresident school board under par. (c), the pupil may immediately begin attending the school or program in the nonresident school district and shall begin attending the school or program no later than the 15th day following receipt by the parent of the pupil of the notice of acceptance under par. (c). If the pupil has not enrolled in or attended school in the nonresident school district by the day specified in this paragraph, the nonresident school district may notify the pupil's parent, in writing, that the pupil is no longer authorized to attend the school or program in the nonresident school district.

***-0855/3.11* SECTION 2518.** 118.51 (5) (a) (intro.) of the statutes is amended to read:

118.51 **(5)** (a) *Permissible criteria.* (intro.) Except as provided in sub. (3) (a) 2., the criteria for accepting and rejecting applications from nonresident pupils under ~~sub.~~ subs. (3) (a) and (3m) (a) may include only the following:

***-0855/3.12* SECTION 2519.** 118.51 (5) (a) 1. (intro.) of the statutes is amended to read:

118.51 **(5)** (a) 1. (intro.) The availability of space in the schools, programs, classes, or grades within the nonresident school district. The nonresident school board shall determine the number of regular education and special education spaces available within the school district in the January meeting of the school board, except that for the 2011-12 school year the board shall determine the number of regular education and special education spaces available within the school district in the February meeting of the school board. In determining the availability of space, the nonresident school board may consider criteria such as class size limits,

pupil-teacher ratios, or enrollment projections established by the nonresident school board and may include in its count of occupied spaces all of the following:

***-0855/3.13* SECTION 2520.** 118.51 (5) (a) 1. b. of the statutes is amended to read:

118.51 **(5)** (a) 1. b. Pupils and siblings of pupils who have applied under sub. (3) (a) <u>or (3m) (a)</u> and are already attending the nonresident school district.

***-0855/3.14* SECTION 2521.** 118.51 (5) (a) 1. c. of the statutes is amended to read:

118.51 **(5)** (a) 1. c. If the nonresident school district is a union high school district, pupils who have applied under sub. (3) (a) <u>or (3m) (a)</u> and are currently attending an underlying elementary school district of the nonresident school district under this section.

***-0855/3.15* SECTION 2522.** 118.51 (5) (d) of the statutes is renumbered 118.51 (5) (d) 1. and amended to read:

118.51 **(5)** (d) 1. The school board of a nonresident school district may create a waiting list of pupils whose applications were rejected under sub. (3) (a) 3. <u>The nonresident school board may accept pupils from a waiting list created under this paragraph until the 3rd Thursday in September but only if the pupil will be in attendance at the school or program in the nonresident school district on the 3rd Friday in September. Notwithstanding sub. (3) (a) 6., if a pupil is accepted from a waiting list created under this paragraph after the start of the school term, the parent shall immediately notify the resident school district of the pupil's intent to attend school in the nonresident school district for the current school term.</u>

<u>3.</u> The department shall promulgate rules to implement and administer this paragraph.

***-0855/3.16* SECTION 2523.** 118.51 (5) (d) 2. of the statutes is created to read:

118.51 **(5)** (d) 2. A pupil accepted from a waiting list created under this paragraph may attend the school or program in the nonresident school district even if the pupil has attended a school or program in the pupil's resident school district in the current school term, but not if the pupil has attended a school or program in a nonresident school district in the current school term.

***-0855/3.17* SECTION 2524.** 118.51 (8) of the statutes is amended to read:

118.51 **(8)** DISCIPLINARY RECORDS. Notwithstanding s. 118.125, for an application submitted under sub. (3) (a), by the first Friday following the first Monday in May, and within 10 days of receiving a copy of an application under sub. (3m) (c), the resident school board shall provide to the nonresident school board to which a pupil has applied under this section~~, upon request by that school board,~~ a copy of any expulsion findings and orders pertaining to the pupil, a copy of records of any pending disciplinary proceeding involving the pupil, a written explanation of the reasons for the expulsion or pending disciplinary proceeding and the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding.

***-0855/3.18* SECTION 2525.** 118.51 (9) of the statutes is amended to read:

118.51 **(9)** APPEAL OF REJECTION. If the nonresident school board rejects an application under sub. (3) (a) or (7), the resident school board prohibits a pupil from attending public school in a nonresident school district under sub. (3m) (d), (6), (7) or (12) (b) 1., or the nonresident school board prohibits a pupil from attending public school in the nonresident school district under sub. (11), the pupil's parent may appeal the decision to the department within 30 days after the decision. If the nonresident school board provides notice that the special education or related service

is not available under sub. (12) (a), the pupil's parent may appeal the required transfer to the department within 30 days after receipt of the notice. If the resident school board provides notice of transfer under sub. (12) (b) 2., the pupil's parent may appeal the required transfer to the department within 30 days after receipt of the notice. The department shall affirm the school board's decision unless the department finds that the decision was arbitrary or unreasonable.

***-0855/3.19* SECTION 2526.** 118.51 (12) (am) of the statutes is created to read:

118.51 **(12)** (am) *Estimate of costs.* 1. The nonresident school district shall prepare an estimate of the costs to provide the special education or related services required in the individualized education program developed under s. 115.787 (2) for a child with a disability whose parent has submitted an application under this section. For an application submitted for a child with a disability under sub. (3) (a), the nonresident school district shall provide a copy of the estimate of costs to the resident school district by the 3rd Friday following the first Monday in May. For an application submitted for a child with a disability under sub. (3m) (a), the nonresident school district shall provide a copy of the estimate of costs to the resident school district within 10 days after receiving or developing the individualized education program for the applicant.

2. Except as provided in subd. 3., if the nonresident school district fails to comply with the requirement under this section by the date specified, the nonresident school district may not charge the resident school district for any actual, additional costs incurred by the nonresident school district to provide the special education and related services for the child with a disability.

3. Subdivision 2. does not apply if the resident school district fails to comply with the requirements under sub. (3) (a) 1m.

***-0855/3.20* SECTION 2527.** 118.51 (12) (b) 1. of the statutes is amended to read:

118.51 **(12)** (b) 1. If the estimate of the costs of the special education or related services required in the individualized education program under s. 115.787 (2) for a child with a disability whose parent has submitted an application under sub. (3) (a), as proposed to be implemented by the nonresident school district and as provided to the resident school district as required under par. (am), would impose upon the child's resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil special education or related services costs for children with disabilities continuing to be served by the resident school district, the child's resident school board may notify the child's parent and the nonresident school board by the ~~first~~ 2nd Friday following the first Monday in ~~April~~ June that the pupil may not attend the nonresident school district to which the child has applied.

***-0855/3.21* SECTION 2528.** 118.51 (15) (a) of the statutes is amended to read:

118.51 **(15)** (a) *Application form.* Prepare, distribute to school districts, and make available to parents an application form to be used by parents under sub. (3) (a) and an application form to be used by parents under sub. (3m) (a). The form shall include provisions that permit a parent to apply for transportation reimbursement under sub. (14) (b). The form shall require an applicant who is applying to attend a virtual charter school to indicate that he or she is applying to attend a virtual charter school, the number of virtual charter schools to which he or she is applying, and whether he or she is a sibling of a pupil currently enrolled in a virtual charter school through the open enrollment program.

***-0855/3.22* SECTION 2529.** 118.51 (15) (c) of the statutes is renumbered 118.51 (15) (c) (intro.) and amended to read:

118.51 **(15)** (c) *Annual report.* (intro.) Annually submit a report to the governor~~,~~ and to the appropriate standing committees of the legislature under s. 13.172 (3)~~, on the~~. The report under this paragraph shall include all of the following information:

1. The number of pupils who applied to attend public school in a nonresident school district under this section~~, the~~.

3. The number of applications denied and the bases for the denials~~, and the~~.

4. The number of pupils attending public school in a nonresident school district under this section. The department shall specify, separately, the number of pupils attending public school in a nonresident school district whose applications were accepted under subs. (3) (a) 3. and (3m) (c), and, for the applications accepted under sub. (3m) (c), the number of pupils attending under each of the criteria listed in sub. (3m) (b).

***-0855/3.23* SECTION 2530.** 118.51 (15) (c) 2. of the statutes is created to read:

118.51 **(15)** (c) 2. The number of applications received under subs. (3) (a) and (3m) (a) and, for the applications received under sub. (3m) (a), the number of applications received under each of the criteria listed in sub. (3m) (b).

***-1187/P5.433* SECTION 2531.** 118.55 (1) of the statutes is amended to read:

118.55 **(1)** DEFINITION. In this section, "institution of higher education" means an institution within the University of Wisconsin System, the University of Wisconsin–Madison, a tribally controlled college or a private, nonprofit institution of higher education located in this state.

***-1187/P5.434* SECTION 2532.** 118.55 (5) (a) of the statutes is amended to read:

118.55 **(5)** (a) If the pupil is attending an institution within the University of Wisconsin System or the University of Wisconsin–Madison, the actual cost of tuition, fees, books and other necessary materials directly related to the course.

***-1213/1.38* SECTION 2533.** 118.55 (7r) (a) 4. of the statutes is amended to read:

118.55 **(7r)** (a) 4. The pupil is not a child at risk~~, as defined in s. 118.153 (1) (a)~~.

***-1213/1.39* SECTION 2534.** 119.04 (1) of the statutes is amended to read:

119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, ~~115.361,~~ 115.365 (3), 115.38 (2), 115.445, ~~115.45,~~ 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, ~~118.153,~~ 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

***-1244/P1.1* SECTION 2535.** 119.18 (6) (intro.) and (b) of the statutes are consolidated, renumbered 119.18 (6) and amended to read:

119.18 **(6)** SCHOOL CALENDAR. The board may determine the school calendar and vacation periods for each school year for the regular day schools, summer schools, social centers, and playgrounds~~, except that: (b)~~. The board may close any school or dismiss any class in the event of an emergency, fire or other casualty, quarantine, or epidemic.

***-1244/P1.2* SECTION 2536.** 119.18 (6) (a) of the statutes is repealed.

***-1345/P5.1* SECTION 2537.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

119.23 **(2)** (a) (intro.) ~~Subject to par. (b), any~~ Any pupil in grades kindergarten to 12 who resides within the city may attend~~, at no charge,~~ any private school located in ~~the city~~ Milwaukee County if all of the following apply:

****NOTE: This is reconciled s. 119.23 (2) (a) (intro.). This SECTION has been affected by drafts with the following LRB numbers, none of which are included in the compiled bill: LRB-0837/P1 and LRB-0838/P1.

***-1345/P5.2* SECTION 2538.** 119.23 (2) (a) 1. of the statutes is amended to read:

119.23 **(2)** (a) 1. ~~The~~ Except as provided in subd. 2., the pupil is a member of a family that has a total family income that does not exceed an amount equal to 1.75 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. A pupil attending a private school under this section whose family income increases may continue to attend a private school under this section if the pupil is a member of a family that has a total family income that does not exceed an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. For purposes of admission to a private school under this section, siblings of pupils attending a private school under this section are subject to the higher income limit. If a pupil attending a private school under this section ceases to attend a private school under this section, the lower income limit applies unless the pupil is a sibling of a pupil attending a private school under this section.

***-1345/P5.3* SECTION 2539.** 119.23 (2) (a) 2. of the statutes is created to read:

119.23 **(2)** (a) 2. Beginning in the 2011-12 school year, the pupil did not enroll in or attend a school participating in the program under this section at any time during the 2010-11 school year.

***-1345/P5.4* SECTION 2540.** 119.23 (2) (b) of the statutes is repealed.

***-1345/P5.5* SECTION 2541.** 119.23 (3) (a) of the statutes is amended to read:

119.23 **(3)** (a) The pupil or the pupil's parent or guardian shall submit an application, on a form provided by the state superintendent, to the participating private school that the pupil wishes to attend. Within 60 days after receiving the application, the private school shall notify the applicant, in writing, whether the application has been accepted. If the private school rejects an application, the notice shall include the reason. <u>The private school shall indicate in its letter of acceptance the amount of the payment the parent or guardian of the pupil will receive under sub. (4) and, if applicable, sub. (4m).</u> A private school may reject an applicant only if it has reached its maximum general capacity or seating capacity. The state superintendent shall ensure that the private school determines which pupils to accept on a random basis, except that the private school may give preference in accepting applications to siblings of pupils accepted on a random basis.

***-1345/P5.6* SECTION 2542.** 119.23 (3m) of the statutes is created to read:

119.23 **(3m)** (a) For a pupil who applies to attend a private school participating in the program under this section under sub. (2) (a) 1., whose application is accepted under sub. (3) (a), and who is a member of a family that has a total family income that does not exceed an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget, the private school may not charge or receive any payment

for the pupil other than the payment the school receives under sub. (4) and, if applicable, sub. (4m).

(b) 1. Except as provided in subd. 2., for a pupil who applies to attend a private school participating in the program under this section under sub. (2) (a) 2. and whose application is accepted under sub. (3) (a), the private school may, in addition to the payment it receives for the pupil under sub. (4) and, if applicable, sub. (4m), charge the pupil tuition and fees in an amount determined by the school.

2. The private school may not charge or receive any additional payment for a pupil who applies to attend the private school under sub. (2) (a) 2. and whose application is accepted under sub. (3) (a) if the pupil is a member of a family that has a total family income that does not exceed an amount equal to 3.25 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget.

***-1481/P1.3* SECTION 2543.** 119.23 (4) (bg) of the statutes is amended to read:

119.23 **(4)** (bg) In the ~~2009-10~~ 2011-12 and ~~2010-11~~ 2012-13 school years, upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, the state superintendent shall pay to the parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the private school's operating and debt service cost per pupil that is related to educational programming, as determined by the department, or $6,442, whichever is less.

***-1246/P1.1* SECTION 2544.** 119.23 (5) of the statutes is renumbered 119.23 (5) (b).

***-1246/P1.2* SECTION 2545.** 119.23 (5) (a) of the statutes is created to read:

119.23 **(5)** (a) A private school participating in the program under this section shall immediately notify the department of a decision to cease educational programming operations.

***-1345/P5.7* SECTION 2546.** 119.23 (7) (d) 1. of the statutes is renumbered 119.23 (7) (d) 1. b. and amended to read:

119.23 **(7)** (d) 1. b. A copy of the school's current certificate of occupancy issued by the ~~city~~ municipality within which the school is located. If the private school moves to a new location, the private school shall submit a copy of the new certificate of occupancy issued by the ~~city~~ municipality within which the school is located to the department before the attendance of pupils at the new location and before the next succeeding date specified in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet the requirement of this subdivision.

***-1345/P5.8* SECTION 2547.** 119.23 (7) (d) 1. a. of the statutes is created to read:

119.23 **(7)** (d) 1. a. In this subdivision, "municipality" has the meaning given in s. 5.02 (11).

***-0839/P1.1* SECTION 2548.** 119.23 (7) (e) 1. of the statutes is amended to read:

119.23 **(7)** (e) 1. ~~In the 2009-10 school year~~ Annually, each private school participating in the program under this section shall administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the 4th, 8th, and 10th grades. ~~Beginning in the 2010-11 school year and annually thereafter, each private school participating in the program under this section shall administer the examinations required under s. 118.30 (1s) to pupils attending the school under the program.~~ The private school may administer additional standardized tests to such pupils. Beginning in 2006 and annually

thereafter until 2011, the private school shall provide the scores of all standardized tests and examinations that it administers under this subdivision to the School Choice Demonstration Project.

***-1183/P1.4* SECTION 2549.** 119.23 (7) (g) of the statutes is repealed.

***-1246/P1.3* SECTION 2550.** 119.23 (7m) of the statutes is created to read:

119.23 **(7m)** (a) Evidence of any of the following circumstances may indicate that a private school participating in the program under this section does not utilize sound fiscal practices, is not financially viable, or does not have the financial ability to continue educational programming operations:

1. The private school's budget and statement of cash flows reveal that the private school has inadequate revenues and other financial resources to fund current operations.

2. The audit opinion statement submitted by the private school as required under sub. (7) (am) 1. contains a qualification as to the private school's ability to continue as a going concern.

3. The private school failed to make a payment to a vendor for services provided to the private school or to an employee or other individual for expenses incurred on behalf of the private school within 90 days of receipt of invoice or payment request or as per written agreement, or has failed to make payments to an employee pursuant to a written document specifying compensation and dates for payment, as indicated in a written communication from the vendor, employee, or other individual.

4. The private school failed to make a filing with or withholding payment to the federal Internal Revenue Service, the Wisconsin department of revenue, or the Wisconsin department of workforce development as indicated in a written communication from one of these agencies.

5. An audit, required of the private school by a federal or state agency or local governmental unit and provided to the department of public instruction in compliance with reporting requirements promulgated by the department pursuant to sub. (11), contained questioned costs or findings related to compliance that may affect the private school's ability to continue.

6. The private school failed to refund to the department the amount of any overpayment made to the private school under sub. (4) (b) or (bg) or (4m), or the amount of any payment made to the private school for a pupil ineligible to attend the private school under this section.

(b) If the department determines that any of the circumstances under par. (a) applies to a private school, the private school shall, upon written request, provide to the department any information required by the department, including an audit of the private school's financial statements in accordance with generally accepted accounting principles, to permit the department to determine whether the private school is utilizing sound fiscal practices, is financially viable, or is financially able to continue educational programming operations.

***-1247/P1.1* SECTION 2551.** 119.23 (11) of the statutes is renumbered 119.23 (11) (intro.) and amended to read:

119.23 **(11)** The department shall ~~promulgate~~ do all of the following:

(a) Promulgate rules to implement and administer this section.

***-1247/P1.2* SECTION 2552.** 119.23 (11) (b) of the statutes is created to read:

119.23 **(11)** (b) Notify each private school participating in the program under this section and the parents and guardians of each pupil attending a private school under this section of any proposed changes to the program or to administrative rules governing the program, including changes to application or filing deadlines but not

including changes to provisions governing health or safety, prior to the beginning of the school year in which the change takes effect.

***-1213/1.40* SECTION 2553.** 119.245 of the statutes is repealed.

***-1465/P4.881* *-0808/2.350* SECTION 2554.** 119.495 (2) of the statutes is amended to read:

119.495 **(2)** The board shall include in its budget transmitted to the common council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing to be authorized in the budget for the ensuing year. The common council shall issue the notes and levy a direct annual irrepealable tax sufficient to pay the principal and interest on the notes as they become due. The common council may issue the notes by private sale. The common council shall make every effort to involve a minority investment firm certified under s. ~~560.036~~ 490.04 as managing underwriter of the notes or to engage a minority financial adviser certified under s. ~~560.036~~ 490.04 to advise the city regarding any public sale of the notes.

***-1465/P4.882* *-0808/2.351* SECTION 2555.** 119.496 (2) of the statutes is amended to read:

119.496 **(2)** The board shall include in its budget transmitted to the common council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing to be authorized in the budget for the ensuing year. The common council shall issue the notes and levy a direct annual irrepealable tax sufficient to pay the principal and interest on the notes as they become due. The common council may issue the notes by private sale. The common council shall establish goals of involving minority investment firms certified under s. ~~560.036~~ 490.04 as managing underwriters for at least 50% of the total amount financed by the notes and of engaging a minority

financial adviser certified under s. ~~560.036~~ 490.04 to advise the city regarding any public sale of the notes.

***-1243/P1.1* SECTION 2556.** 120.12 (3) (a), (b) and (c) of the statutes are amended to read:

120.12 **(3)** (a) ~~On~~ Annually on or before November 1, determine the amount necessary to be raised to operate and maintain the schools of the school district and public library facilities operated by the school district under s. 43.52, if the annual meeting has not voted a tax sufficient for such purposes for the school year. ~~On~~ Annually on or before November 6, or, in those years in which a November general election is held, the 7th calendar day after the day of the general election, the school district clerk shall certify the appropriate amount so determined to each appropriate municipal clerk who shall assess the amount certified and enter it on the tax rolls as other school district taxes are assessed and entered.

(b) If a tax sufficient to operate and maintain the schools of a school district for the ensuing school year has not been determined, certified and levied prior to the effective date of school district reorganization under ch. 117 affecting any territory of the school district, the school board of the affected school district shall determine, on or before the November 1 following the effective date of the reorganization, the amount of deficiency in operation and maintenance funds on the effective date of the reorganization which should have been paid by the property in the affected school district if the tax had been determined, certified and assessed prior to the effective date of the reorganization. On or before November 6, or, in those years in which a November general election is held, the 7th calendar day after the day of the general election, the school district clerk shall certify the appropriate amount to each appropriate municipal clerk who shall assess, enter and collect the amount as a

special tax on the property. This paragraph does not affect the apportionment of assets and liabilities under s. 66.0235.

(c) If on or before November 1 the school board determines that the annual meeting has voted a tax greater than that needed to operate the schools of the school district for the school year, the school board may lower the tax voted by the annual meeting. On or before November 6, or, in those years in which a November general election is held, the 7th calendar day after the day of the general election, the school district clerk shall certify the appropriate amount so determined to each appropriate municipal clerk who shall assess the amount certified to him or her and enter it on the tax rolls in lieu of the amount previously reported.

***-0841/P2.5* SECTION 2557.** 120.12 (15) of the statutes is amended to read:

120.12 **(15)** SCHOOL HOURS. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. ~~The equivalent of 180 such days, as defined in s. 115.01 (10), shall be held during the school term.~~ This subsection shall not be construed to eliminate a school district's duty to bargain with the employee's collective bargaining representative over any calendaring proposal which is primarily related to wages, hours, and conditions of employment.

***-0841/P2.14* SECTION 2558.** 120.12 (27) (a) and (b) of the statutes are amended to read:

120.12 **(27)** (a) Within 24 hours of a school being closed for a reason specified in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the department of health services under s. 252.02 (3), notify the department. The notice shall include the reason for the closure.

(b) Within 24 hours of reopening a school that was closed for a reason specified in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the department of health services under s. 252.02 (3), notify the department that the school has reopened. In the notice, the school board shall include the number of days the school was closed.

***-1258/2.5* SECTION 2559.** 120.13 (2) (g) of the statutes is amended to read:

120.13 **(2)** (g) Every self-insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.87 (4), (5), and (6), 632.885, 632.89, 632.895 (9) to ~~(17)~~ (16m), 632.896, and 767.513 (4).

***-1243/P1.2* SECTION 2560.** 120.17 (8) (a) of the statutes is amended to read:

120.17 **(8)** (a) Annually on or before November 6, or, in those years in which a November general election is held, the 7th calendar day after the day of the general election, deliver to the clerk of each municipality having territory within the school district a certified statement showing that proportion of the amount of taxes voted and not before reported, and that proportion of the amount of tax to be collected in such year, if any, for the annual payment of any loan to be assessed on that part of the school district territory lying within the municipality. Such proportion shall be determined from the full values certified to the school district clerk under s. 121.06 (2).

***-0841/P2.6* SECTION 2561.** 121.004 (7) (c) 1. b. of the statutes is amended to read:

121.004 **(7)** (c) 1. b. A pupil enrolled in a 5-year-old kindergarten program requiring full-day attendance for less than 5 days a week for an entire school ~~year~~ term shall be counted as the result obtained by multiplying the number of hours in each day in which the pupil is enrolled by the total number of days for which the pupil

is enrolled, and dividing the result by the ~~product of the~~ total number of hours of attendance ~~per day~~ required of first grade pupils in the school district ~~multiplied by 180~~.

***-0841/P2.7* SECTION 2562.** 121.004 (7) (cm) of the statutes is amended to read:

121.004 **(7)** (cm) A pupil enrolled in a 4-year-old kindergarten program, including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b), that provides the required number of hours of direct pupil instruction under s. 121.02 (1) (f) ~~2.~~ shall be counted as 0.6 pupil if the program annually provides at least 87.5 additional hours of outreach activities.

***-0841/P2.8* SECTION 2563.** 121.006 (2) (a) of the statutes is renumbered 121.006 (2) (a) (intro.) and amended to read:

121.006 **(2)** (a) (intro.) Hold school for ~~at least 180 days each year~~ the minimum number of hours of direct pupil instruction required for the grade in which a pupil is enrolled as specified in s. 121.02 (1) (f), less any ~~days~~ of the following:

1. Hours during which the state superintendent determines that school is not held or educational standards are not maintained as the result of a strike by school district employees~~, the days to be computed in accordance with s. 115.01 (10)~~.

***-0841/P2.9* SECTION 2564.** 121.006 (2) (a) 2. of the statutes is created to read:

121.006 **(2)** (a) 2. Hours during which school is closed by order of the school district administrator because of inclement weather and hours during which parent-teacher conferences are held, not to exceed 35 hours during the school term.

***-0841/P2.10* SECTION 2565.** 121.006 (2) (a) 3. of the statutes is created to read:

121.006 **(2)** (a) 3. Hours during which school is closed by order of a local health officer, as defined in s. 250.01 (5), or the department of health services.

***-0841/P2.11* SECTION 2566.** 121.006 (2) (a) 4. of the statutes is created to read:

121.006 **(2)** (a) 4. Hours during which school is closed by order of the school district administrator because of a threat to the health or safety of pupils or school personnel, but not including inclement weather, unless the school board determines that the hours will not count as hours of direct pupil instruction for purposes of s. 121.02 (1) (f).

****NOTE: As amended by this draft, s. 121.006 (2) (a) requires the school board to hold school for the minimum hours of direct pupil instruction required under s. 121.02 (1) (f), but allows to school board to reduce from the required hours of instruction certain hours during which school is not taught. For additional discussion of changes to s. 121.006 (2) (a), please see ****NOTE accompanying treatment of s. 115.01 (10).

***-1213/1.41* SECTION 2567.** 121.007 of the statutes is amended to read:

121.007 Use of state aid; exemption from execution. All moneys paid to a school district under s. 20.255 (2) (ac), ~~(bc),~~ (cg), and (cr), shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attachment, garnishment, or other process in favor of creditors, except as to claims for salaries or wages of teachers and other school employees and as to claims for school materials, supplies, fuel, and current repairs.

***-1189/1.3* SECTION 2568.** 121.02 (1) (a) 2. of the statutes is amended to read:

121.02 **(1)** (a) 2. Subject to s. 118.40 <u>(2r) (d) 1. and</u> (8) (b) 2., ensure that all instructional staff of charter schools located in the school district hold a license or permit to teach issued by the department. For purposes of this subdivision, a virtual charter school is located in the school district specified in s. 118.40 (8) (a) and a charter school established under s. 118.40 (3) (c) 1. c. is located in the school district

specified in s. 118.40 (3) (c) 1. c. The state superintendent shall promulgate rules defining "instructional staff" for purposes of this subdivision.

***-0841/P2.12* SECTION 2569.** 121.02 (1) (f) 1. of the statutes is repealed.

***-0841/P2.13* SECTION 2570.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and amended to read:

121.02 **(1)** (f) Annually, schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours under this ~~subdivision~~ paragraph include recess and time for pupils to transfer between classes but do not include the lunch period. Scheduled hours under this paragraph may include up to 35 hours on Saturdays. A school board operating a 4-year-old kindergarten program may use up to 87.5 of the scheduled hours for outreach activities.

****NOTE: The substantive changes to this paragraph are taken from 2009 Assembly Bill 200. Note that the material related to scheduled hours on Saturdays is transferred from s. 115.01 (10) (b). Please see the ****NOTE accompanying treatment of s. 115.01 (10). Are you comfortable with these changes?

***-1213/1.42* SECTION 2571.** 121.02 (1) (n) of the statutes is repealed.

***-0852/1.1* SECTION 2572.** 121.08 (4) (a) 1. of the statutes is amended to read:

121.08 **(4)** (a) 1. ~~In the 2009-10 and 2010-11 school year, add~~ Add the amounts paid under s. 118.40 (2r) in the current school year~~, and in the 2011-12 school year and each school year thereafter, add the amounts paid under s. 118.40 (2r) in the 2010-11 school year~~.

***-0841/P2.15* SECTION 2573.** 121.23 (2) (intro.) of the statutes is amended to read:

121.23 **(2)** (intro.) If a school district ~~holds less than 180 days of school~~ fails to provide the number of hours of direct pupil instruction specified under s. 121.02 (1)

(f) as the result of a strike by school district employees, for the purposes of computing general aid, the state superintendent shall compute the school district's primary and secondary ceiling costs per member in accordance with the procedure specified in pars. (a) to (e). In making the calculation, the state superintendent shall:

****NOTE: Section 121.23 (2) governs the calculation of general aid for a school district that holds school for less than 180 days as a result of a strike by school district employees. I substituted hours of instruction for the 180 days requirement. Was that your intent?

***-1242/P1.1* SECTION 2574.** 121.55 (3) (b) of the statutes is amended to read:

121.55 **(3)** (b) Except as provided in par. (c), if 2 or more pupils reside in the same household and attend the same private school, the contract under par. (a) may, at the discretion of the school board ~~of the school district operating under ch. 119~~, provide for a total annual payment for all such pupils of not less than $5 times the distance in miles between the pupils' residence and the private school they attend, or the school district's average cost per pupil for bus transportation in the previous year exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities, whichever is greater.

***-0836/P5.1* SECTION 2575.** 121.905 (1) of the statutes is amended to read:

121.905 **(1)** In this section, "revenue ceiling" means ~~$9,000 in the 2009-10 school year and in the 2010-11 school year and $9,800~~ $8,900 in the 2011-12 school year and in any subsequent school year.

***-0836/P5.2* SECTION 2576.** 121.905 (3) (c) 3r. of the statutes is repealed.

***-0836/P5.3* SECTION 2577.** 121.905 (3) (c) 4. of the statutes is repealed.

***-0836/P5.4* SECTION 2578.** 121.91 (2m) (e) (intro.) of the statutes is amended to read:

121.91 **(2m)** (e) (intro.) Except as provided in subs. (3)~~,~~ and (4)~~, and (8)~~, no school district may increase its revenues for the 2008-09 school year to an amount that exceeds the amount calculated as follows:

***-0836/P5.5* SECTION 2579.** 121.91 (2m) (f) (intro.) of the statutes is amended to read:

121.91 **(2m)** (f) (intro.) Except as provided in subs. (3)~~,~~ and (4)~~, and (8)~~, no school district may increase its revenues for the 2009-10 school year or for the 2010-11 school year to an amount that exceeds the amount calculated as follows:

***-0836/P5.6* SECTION 2580.** 121.91 (2m) (g) (intro.) of the statutes is amended to read:

121.91 **(2m)** (g) (intro.) Except as provided in subs. (3)~~,~~ and (4)~~, and (8)~~, no school district may increase its revenues for the 2011-12 school year to an amount that exceeds the amount calculated as follows:

***-0836/P5.7* SECTION 2581.** 121.91 (2m) (g) 2. of the statutes is repealed.

***-0836/P5.8* SECTION 2582.** 121.91 (2m) (g) 3. of the statutes is amended to read:

121.91 **(2m)** (g) 3. Multiply the result under subd. ~~2.~~ 1. by the average of the number of pupils enrolled in the current and the 2 preceding school years.

***-0836/P5.9* SECTION 2583.** 121.91 (2m) (g) 4. of the statutes is created to read:

121.91 **(2m)** (g) 4. Multiply the result under subd. 3. by 0.055.

***-0836/P5.10* SECTION 2584.** 121.91 (2m) (g) 5. of the statutes is created to read:

121.91 **(2m)** (g) 5. Subtract the product under subd. 4. from the result under subd. 3.

***-0836/P5.11* SECTION 2585.** 121.91 (2m) (h) (intro.) of the statutes is amended to read:

121.91 **(2m)** (h) (intro.) Except as provided in subs. (3)~~,~~ and (4)~~, and (8)~~, no school district may increase its revenues for the 2012-13 school year ~~or for any school year thereafter~~ to an amount that exceeds the amount calculated as follows:

***-0836/P5.12* SECTION 2586.** 121.91 (2m) (h) 2. of the statutes is repealed.

***-0836/P5.13* SECTION 2587.** 121.91 (2m) (h) 3. of the statutes is repealed.

***-0836/P5.14* SECTION 2588.** 121.91 (2m) (h) 4. of the statutes is amended to read:

121.91 **(2m)** (h) 4. Multiply the result under subd. ~~3.~~ 1. by the average of the number of pupils enrolled in the current and the 2 preceding school years.

***-0836/P5.15* SECTION 2589.** 121.91 (2m) (r) 1. b. of the statutes is repealed.

***-0836/P5.16* SECTION 2590.** 121.91 (2m) (r) 1. c. of the statutes is amended to read:

121.91 **(2m)** (r) 1. c. Multiply the result under subd. 1. ~~b.~~ a. by the number of pupils who in the previous school year were enrolled in a school district from which territory was detached to create the new school district and who resided in the detached territory, or by the number of pupils enrolled in the new school district in the current school year, whichever is greater.

***-0836/P5.17* SECTION 2591.** 121.91 (2m) (r) 1. d. of the statutes is created to read:

121.91 **(2m)** (r) 1. d. In the 2011-12 school year, multiply the result under subd. 1. c. by 0.055. In the 2012-13 school year, multiply the result under subd. 1. c. by 1.0.

***-0836/P5.18* SECTION 2592.** 121.91 (2m) (r) 1. e. of the statutes is created to read:

121.91 **(2m)** (r) 1. e. Subtract the product of subd. 1. d. from the result under subd. 1. c.

***-0836/P5.19* SECTION 2593.** 121.91 (2m) (s) 1. b. of the statutes is repealed.

***-0836/P5.20* SECTION 2594.** 121.91 (2m) (s) 1. c. of the statutes is amended to read:

121.91 **(2m)** (s) 1. c. Multiply the result under subd. 1. ~~b.~~ a. by the number of pupils who in the previous school year were enrolled in the school district and who did not reside in the detached territory, or by the number of pupils enrolled in the school district in the current school year, whichever is greater.

***-0836/P5.21* SECTION 2595.** 121.91 (2m) (s) 1. d. of the statutes is created to read:

121.91 **(2m)** (s) 1. d. In the 2011-12 school year, multiply the result under subd. 1. c. by 0.055. In the 2012-13 school year, multiply the result under subd. 1. c. by 1.0.

***-0836/P5.22* SECTION 2596.** 121.91 (2m) (s) 1. e. of the statutes is created to read:

121.91 **(2m)** (s) 1. e. Subtract the product of subd. 1. d. from the result under subd. 1. c.

***-0836/P5.23* SECTION 2597.** 121.91 (2m) (t) 1. (intro.) of the statutes is amended to read:

121.91 **(2m)** (t) 1. (intro.) If 2 or more school districts are consolidated under s. 117.08 or 117.09, except as follows, in the 2011-12 school year, the consolidated school district's revenue limit shall be determined as provided under par. ~~(e) except as follows~~ (g) and in the 2012-13 school year, the consolidated school district's revenue limit shall be determined as provided under par. (h):

***-0836/P5.24* SECTION 2598.** 121.91 (4) (d) of the statutes is repealed.

***-0844/P2.1* SECTION 2599.** 121.91 (4) (L) of the statutes is repealed.

***-0844/P2.2* SECTION 2600.** 121.91 (4) (m) of the statutes is repealed.

***-0844/P2.3* SECTION 2601.** 121.91 (4) (n) of the statutes is repealed.

***-0855/3.24* SECTION 2602.** 121.91 (4) (p) of the statutes is created to read:

121.91 **(4)** (p) The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by the amount of any reduction to that school district's state aid payment made under s. 118.51 (16) (b) 2. and (c) in the previous school year for a pupil who was not included in the calculation of the number of pupils enrolled in that school district in the previous school year.

***-0836/P5.25* SECTION 2603.** 121.91 (7) of the statutes is amended to read:

121.91 **(7)** Except as provided in sub. (4) (f) 2. and (L) to (o) ~~and (8)~~, if an excess revenue is approved under sub. (3) for a recurring purpose or allowed under sub. (4), the excess revenue shall be included in the base for determining the limit for the next school year for purposes of this section. If an excess revenue is approved under sub. (3) for a nonrecurring purpose, the excess revenue shall not be included in the base for determining the limit for the next school year for purposes of this section.

****NOTE: This is reconciled s. 121.91 (7). This SECTION has been affected by the following draft: LRB-0844/P1.

***-0836/P5.26* SECTION 2604.** 121.91 (8) of the statutes is repealed.

***-1187/P5.435* SECTION 2605.** 125.02 (3m) of the statutes is amended to read:

125.02 **(3m)** "Campus" has the meaning given under s. 36.05 (3) <u>and s. 37.01 (4)</u>.

***-0721/7.3* SECTION 2606.** 132.001 (1m) of the statutes is created to read:

132.001 **(1m)** "Department" means the department of financial institutions.

***-0721/7.4* SECTION 2607.** 132.01 (1) of the statutes is amended to read:

132.01 **(1)** Any person, firm, partnership, corporation, association, or union of workingmen, which has heretofore adopted or used or shall hereafter adopt or use any mark for the purpose of designating, making known, or distinguishing any goods, wares, merchandise, service, business, or other product of labor or manufacture as having been made, manufactured, produced, prepared, packed, or put on sale by such person, firm, partnership, corporation, association, or union of workingmen, or by a member or members thereof, he, she, or they, if residents of this or any other state of the United States, and such foreign corporations as may have been duly licensed to transact business in the state of Wisconsin, may file an original, a copy, or photographs, or cuts with specifications of the same for record ~~in the office of the secretary of state~~ with the department, by leaving 2 such originals, copies, photographs, or cuts with specifications, the same being counterparts, facsimiles, or drawings thereof, with ~~said secretary~~ the department and by filing therewith a sworn statement, in such form as may be prescribed by the ~~secretary of state~~ department, specifying the name of the person, firm, partnership, corporation, association, or union of workingmen, on whose behalf such mark is to be filed, the class of merchandise and a separate description of the goods to which the same has been or is intended to be appropriated, the residence, location, or place of business of such party, that the party, on whose behalf such mark is to be filed, has the right to the use of the same, and that no other person, or persons, firm, partnership, corporation, association, or union of workingmen has such right either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the originals, copies, photographs, or cuts, counterparts, facsimiles, or drawings filed therewith are correct.

***-0721/7.5* SECTION 2608.** 132.01 (3) of the statutes is amended to read:

132.01 **(3)** For an original or renewal registration, or the recording of an assignment, there shall be paid to the ~~secretary of state~~ department the fee of $15.

***-0721/7.6* SECTION 2609.** 132.01 (5) of the statutes is amended to read:

132.01 **(5)** The ~~secretary of state~~ department may not register any mark which consists of or comprises a replica or simulation of the flag, coat of arms, or insignia of the United States of America, or of any state or municipality or any foreign nation.

***-0721/7.7* SECTION 2610.** 132.01 (6) of the statutes is amended to read:

132.01 **(6)** (a) A registration recorded or renewed under this section or s. 132.04 or 132.11 before May 1, 1990, is effective for 20 years. A registration may be renewed on or after May 1, 1990, for 10-year periods upon application to the ~~secretary of state~~ department and payment of the same fee required for a registration. Application for renewal shall be made within 6 months before the expiration of the 20-year registration period or 10-year renewal period specified in this paragraph.

(b) A registration recorded under this section or s. 132.04 or 132.11 on or after May 1, 1990, is effective for 10 years. A registration may be renewed for 10-year periods upon application to the ~~secretary of state~~ department and payment of the same fee required for a registration. Application for renewal shall be made within 6 months before the expiration of the 10-year period specified in this paragraph.

***-0721/7.8* SECTION 2611.** 132.01 (7) (intro.) of the statutes is amended to read:

132.01 **(7)** (intro.) The ~~secretary of state~~ department shall do all of the following:

***-0721/7.9* SECTION 2612.** 132.01 (7) (b) of the statutes is amended to read:

132.01 **(7)** (b) Cancel from his or her register a registration of a mark under this section upon the request of the registrant of the mark. The ~~secretary of state~~ department may not charge a fee for canceling a registration under this paragraph.

***-0721/7.10* SECTION 2613.** 132.01 (8) of the statutes is amended to read:

132.01 **(8)** Any person, firm, partnership, corporation, association or union who claims a right to the use of subject matter conflicting with any registration by another may bring action against such other in the circuit court for the county in which such other resides, or in the circuit court for Dane County, and in any such action the right to the use and registration of such subject matter shall be determined as between the parties, and registration shall be granted or withheld or canceled by the ~~secretary of state~~ department in accordance with the final judgment in any such action. Nonuser for a period of at least 2 years continuing to the date of commencement of any action in which abandonment is in issue shall be prima facie evidence of abandonment to the extent of such nonuser.

***-0721/7.11* SECTION 2614.** 132.01 (9) of the statutes is amended to read:

132.01 **(9)** Title to any registration hereunder shall pass to any person, firm or corporation succeeding to the registrant's business to which such registration pertains. Written assignments of any such registration from a registrant to such a successor may be filed with and shall be recorded by the ~~secretary of state~~ department upon payment of the fee specified in sub. (3). When such assignment is recorded, a new registration shall be entered in the name of the assignee, and on such registration and any subsequent certificates or registration of an assigned registration the ~~secretary of state~~ department shall show the previous ownership and dates of assignment thereof.

***-0721/7.12* SECTION 2615.** 132.031 of the statutes is amended to read:

132.031 Certificate; evidence. The ~~secretary of state~~ department shall deliver to the person, corporation, association or union so filing or causing to be filed any such mark, or any assignment of such subject matter previously registered, or to any person, corporation, association or union renewing a registration, as many duly attested certificates of the registration or renewal of the same as may be desired. Any such certificate shall, in all suits and prosecutions arising out of or depending upon any rights claimed under such mark, be prima facie evidence of the adoption thereof and of the facts prerequisite to registrations thereof as required by s. 132.01.

***-0721/7.13* SECTION 2616.** 132.04 (1) of the statutes is amended to read:

132.04 **(1)** Any person who is the owner of cans, tubs, firkins, boxes, bottles, casks, barrels, kegs, cartons, tanks, fountains, vessels or containers with his or her names, brands, designs, trademarks, devices or other marks of ownership stamped, impressed, labeled, blown in or otherwise marked thereon, may file with the ~~secretary of state~~ department and record with the register of deeds of any county in which the person has his or her principal place of business, a written statement or description verified by affidavit of the owner or his or her agent, of the names, brands, designs, trademarks, devices or other marks of ownership used by him or her, and of the articles upon which they are used, or if the principal place of business is outside the state, then a written statement or verified description may be recorded with the register of deeds of any county. The statement shall be published as a class 3 notice, under ch. 985, in the county, and a copy of the publication, proved as provided in s. 985.12, shall also be filed with the ~~secretary of state~~ department and recorded with the register of deeds.

***-0721/7.14* SECTION 2617.** 132.04 (2) of the statutes is amended to read:

132.04 **(2)** All such written statements or descriptions and all such certificates of publication so filed or recorded shall be subject at all reasonable hours to public inspection. The ~~secretary of state~~ department and the register of deeds shall deliver to all applicants certified copies of all such written statements or descriptions or names, brands, designs, trademarks, devices, or other marks of ownership and of all certificates of publication filed or recorded with them and such certified copies shall be admissible in evidence in all prosecutions under ss. 132.04 to 132.08, and shall be prima facie evidence that this section has been complied with, and of the title of the owner named therein to the property upon which the name, brand, design, trademark, device, or other marks of ownership of the owner appear as described therein.

***-0721/7.15* SECTION 2618.** 132.04 (3) of the statutes is amended to read:

132.04 **(3)** The ~~secretary of state~~ department shall receive a fee of $15 and the register of deeds shall receive the fee specified in s. 59.43 (2) (ag) or (e) for each statement and certificate of publication filed or recorded and shall also receive the fee specified in s. 59.43 (2) (b) for each certified copy of such statement and certificate of publication, to be paid for by the person filing, recording or applying for the same.

***-0721/7.16* SECTION 2619.** 132.04 (4) of the statutes is amended to read:

132.04 **(4)** (a) The ~~secretary of state~~ department and register of deeds shall cancel a statement or description under this section upon the request of the person named in the records of the ~~secretary of state~~ department or register of deeds as the owner of marks of ownership described in the statement or description.

(b) The ~~secretary of state~~ department and register of deeds may not charge a fee for canceling a statement or description under par. (a).

***-0721/7.17* SECTION 2620.** 132.11 (1) (intro.) of the statutes is amended to read:

132.11 **(1)** (intro.) The ~~secretary of state~~ department shall do all of the following:

***-0721/7.18* SECTION 2621.** 132.11 (1) (c) of the statutes is amended to read:

132.11 **(1)** (c) Cancel the description of a name, brand or trademark recorded under par. (a) upon the request of the person, firm or corporation named in the records of the ~~secretary of state~~ department as the owner of the name, brand or trademark. The ~~secretary of state~~ department may not charge a fee for canceling a description under this paragraph.

***-0721/7.19* SECTION 2622.** 132.16 (1m) of the statutes is amended to read:

132.16 **(1m)** Any organization may register~~, in the office of the secretary of state,~~ with the department a facsimile, duplicate, or description of any of the organization's identifying information and may, by reregistration, alter or cancel the organization's identifying information.

***-0721/7.20* SECTION 2623.** 132.16 (2) of the statutes is amended to read:

132.16 **(2)** Application for registration or reregistration under sub. (1m) shall be made by the organization's chief officer or officers upon forms provided by the ~~secretary of state~~ department. The registration shall be for the use, benefit, and on behalf of the organization and the organization's current and future individual members throughout this state.

***-0721/7.21* SECTION 2624.** 132.16 (3) of the statutes is amended to read:

132.16 **(3)** The ~~secretary of state~~ department shall keep a properly indexed file of all registrations under this section, which shall also show any alterations or cancelations by reregistration.

***-0721/7.22* SECTION 2625.** 132.16 (5) of the statutes is amended to read:

132.16 **(5)** Upon granting registration under this section, the ~~secretary of state~~ department shall issue ~~his or her~~ a certificate to the petitioners, setting forth the fact of the registration.

***-0721/7.23* SECTION 2626.** 132.16 (6) of the statutes is amended to read:

132.16 **(6)** The fees of the ~~secretary of state~~ department for registration or reregistration under this section, searches made by the ~~secretary of state~~ department, and certificates issued by the ~~secretary of state~~ department under this section, shall be the same as provided by law for similar services. The fees collected under this section shall be paid by the ~~secretary of state~~ department into the state treasury.

***-0721/7.24* SECTION 2627.** 137.01 (1) (a) of the statutes is amended to read:

137.01 **(1)** (a) The governor shall appoint notaries public who shall be United States residents and at least 18 years of age. Applicants who are not attorneys shall file an application with the ~~secretary of state~~ department of financial institutions and pay a $20 fee.

***-0721/7.25* SECTION 2628.** 137.01 (1) (b) of the statutes is amended to read:

137.01 **(1)** (b) The secretary of ~~state~~ financial institutions shall satisfy himself or herself that the applicant has the equivalent of an 8th grade education, is familiar with the duties and responsibilities of a notary public and, subject to ss. 111.321, 111.322 and 111.335, does not have an arrest or conviction record.

***-0721/7.26* SECTION 2629.** 137.01 (1) (d) of the statutes is amended to read:

137.01 **(1)** (d) Qualified applicants shall be notified by the ~~secretary of state~~ department of financial institutions to take and file the official oath and execute and

file an official bond in the sum of $500, with a surety executed by a surety company and approved by the secretary of ~~state~~ financial institutions.

***-0721/7.27* SECTION 2630.** 137.01 (1) (e) of the statutes is amended to read:

137.01 **(1)** (e) The qualified applicant shall file his or her signature, post-office address and an impression of his or her official seal, or imprint of his or her official rubber stamp with the ~~secretary of state~~ department of financial institutions.

***-0721/7.28* SECTION 2631.** 137.01 (1) (g) of the statutes is amended to read:

137.01 **(1)** (g) At least 30 days before the expiration of a commission the ~~secretary of state~~ department of financial institutions shall mail notice of the expiration date to the holder of a commission.

***-0721/7.29* SECTION 2632.** 137.01 (2) (a) of the statutes is amended to read:

137.01 **(2)** (a) Except as provided in par. (am), any United States resident who is licensed to practice law in this state is entitled to a permanent commission as a notary public upon application to the ~~secretary of state~~ department of financial institutions and payment of a $50 fee. The application shall include a certificate of good standing from the supreme court, the signature and post-office address of the applicant and an impression of the applicant's official seal, or imprint of the applicant's official rubber stamp.

***-0721/7.30* SECTION 2633.** 137.01 (2) (am) of the statutes is amended to read:

137.01 **(2)** (am) If a United States resident has his or her license to practice law in this state suspended or revoked, upon reinstatement of his or her license to practice law in this state, the person may be entitled to receive a certificate of appointment as a notary public for a term of 4 years. An eligible notary appointed under this paragraph is entitled to reappointment for 4-year increments. At least 30 days before the expiration of a commission under this paragraph the ~~secretary of~~

~~state~~ department of financial institutions shall mail notice of the expiration date to the holder of the commission.

***-0721/7.31* SECTION 2634.** 137.01 (2) (b) of the statutes is amended to read:

137.01 **(2)** (b) The secretary of ~~state~~ financial institutions shall issue a certificate of appointment as a notary public to persons who qualify under the requirements of this subsection. The certificate shall state that the notary commission is permanent or is for 4 years.

***-0721/7.32* SECTION 2635.** 137.01 (2) (c) of the statutes is amended to read:

137.01 **(2)** (c) The supreme court shall file with the ~~secretary of state~~ department of financial institutions notice of the surrender, suspension or revocation of the license to practice law of any attorney who holds a permanent commission as a notary public. Such notice shall be deemed a revocation of said commission.

***-0721/7.33* SECTION 2636.** 137.01 (6) (a) of the statutes is amended to read:

137.01 **(6)** (a) The secretary of ~~state~~ financial institutions may certify to the official qualifications of any notary public and to the genuineness of the notary public's signature and seal or rubber stamp.

***-0721/7.34* SECTION 2637.** 137.01 (6m) of the statutes is amended to read:

137.01 **(6m)** CHANGE OF RESIDENCE. A notary public does not vacate his or her office by reason of his or her change of residence within the United States. Written notice of any change of address shall be given to the ~~secretary of state~~ department of financial institutions within 10 days of the change.

***-0721/7.35* SECTION 2638.** 137.01 (7) of the statutes is amended to read:

137.01 **(7)** OFFICIAL RECORDS TO BE FILED. When any notary public ceases to hold office, the notary public, or in case of the notary public's death the notary public's personal representative, shall deposit the notary public's official records and papers

~~in the office of the secretary of state~~ with the department of financial institutions. If the notary or personal representative, after the records and papers come to his or her hands, neglects for 3 months to deposit them, he or she shall forfeit not less than $50 nor more than $500. If any person knowingly destroys, defaces, or conceals any records or papers of any notary public, the person shall forfeit not less than $50 nor more than $500, and shall be liable for all damages resulting to the party injured. The ~~secretary of state~~ department of financial institutions shall receive and safely keep all such papers and records.

***-1465/P4.883* *-0808/2.352* SECTION 2639.** 145.01 (4) of the statutes is amended to read:

145.01 **(4)** DEPARTMENT. "Department" means the department of ~~commerce~~ safety and professional services.

***-1465/P4.884* *-0808/2.353* SECTION 2640.** 145.02 (4) (a) of the statutes is amended to read:

145.02 **(4)** (a) The department shall prescribe rules as to the qualifications, examination and licensing of master and journeyman plumbers and restricted plumber licensees, for the licensing of utility contractors, for the registration of plumbing apprentices and pipe layers and for the registration and training of registered learners. The plumbers council, created under s. ~~15.157 (6)~~ 15.407 (16), shall advise the department in formulating the rules.

***-1465/P4.885* *-0808/2.354* SECTION 2641.** 145.17 (2) of the statutes is amended to read:

145.17 **(2)** The department shall prescribe rules as to the qualifications, examination and licensing of journeymen automatic fire sprinkler system fitters and automatic fire sprinkler contractors and for the registration and training of

automatic fire sprinkler system apprentices. The automatic fire sprinkler system contractors and journeymen council, created under s. ~~15.157 (9)~~ 15.407 (17), shall advise the department in formulating the rules.

***-1465/P4.886* *-0808/2.355* SECTION 2642.** 145.20 (5) (c) of the statutes is amended to read:

145.20 **(5)** (c) The department of natural resources may suspend or revoke a license issued under s. 281.48 or a certificate issued under s. 281.17 (3) to the operator of a septage servicing vehicle if the department of natural resources finds that the licensee or operator falsified information on inspection forms. The department of ~~commerce~~ safety and professional services may suspend or revoke the license of a plumber licensed under this chapter if the department finds that the plumber falsified information on inspection forms.

***-1465/P4.887* *-0808/2.356* SECTION 2643.** 145.245 (12m) (e) of the statutes is amended to read:

145.245 **(12m)** (e) The department of ~~commerce~~ safety and professional services and the department of administration may enter into a financial assistance agreement with a governmental unit that applies for a loan under this subsection and meets the eligibility requirements for a loan, including the requirements under par. (d).

***-1465/P4.888* *-0808/2.357* SECTION 2644.** 145.245 (12m) (f) of the statutes is amended to read:

145.245 **(12m)** (f) The department of administration, in consultation with the department of ~~commerce~~ safety and professional services, may establish those terms and conditions of a financial assistance agreement that relate to its financial management, including what type of municipal obligation is required for the

repayment of the financial assistance. In setting the terms and conditions, the department of administration may consider factors that the department of administration finds are relevant, including the type of obligation evidencing the loan, the pledge of security for the obligation and the applicant's creditworthiness.

***-1465/P4.889* *-0808/2.358* SECTION 2645.** 145.245 (12m) (g) of the statutes is amended to read:

145.245 **(12m)** (g) The department of administration shall make and disburse a loan to an applicant that has entered into a financial assistance agreement under par. (e). The department of administration, in consultation with the department of ~~commerce~~ safety and professional services, shall establish procedures for disbursing loans.

***-1465/P4.890* *-0808/2.359* SECTION 2646.** 145.245 (12m) (h) of the statutes is amended to read:

145.245 **(12m)** (h) If a governmental unit fails to make a principal repayment after its due date, the department of administration shall place on file a certified statement of all amounts due under this subsection. After consulting the department of ~~commerce~~ safety and professional services, the department of administration may collect all amounts due by deducting those amounts from any state payments due the governmental unit or may add a special charge to the amount of taxes apportioned to and levied upon the county under s. 70.60. If the department of administration collects amounts due, it shall remit those amounts to the fund to which they are due and notify the department of ~~commerce~~ safety and professional services of that action.

***-1465/P4.891* *-0808/2.360* SECTION 2647.** 146.085 (3) of the statutes is amended to read:

146.085 **(3)** ENFORCEMENT. The department, the department of ~~commerce~~ safety and professional services, and the public service commission shall enforce this section within their respective jurisdictions.

***-1465/P4.892* *-0808/2.361* SECTION 2648.** 146.40 (4r) (em) of the statutes is amended to read:

146.40 **(4r)** (em) If the department receives a report under par. (a) or (am) and determines that an individual who is the subject of the report holds a credential that is related to the individual's employment at, or contract with, the entity, the department shall refer the report to the department of ~~regulation and licensing~~ safety and professional services.

***-1187/P5.436* SECTION 2649.** 146.59 (2) (b) of the statutes is amended to read:

146.59 **(2)** (b) If a contractual services agreement is terminated under s. 233.04 (4m) (b), the University of Wisconsin Hospitals and Clinics Board may negotiate and enter into a contractual services agreement with the University of Wisconsin Hospitals and Clinics Authority or the ~~board of regents~~ Board of Trustees of the University of ~~Wisconsin System~~ Wisconsin–Madison under s. 233.04 (4m) (b).

***-1310/1.1* SECTION 2650.** 146.83 (1c) (a) of the statutes is created to read:

146.83 **(1c)** (a) Inspect the health care records of a health care provider pertaining to that patient at any time during regular business hours, upon reasonable notice.

***-1310/1.2* SECTION 2651.** 146.83 (1c) (b) of the statutes is created to read:

146.83 **(1c)** (b) Receive a copy of the patient's health care records upon payment of fees, as established by rule under sub. (3f).

***-1310/1.3* SECTION 2652.** 146.83 (1c) (c) of the statutes is created to read:

146.83 **(1c)** (c) Receive a copy of the health care provider's X-ray reports or have the X-rays referred to another health care provider of the patient's choice upon payment of fees, as established by rule under sub. (3f).

***-1310/1.4* SECTION 2653.** 146.83 (1d) of the statutes is renumbered 146.83 (1c) (intro.) and amended to read:

146.83 **(1c)** (intro.) Except as provided in s. 51.30 or 146.82 (2), any patient or person authorized by the patient may, upon submitting a statement of informed consent~~, inspect the health care records of a health care provider pertaining to that patient. Except as provided in sub. (1g), the health care provider shall make the records available for inspection by the patient or person authorized by the patient during regular business hours, after the health care provider receives notice from the patient or person authorized by the patient. A health care provider may not charge a fee for inspection under this subsection.~~:

***-1310/1.5* SECTION 2654.** 146.83 (1f) (a) of the statutes is repealed.

***-1310/1.6* SECTION 2655.** 146.83 (1f) (b) of the statutes is repealed.

***-1310/1.7* SECTION 2656.** 146.83 (1f) (c) of the statutes is repealed.

***-1310/1.8* SECTION 2657.** 146.83 (1f) (d) 1. of the statutes is renumbered 146.83 (1f) (am) and amended to read:

146.83 **(1f)** (am) If a patient or person authorized by the patient requests copies of the patient's health care records under this ~~subsection~~ section for use in appealing a denial of social security disability insurance, under 42 USC 401 to 433, or supplemental security income, under 42 USC 1381 to 1385, the health care provider may charge the patient or person authorized by the patient no more than the amount that the federal social security administration reimburses the department for copies of patient health care records.

***-1310/1.9* SECTION 2658.** 146.83 (1f) (d) 2. of the statutes is renumbered 146.83 (1f) (bm) and amended to read:

146.83 **(1f)** (bm) Except as provided in sub. (1g), a health care provider may not charge a fee for providing one set of copies of a patient's health care records under this ~~subsection~~ section if the patient is eligible for medical assistance, as defined in s. 49.43 (8). A health care provider may require that a patient or person authorized by the patient provide proof that the patient is eligible for medical assistance before providing copies under this subdivision without charge. A health care provider may charge the fees ~~under par. (c)~~ established by rule under sub. (1c) for providing a 2nd or additional set of copies of patient health care records for a patient who is eligible for medical assistance.

***-1310/1.10* SECTION 2659.** 146.83 (1g) of the statutes is amended to read:

146.83 **(1g)** The time limit for making records available for inspection and for providing copies of records under sub. ~~(1d), the time limits for providing copies of records under sub. (1f) (a) and (b),~~ (1c) and the requirement under sub. (1f) ~~(d) 2.~~ (bm) to provide one set of copies of records without charge if the patient is eligible for medical assistance do not apply if the health care provider is the department or the department of corrections.

***-1310/1.11* SECTION 2660.** 146.83 (1h) of the statutes is repealed.

***-1310/1.12* SECTION 2661.** 146.83 (1k) of the statutes is repealed.

***-1310/1.13* SECTION 2662.** 146.83 (1m) of the statutes is renumbered 146.83 (1m) (a).

***-1310/1.14* SECTION 2663.** 146.83 (1m) (b) of the statutes is created to read:

146.83 **(1m)** (b) The health care provider under par. (a) may be charged reasonable costs for the provision of the patient's health care records.

***-1310/1.15* SECTION 2664.** 146.83 (3f) of the statutes is created to read:

146.83 **(3f)** (a) The department shall, by rule, prescribe fees that are based on an approximation of actual costs. The fees, plus applicable tax, are the maximum amount that a health care provider may charge under sub. (1c) (b) for duplicate patient health care records and under sub. (1c) (c) for duplicate X-ray reports or the referral of X-rays to another health care provider of the patient's choice. The rule shall also permit the health care provider to charge for actual postage or other actual delivery costs. In determining the approximation of actual costs for the purposes of this subsection, the department may consider all of the following factors:

1. Operating expenses, such as wages, rent, utilities, and duplication equipment and supplies.

2. The varying cost of retrieval of records, based on the different media on which the records are maintained.

3. The cost of separating requested patient health care records from those that are not requested.

4. The cost of duplicating requested patient health care records.

5. The impact on costs of advances in technology.

(b) By July 1, 2014, and every 3 years thereafter, the department shall revise the rules under par. (a) to account for increases or decreases in actual costs.

***-1310/1.16* SECTION 2665.** 146.84 (2) (a) 1. of the statutes is amended to read:

146.84 **(2)** (a) 1. Requests or obtains confidential information under s. 146.82 or 146.83 ~~(1d), (1f), or (1h)~~ (1c) under false pretenses.

***-1262/2.30* SECTION 2666.** 150.31 (5m) of the statutes is amended to read:

150.31 **(5m)** The department shall decrease the statewide bed limit specified in sub. (1) to account for any reduction in the approved bed capacity of a skilled

nursing facility operated by the department of veterans affairs under s. 45.50 ~~(1)~~, as specified in s. 45.50 (10).

***-1465/P4.893* *-0808/2.362* SECTION 2667.** 150.84 (3) of the statutes is amended to read:

150.84 **(3)** "Health care provider" means any person licensed, registered, permitted or certified by the department or by the department of ~~regulation and licensing~~ safety and professional services to provide health care services in this state.

***-1465/P4.894* *-0808/2.363* SECTION 2668.** 153.60 (1) of the statutes is amended to read:

153.60 **(1)** The department shall, by the first October 1 after the commencement of each fiscal year, estimate the total amount of expenditures under this subchapter for the department for that fiscal year for data collection, database development and maintenance, generation of data files and standard reports, orientation and training provided under s. 153.05 (9) (a) and contracting with the data organization under s. 153.05 (2r). The department shall assess the estimated total amount for that fiscal year, less the estimated total amount to be received for purposes of administration of this subchapter under s. 20.435 (1) (hi) during the fiscal year and the unencumbered balance of the amount received for purposes of administration of this subchapter under s. 20.435 (1) (hi) from the prior fiscal year, to health care providers, other than hospitals and ambulatory surgery centers, who are in a class of health care providers from whom the department collects data under this subchapter in a manner specified by the department by rule. The department shall work together with the department of ~~regulation and licensing~~ safety and professional services to develop a mechanism for collecting assessments from health care providers other than hospitals and ambulatory surgery centers. No health care

provider that is not a facility may be assessed under this subsection an amount that exceeds $75 per fiscal year. All payments of assessments shall be credited to the appropriation under s. 20.435 (1) (hg).

***-1465/P4.895* *-0808/2.364* SECTION 2669.** 157.061 (5) of the statutes is amended to read:

157.061 **(5)** "Department" means the department of ~~regulation and licensing~~ safety and professional services.

***-1465/P4.896* *-0808/2.365* SECTION 2670.** 157.11 (9m) of the statutes is amended to read:

157.11 **(9m)** ACTION BY DISTRICT ATTORNEY. If any money or property is not turned over when required by this section, or default occurs under a bond, the district attorney, upon the request of the department of ~~regulation and licensing~~ safety and professional services, shall bring action to recover.

***-1465/P4.897* *-0808/2.366* SECTION 2671.** 157.12 (1) of the statutes is amended to read:

157.12 **(1)** DEFINITION. Notwithstanding s. 157.061 (5), in this section, "department" means the department of ~~commerce~~ safety and professional services.

***-1465/P4.898* *-0808/2.367* SECTION 2672.** 157.12 (3) (b) of the statutes is amended to read:

157.12 **(3)** (b) The cemetery's treasurer is the custodian of the fund. The treasurer shall file with the cemetery, at the cemetery's expense, a bond with sureties approved by the department of ~~regulation and licensing~~ safety and professional services to indemnify the cemetery against loss if the treasurer fails to maintain the fund. No indemnity is required if the terms of sale of a mausoleum space require the purchaser to pay directly to a trust company in the state, designated by the cemetery