

1987 Assembly Bill 850

Date of enactment: May 13, 1988
Date of publication: May 16, 1988

1987 Wisconsin Act 399

(Vetoed in Part)

AN ACT relating to state finances and appropriations, constituting the 1988 annual budget bill, and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vetoed in Part SECTION 1cc. 5.02 (5), (18) and (23) of the statutes are amended to read:

5.02 (5) "General election" means the election held in even-numbered years on the Tuesday after the first Monday in November to elect United States senators, representatives in congress, presidential electors, state senators, representatives to the assembly, district attorneys, state officers other than the state superintendent and judicial officers, and county officers other than supervisors and county executives.

(18) "September primary" means the primary held the 2nd Tuesday in September to nominate candidates to be voted for at the general election, and to determine which candidates for state office offices other than district attorney may participate in the Wisconsin election campaign fund.

(23) "State office" means the offices of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction, justice of the supreme court, court of appeals judge, circuit court judge, state senator and state representative to the assembly and district attorney.

SECTION 1cd. 5.62 (1) (a) and (3) of the statutes are amended to read:

5.62 (1) (a) The ballots shall be made up of the several party tickets with each party entitled to participate in the primary under par. (b) or sub. (2) having its own ballot. The independent candidates for state office other than district attorney shall have a separate ballot for all such candidates as under s. 5.64 (1) (e). The ballots shall be secured together at the bottom. The party ballot of the party receiving the most votes for governor at the last general election shall be on top with the other parties arranged in an order based on their vote for governor at the last general election. The ballot listing the independent candidates shall be placed at the bottom. At polling places where voting machines are used, each party and the independent candidates shall be represented in one or more separate columns or rows on the ballot. At polling places where an electronic voting system is used other than an electronic voting machine, each party and the independent candidates may be represented in separate columns or rows on the ballot.

~~(3) The board shall designate the official primary ballot arrangement for statewide offices and district attorney within each prosecutorial unit by using the same procedure as provided in s. 5.60 (1) (b) for candidates for justice, congressional and state senate candidates by using the same procedure as for circuit judges under s. 5.60 (1) (b) by numbering the assembly districts and parts of assembly districts within each congressional or senate district, and assembly candidates, by similarly numbering and arranging by population the counties within an assembly district. Independent candidates for state office shall be listed for each office in an order drawn by lot by or under the supervision of the board. Below the names of the independent candidates shall appear the party or principle of the candidates, if any, in 5 words or less, as shown on their nomination papers.~~

Vetoed in Part

SECTION 1cc. 5.64 (1) (c) of the statutes is amended to read:

5.64 (1) (c) Within each column, each space shall state the office to be voted for directly above the candidate's first and last name. The candidate's name shall be placed in the party column by which nominated or if independent, in a column designated independent and all candidates for the same office shall appear within the same rows on the ballot. Below the names of the independent candidates shall appear the party or principle of the candidates, if any, in 5 words or less, as shown on their nomination papers. Independent candidates for the same county office shall be listed in the same manner in an order drawn by lot by or under supervision of the county clerk or board of election commissioners. The board shall conduct a redrawing for purposes of determining the arrangement of independent candidates for state office who appeared on the primary ballot in the manner provided in s. 5.60 (1) (b). To the right of each candidate's name, in each column, shall be a square for the elector to make his or her cross (X).

SECTION 1cf. 7.60 (4) (a) and (5) of the statutes are amended to read:

7.60 (4) (a) The board of canvassers shall make separate duplicate statements showing the numbers of votes cast for the offices of president and vice president, state officials, U.S. senators and representatives in congress, state legislators, justice, court of appeals judge, circuit judges, district attorneys, municipal

Vetoed in Part Judges, if they are elected under s. 755.01 (4), and metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). The board of canvassers shall also prepare a statement showing the results of any county, vocational district or statewide referendum. Each statement shall state in numbers written out the total number of votes cast in the county for each office, the names of all persons for whom the votes were cast, as returned; the number of votes cast for each person; and the number of votes cast for and against any referendum question. One copy of the statement shall be used to report to the elections board or vocational district board and the other statement shall be filed in the office of the county clerk or board of election commissioners.

(5) **REPORTING.** Immediately following the canvass the county clerk shall deliver or send to the elections board, by 1st class mail, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, state legislators, justice, court of appeals judge, circuit judge, district attorney, municipal judge, if elected under s. 755.01 (4), and metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). The statement shall record the returns for each office or referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in which case the statement shall record the returns for each group of combined wards. Following primaries the county clerk shall enclose on blanks furnished by the elections board the names, party or principle designation, if any, and number of votes received by each candidate recorded in the same manner. The county clerk shall deliver or transmit the certified statement to the elections board no later than 7 days after each primary and no later than 10 days after any other election. The board of canvassers shall deliver or transmit a certified copy of each statement for any vocational district referendum to the secretary of the district board of vocational, technical and adult education. If the board of canvassers becomes aware of a material mistake in the canvass of an election for state or national office or a statewide or vocational district referendum prior to the close of business on the day the elections board receives returns from the last county board of canvassers with respect to that canvass, the board of canvassers may petition the elections board to reopen and correct the canvass. The elections board shall direct the canvass to be reopened and corrected if it determines that the public interest so requires. If the elections board directs the canvass to be reopened, the board of canvassers shall reconvene and transmit a certified corrected copy of the canvass statement to the elections board or secretary of the district board of vocational, technical and adult education.

SECTION 1cg. 7.70 (3) (c) and (e) 1 of the statutes are amended to read:

7.70 (3) (d). When the certified statements and returns are received, the board of state canvassers

shall proceed to examine and make a statement of the total number of votes cast at any election for the offices involved in the election for president and vice president, a statement for each of the offices of governor, lieutenant governor, if a primary, and a joint statement for the offices of governor and lieutenant governor, if a general election; a statement for each of the offices of secretary of state, state treasurer, attorney general, and state superintendent; for U.S. senator, representative in congress for each congressional district, the state legislature, justice, court of appeals judge, circuit judge, district attorney, municipal judge, if he or she is elected under s. 755.01 (4), metropolitan sewerage commission, if the commissioners are elected under s. 66.23 (11) (am); and for any referenda questions submitted by the legislature.

(e) 1. After each September primary, the name of each candidate not defeated in the primary who receives at least 6% of the total vote cast for all candidates on all ballots at the primary for each separate state office except district attorney, and the percentage of the total vote received by that candidate. Such percentage shall be calculated within each district in the case of legislative candidates.

SECTION 1ck. 8.15 (6) (dm) of the statutes is created to read:

8.15 (6) (dm). For district attorneys, not less than 500 nor more than 1,000 electors in prosecutorial units over 100,000 population and not less than 200 nor more than 400 electors in prosecutorial units of 100,000 population or less.

SECTION 1cl. 8.16 (5) of the statutes is amended to read:

8.16 (5). Any candidate for a partisan state office except district attorney may also qualify for payments under s. 11.50 if the candidate meets the requirements specified in s. 11.50; however, a candidate who qualifies under this section for placement on the official ballot at the general election shall appear on such ballot regardless of whether he or she qualifies for payments under s. 11.50.

SECTION 1cj. 8.25 (5) of the statutes is created to read:

8.25 (5) **DISTRICT ATTORNEY, TERM.** A district attorney shall be elected for each prosecutorial unit specified in s. 973.01 at the general election in 1988 and biennially thereafter. The regular term of the office of district attorney commences on the first Monday in January next succeeding the officer's election.

SECTION 1ck. 8.50 (intro.) of the statutes, as affected by 1987 Wisconsin Act . . . (Senate Bill 441), is amended to read:

8.50 Special elections. (Intro.) Unless otherwise provided, this section applies to filling vacancies in the U.S. senate and house of representatives, executive state offices except the offices of governor and lieutenant governor and district attorney, judicial and legislative state offices, county offices and the offices of municipal judge and member of the board of school

Vetoed in Part

**Vetoed
in Part**

directors in school districts organized under ch. 119 State legislative offices may be filled in anticipation of the occurrence of a vacancy whenever authorized in sub. (4)(b). No special election may be held after February 1 preceding the spring election unless it is held on the same day as the spring election, nor after September 1 preceding the general election unless it is held on the same day as the general election, until the day after that election. If the special election is held on the day of the general election, the primary for the special election, if any, shall be held on the day of the September primary. If the special election is held on the day of the spring election, the primary for the special election, if any, shall be held on the day of the spring primary.

SECTION 1cL. 9.10 (1) (a) of the statutes is amended to read:

9.10 (1) (a). The qualified electors of the state, of any county, city, village, town, or of any congressional, legislative, judicial or school district, or of any prosecutorial unit may petition for the recall of any incumbent elective official after the first year of the term for which the official is elected by filing a petition with the same official or agency with whom nomination papers or declarations of candidacy for the office are filed demanding the recall of the officeholder.

SECTION 1cm. 10.02 (3) (b) 2m of the statutes is amended to read:

10.02 (3) (b) 2m. At the September primary, the elector shall select the party ballot of his or her choice or the ballot containing the names of the independent candidates for state office, and make a cross (X) in the square at the right of or depress the lever or button next to the candidate's name for each office for whom the elector intends to vote or insert or write in the name of the elector's choice for a party candidate, if any. In order to qualify for participation in the Wisconsin election campaign fund, a candidate for state office at the September primary, other than a candidate for district attorney, must receive at least 6% of all votes cast on all ballots for the office for which he or she is a candidate, in addition to other requirements.

**Vetoed
in Part**

SECTION 1cmn. 11.21 (5) of the statutes is amended to read:

11.21 (5). Make the reports and statements filed with it available for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which they are received, and permit copying of any report or statement by hand or by duplicating machine at cost, as requested by any person. No The board shall require any individual who inspects or copies a report or statement to sign a statement affirming that the individual will not sell or utilize any information copied from such reports and statements may be sold or utilized by any person the report or statement for the purpose of soliciting contributions from individuals identified in the reports or statements report or state-

ment for the purpose of attending to influence legislative or administrative action, as defined in s. 13.02, or for any commercial purpose.

**Vetoed
in Part**

SECTION 1cmr. 11.22 (8) of the statutes is amended to read:

11.22 (8). Make the reports and statements filed with the filing officer available for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which they are received, and permit copying of any report or statement by hand or by duplicating machine at cost, as requested by any person. No The filing officer shall require any individual who inspects or copies a report or statement to sign a statement affirming that the individual will not sell or utilize any information copied from such reports and statements may be sold or utilized by any person the report or statement for the purpose of soliciting contributions from individuals identified in the reports or statements report or statement or for any commercial purpose.

SECTION 1cn. 11.26 (1) (en) and (ew) and (2) (en) and (ew) of the statutes are amended to read:

**Vetoed
in Part**

11.26 (1) (en). Candidates for circuit judge in circuits having a population of more than 300,000, or candidates for district attorney in prosecutorial units having a population of more than 300,000, \$3,000.

(ew) Candidates for circuit judge in other circuits or candidates for district attorney in other prosecutorial units, \$1,000.

(2) (en). Candidates for circuit judge in circuits having a population of more than 300,000, or candidates for district attorney in prosecutorial units having a population of more than 300,000, \$3,000.

(ew) Candidates for circuit judge in other circuits or candidates for district attorney in other prosecutorial units, \$1,000.

SECTION 1co. 11.27 (title) of the statutes is amended to read:

**Vetoed
in Part**

11.27 (title) Unlawful acts, liability.

SECTION 1coq. 11.27 (1g) and (1r) of the statutes are created to read:

11.27 (1g). No person may sell or utilize information copied from a report or statement filed with the board for any purpose specified in s. 11.21 (5).

(1r). No person may sell or utilize information copied from a report or statement filed with a filing officer other than the board for any purpose specified in s. 11.22 (8).

SECTION 1cp. 11.31 (1) (fm) of the statutes, as affected by 1987 Wisconsin Act ... (Assembly Bill 299), is amended to read:

**Vetoed
in Part**

11.31 (1) (fm). Candidates for circuit judge or district attorney, \$86,250, except as provided in par. (a) 1, b.

SECTION 1cq. 11.50 (1) (a) 1 and 2 of the statutes are amended to read:

**Vetoed
in Part**

~~11.50 (1) (a) 1. With respect to a spring or general election, any individual who is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice or state superintendent, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for any state office, except district attorney, for which the individual is a candidate at the September primary and who is certified under s. 7.08 (2) (a) as a candidate for state that office in the general election, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at the spring or general election, and who has qualified for a grant under sub. (2).~~

~~2. With respect to a special election, an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for state superintendent, or an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for any state office, except district attorney, on the ballot or column of a party whose candidate for the same office at the preceding general election received at least 6% of the vote cast for all candidates on all ballots for the office, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at a special election, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for a any state office, except district attorney, at a partisan special election, and who qualifies for a grant under sub. (2). Where the boundaries of a district in which an individual seeks office have been changed since the preceding general election such that it is not possible to calculate the exact percentage of the vote that is needed by that individual to qualify as an eligible candidate prior to an election under this subdivision, the number of votes cast for all candidates for the office at the preceding general election in each ward, combination of wards or municipality which is wholly contained within the boundaries of the newly formed district shall be calculated. If the candidate of the political party on whose ballot or column the individual appears in the newly formed district obtained at least 6% of the number of votes calculated, the individual is deemed to qualify as an eligible candidate prior to the election under this subdivision.~~

SECTION 1k. 13.172 (1) of the statutes is amended to read:

13.172 (1) In this section, "agency" means an office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, and any authority created in ch. 231, 233 or 234.

SECTION 1m. 13.48 (26) of the statutes is created to read:

13.48 (26) CLEAN WATER ANNUAL FINANCE PLAN APPROVAL. The building commission shall review the annual finance plan submitted to it by the department

of natural resources under s. 144.241 (4) and the recommendations of the joint committee on finance and the standing committees to which the annual finance plan was submitted under s. 144.241 (4) (a). The building commission shall consider the extent to which the annual finance plan will maintain the clean water fund in perpetuity, maintain the purchasing power of the clean water fund, meet the requirements of s. 144.241 to provide financial assistance for water quality pollution abatement needs and nonpoint source water pollution management needs, and provide a stable and sustainable annual level of financial assistance under s. 144.241 proportional to the state's long-term water pollution abatement and management needs and priorities. The building commission shall, after September 1 and on or before October 1 annually, either approve or disapprove the annual finance plan. When the building commission approves the annual finance plan, the building commission shall establish the total capital dollar amount, by source, available for financial assistance commitments through the end of that fiscal year and the composite annual interest rate which the total dollar amount shall yield, to the extent practicable to accommodate administrative difficulties in achieving the yield. If the building commission disapproves the annual finance plan, it must notify the department of natural resources of its reasons for disapproving the plan.

SECTION 3. 13.488 (1) (m) of the statutes is created to read:

13.488 (1) (m) The duty to compute and make payments to the United States required under 26 USC 148 (f) so that public debt, revenue obligations and operating notes issued pursuant to ch. 18 will not be treated as arbitrage bonds for the purpose of exclusion from gross income under 26 USC 103 (b) (2). If the proceeds of an obligation are utilized for an activity that is financed from program revenue, the building commission shall make the payment required under this paragraph from that revenue.

~~SECTION 3m. 13.489 (4) (b) of the statutes is amended to read:~~

~~13.489 (4) (b) The commission may include in the report in par. (a) its designation of highway improvement projects under s. 84.013 (6m) or (6r) as major highway projects.~~

~~SECTION 3pg. 13.51 (2) (intro.) of the statutes is amended to read:~~

~~13.51 (2) MEMBERS. (intro.) Members of the committee under pars. (c) to (e) (f) shall hold office for 4 years beginning July 1 and until their successors are appointed and qualified, but any member of the committee appointed under pars. (c) to (e) (f) who ceases to be a member or representative of the group represented shall immediately cease to be a member of the committee. Any vacancy on the committee shall be filled as was the original appointment and shall be~~

**Vetoed
in Part**

**Vetoed
in Part**

Vetoed in Part filed for the balance of the unexpired term. The committee shall consist of:

SECTION 3pr. 13.51 (2) (f) of the statutes is created to read:

13.51 (2) (f) One annuitant, as defined for purposes other than life insurance under s. 40.02 (4), appointed by the governor.

SECTION 4. 13.62 (2) of the statutes is amended to read:

13.62 (2) "Agency" means any board, commission, committee, department or officer in the state government, or any authority created in ch. 231, 233 or 234.

SECTION 4m. 13.94 (4) (a) 5 of the statutes is created to read:

13.94 (4) (a) 5. A local service agency as defined in s. 101.35 (1) (d).

SECTION 5g. 14.017 (3) of the statutes is repealed.

SECTION 5r. 14.25 of the statutes is repealed.

Vetoed in Part SECTION 5w. 15.01 (4) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

15.01 (4) "Council" means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the women's council has the powers and duties specified in s. 16.01 (4) and the council on physical disabilities has the powers and duties specified in s. 46.52 (1) and (2).

Vetoed in Part SECTION 5wn. 15.01 (4) of the statutes, as affected by 1987 Wisconsin Acts 27 and ... (this act), is repealed and recreated to read:

15.01 (4) "Council" means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the women's council has the powers and duties specified in s. 16.01 (4), the council on physical disabilities has the powers and duties specified in s. 46.52 (1) and (2) and the prosecutors council has the powers and duties specified in ch. 978.

SECTION 5wu. 15.01 (6) of the statutes, as affected by 1987 Wisconsin Act 27, is repealed and recreated to read:

15.01 (6) "Division," "bureau," "section" and "unit" means the subunits of a department, whether specifically created by law or created by the head of the department for the more economic and efficient administration and operation of the programs assigned to the department. The office of justice assistance in the department of administration has the meaning of "division" under this subsection and the office of health care information in the subunit of the department of health and social services having responsibility for health has the meaning of "bureau" under this subsection.

SECTION 5x. 15.02 (3) (c) 2 of the statutes is amended to read:

15.02 (3) (c) 2. The principal subunit of the division is the "bureau". Each bureau shall be headed by a "director". The office of health care information in the subunit of the department of health and social services having responsibility for health has the meaning of "bureau" under this subdivision.

~~SECTION 7m. 15.07 (1) (a) 3 of the statutes is amended to read:~~

~~15.07 (1) (a) 3. Members of the employe trust funds board appointed under s. 15.16 (1) (a) and (b) and (d) shall be appointed as provided in that section.~~

~~SECTION 9k. 15.07 (1) (a) 6 of the statutes is created to read:~~

~~15.07 (1) (a) 6. Members of the economic stabilization board under s. 15.155 (3) shall be appointed as provided in that section.~~

~~SECTION 9L. 15.07 (1) (cm) of the statutes, as affected by 1987 Wisconsin Acts 27 and 142, is amended to read:~~

~~15.07 (1) (cm) The terms of members of the personnel board shall expire on July 1. The term of one member of the ethics board shall expire on each May 1. The terms of 3 members of the development finance board, other than ex officio members, shall expire on May 1 of every even-numbered year and the terms of the other 4 members, other than ex officio members, shall expire on May 1 of every odd-numbered year. The terms of 3 members of the economic stabilization board, other than ex officio members, shall expire on May 1 of every even-numbered year and the terms of the other 4 members, other than ex officio members, shall expire on May 1 of every odd-numbered year. The terms of members of the radioactive waste review board shall expire as specified under s. 15.105 (1) (c). The terms of the 3 members of the land conservation board appointed under s. 15.135 (4) (b) 2 shall expire on January 1. The terms of members of the real estate board shall expire on July 1.~~

SECTION 10g. 15.07 (2) (b) of the statutes is created to read:

15.07 (2) (b) The chairperson of the board on health care information shall be designated biennially by the governor.

SECTION 10m. 15.07 (3) (b) of the statutes is amended to read:

15.07 (3) (b) Each Except as provided in par. (bm), each board not covered under par. (a) shall meet annually, and may meet at other times on the call of the chairman or a majority of its members. The real estate board shall also meet on the call of the secretary of the department of regulation and licensing or his or her designee within the department.

SECTION 10r. 15.07 (3) (bm) of the statutes is created to read:

15.07 (3) (bm) The board on health care information shall meet 4 times each year and may meet at

Vetoed in Part

Vetoed in Part

other times on the call of the chairperson or a majority of the board's members.

SECTION 12. 15.07 (5) (d) of the statutes is amended to read:

15.07 (5) (d) Members of the board of agriculture, trade and consumer protection, not exceeding \$10 \$35 per day as fixed by the board with the approval of the governor, but not to exceed \$600 \$1,000 per year.

SECTION 12g. 15.08 (1m) (b) of the statutes is amended to read:

15.08 (1m) (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing aid dealers and fitters examining board, the medical examining board and its physical therapists examining council, podiatry examining council, occupational therapy examining council and council on physician's assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 13. 15.155 (2) of the statutes is amended to read:

15.155 (2) EMPLOYE OWNERSHIP BOARD. There is created an employe ownership board attached to the department of development under s. 15.03 consisting of the secretary of development or his or her designee, a representative from the labor community and another member appointed by the governor; and the director of the small business development center at the university of Wisconsin-extension or the director's designee and the executive director of the community development finance authority.

Vetoed in Part SECTION 13b. 15.155 (3) of the statutes is created to read:

15.155 (3) ECONOMIC STABILIZATION BOARD. There is created an economic stabilization board attached to the department of development under s. 15.03 consisting of the members of the development finance board and the following members:

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the assembly, appointed by the speaker of the assembly.
- (c) One member representing the department of health and social services, appointed by the secretary of health and social services.
- (d) One member representing Forward Wisconsin, Inc., appointed by the governing body of Forward Wisconsin, Inc.
- (e) One member representing the Wisconsin housing and economic development authority, appointed by the members of the Wisconsin housing and economic development authority.

Vetoed in Part SECTION 13c. 15.16 (1) (intro.) of the statutes is amended to read:

~~15.16 (1) EMPLOYE TRUST FUNDS BOARD. (intro.) The employe trust funds board shall consist of 11 12 members. The board shall consist of the governor or the governor's designee on the group insurance board, the secretary of employment relations or the secretary's designee and 9 10 persons appointed for 4-year terms as follows.~~

~~SECTION 13d. 15.16 (1) (d) of the statutes is created to read:~~

~~15.16 (1) (d) One member shall be an annuitant, as defined for purposes other than life insurance under s. 40.02(4), appointed with the advice and consent of the senate.~~

~~SECTION 13g. 15.194 of the statutes is created to read:~~

~~15.194 Same; offices. (1) OFFICE OF HEALTH CARE INFORMATION. There is created an office of health care information which is in the subunit of the department of health and social services having responsibility for health. The director of the office shall be appointed by the secretary of health and social services, to serve at the pleasure of the secretary.~~

~~SECTION 13j. 15.195 (6) of the statutes is created to read:~~

~~15.195 (6) BOARD ON HEALTH CARE INFORMATION. There is created a board on health care information which is attached to the department of health and social services under s. 15.03. The board shall consist of 7 members, a majority of whom may neither be nor represent health care providers, appointed for 4-year terms.~~

~~SECTION 13k. 15.197 (21) of the statutes is created to read.~~ **Vetoed in Part**

~~15.197 (21) COUNCIL ON PHYSICAL DISABILITIES. (a) Definitions. In this subsection:~~

- 1. "Major life activity" means any of the following:
 - a. Self care.
 - b. Performance of manual tasks unrelated to gainful employment.
 - c. Walking.
 - d. Receptive and expressive language.
 - e. Breathing.
 - f. Working.
 - g. Participating in educational programs.
 - h. Mobility, other than walking.
 - i. Capacity for independent living.
- 2. "Physical disability" means a physical condition, including an anatomical loss or musculoskeletal, neurological, respiratory or cardiovascular impairment, which results from injury, disease or congenital disorder and which significantly interferes with or significantly limits at least one major life activity of a person.
- 3. "Physically disabled person" means an individual having a physical disability.

~~(b) Creation and membership. There is created in the department of health and social services a council on physical disabilities. Section 15.09 applies to the~~

**Vetoed
in Part**

council. The council shall consist of all of the following:

1. The governor, or his or her designee.
2. Two members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members of standing committees in their respective houses.
3. Thirteen members, appointed by the governor for 3-year terms, under the following criteria:
 - a. The members shall be appointed from citizens of this state who have a demonstrated professional or personal interest in problems of physical disability and shall be selected so as to include a reasonably equitable representation of those communities located in the state's urban and rural areas and with regard to sex and race.
 - b. At least 6 members shall be physically disabled persons. Two members may be parents, guardians or relatives of physically disabled persons.
 - c. At least one member shall be a provider of services to physically disabled persons.

SECTION 13k. 15.227 (18) of the statutes is created to read:

15.227 (18) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. There is created in the department of industry, labor and human relations a petroleum storage environmental cleanup council consisting of 5 members appointed for 4-year terms and the secretaries of natural resources and industry, labor and human relations, or their designees. The governor shall appoint the members, other than ex officio members, to the council from lists of names submitted by the secretary of natural resources and by the secretary of industry, labor and human relations. In preparing the lists, each secretary shall consider representatives from petroleum product transporters, manufacturers, suppliers, retailers and wholesalers, hydrogeologists and environmental scientists, consultants, contractors and engineers.

**Vetoed
in Part**

SECTION 13m. 15.347 (8) of the statutes is repeated.

SECTION 13r. 15.347 (15) of the statutes is created to read:

15.347 (15) MILWAUKEE RIVER REVITALIZATION COUNCIL. There is created in the department of natural resources a Milwaukee river revitalization council consisting of:

- (a) The secretary of natural resources or his or her designee.
- (b) The secretary of development or his or her designee.
- (c) Nine members appointed by the governor for 3-year terms.

SECTION 13rm. 15.407 (1) (c) of the statutes is created to read:

15.407 (1) (c) *Occupational therapists*. There is created an occupational therapy examining council consisting of 5 members appointed by the medical

examining board for 3-year terms. Two members shall be occupational therapists certified under ch. 448 who have performed or taught occupational therapy or performed research in occupational therapy for at least 3 years prior to appointment. One member shall be an occupational therapy assistant certified under ch. 448. Two members shall be public members.

SECTION 13s. 15.83 of the statutes is created to read:

15.83 *Prosecutors council*. There is created a prosecutors council consisting of all of the following:

- (1) Ten district attorneys elected by the district attorneys of the respective prosecution districts for 3-year terms. Terms shall commence on the first Monday in January following the election.
- (2) The attorney general or his or her designee.

SECTION 14. 16.01 (1) (b) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

16.01 (1) (b) "Agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, and any authority created under ch. 231, 233 or 234.

SECTION 14m. 16.20 (1) (g) of the statutes is amended to read:

16.20 (1) (g) "State agency" has the meaning specified for agency under s. 227.01 (1) but also includes the office of district attorney.

SECTION 15. 16.41 (4) of the statutes is amended to read:

16.41 (4) In this section, "authority" means a body created under ch. 231, 233 or 234.

SECTION 15m. 16.417 (2) of the statutes, as affected by 1987 Wisconsin Act (Senate Bill 315), is amended to read:

16.417 (2) No individual who is employed or retained in a full-time position or capacity with an agency or authority may hold any other position or be retained in any other capacity with an agency or authority from which the individual receives directly or indirectly, more than \$5,000 from the agency or authority as compensation for the individual's services during the same year. No agency or authority may employ any individual or enter into any contract in violation of this subsection. The department shall annually check to assure that no individual violates this subsection. The department shall order any individual whom it finds to be in violation of this subsection to forfeit that portion of the economic gain that the individual realized in violation of this subsection. The attorney general, when requested by the department, shall institute proceedings to recover any forfeiture incurred under this subsection which is not paid by the individual against whom it is assessed.

**Vetoed
in Part**

**Vetoed
in Part**

This subsection does not apply to an individual who has a full-time appointment for less than 12 months, during any period of time that is not included in the appointment.

SECTION 17g. 16.501 of the statutes is renumbered 16.501 (1) and amended to read:

16.501 (1) No funds appropriated under s. 20.143 (1) (bm) may be expended until the department of development submits to the secretary a report setting forth the amount of private contributions received by Forward Wisconsin, inc., since the date the department of development last submitted a report under this ~~section~~ subsection. After receiving the report, the secretary may approve the expenditure of funds up to the amount set forth in the report. Total funds expended in any fiscal year may not exceed the amounts in the schedule under s. 20.143 (1) (bm).

SECTION 17h. 16.501 (2) of the statutes is created to read:

16.501 (2) Forward Wisconsin, inc., shall expend funds appropriated under s. 20.143 (1) (bm) in adherence with the uniform travel schedule amounts approved under s. 20.916 (8). Forward Wisconsin, inc., may not expend funds appropriated under s. 20.143 (1) (bm) on entertainment, foreign travel, payments to persons not providing goods or services to Forward Wisconsin, inc., or for other purposes prohibited by contract between Forward Wisconsin, inc., and the department.

SECTION 20. 16.52 (7) of the statutes is amended to read:

16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency which is authorized to maintain a contingent fund under s. 20.920 may establish a petty cash account from its contingent fund. The procedure for operation and maintenance of petty cash accounts and the character of expenditures therefrom shall be prescribed by the secretary. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 233 or 234.

SECTION 21. 16.528 (1) of the statutes is amended to read:

16.528 (1) DEFINITION. In this section, "agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 233 or 234.

SECTION 22. 16.53 (2) of the statutes is amended to read:

16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed invoice, the agency shall notify the sender of the invoice within 10 working days after it receives the invoice of the reason it is improperly completed. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 233 or 234.

SECTION 23. 16.54 (9) (a) 1 of the statutes is amended to read:

16.54 (9) (a) 1. "Agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 233 or 234.

SECTION 24. 16.70 (1) of the statutes is amended to read:

16.70 (1) "Agency" means an office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature, and the courts ~~and the community development finance authority~~, but not including ~~any other~~ an authority.

SECTION 25. 16.70 (2) of the statutes is amended to read:

16.70 (2) "Authority" means a body created under ch. 231, 233 or 234.

~~SECTION 25b. 16.705 (1) of the statutes is renumbered 16.705 (1) (a) and amended to read:~~

~~16.705 (1) (a). The Except as provided in par. (b), the department or its agents may contract for services which can be performed more economically or efficiently by such contract.~~

~~SECTION 25be. 16.705 (1) (b) of the statutes is created to read:~~

~~16.705 (1) (b). The department or its agents are prohibited from contracting for the cleaning or maintenance of any property for which the department has managing authority under s. 16.84 (1) on or after the effective date of this paragraph ... [revisor inserts date] unless the department originally contracted for the cleaning or maintenance of that property prior to that date.~~

SECTION 25d. 16.75 (1) (a) 1 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

16.75 (1) (a) 1. All orders awarded or contracts made by the department for all materials, supplies, equipment and contractual services, except as other-

Vetoed
in Part

wise provided in par. (c) and subs. (1m), (2), (2g), (2m), (3m), (3s), (3t), (6), and (7) and (8) and ss. 16.754, 46.265, 50.05 (7) (f) and 144.48 (7), shall be awarded to the lowest responsible bidder, taking into consideration life cycle cost estimates under sub. (1m), when appropriate, the location of the agency, the quantities of the articles to be supplied, their conformity with the specifications, and the purposes for which they are required and the date of delivery.

SECTION 25h. 16.75 (1) (a) 3 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

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

SECTION 25p. 16.75 (3m) (b) of the statutes is amended to read:

16.75 (3m) (b) The department and any agency making purchases under s. 16.74 shall attempt to ensure that 5% of the total amount expended under this subchapter in each fiscal year is paid to minority businesses. Except as provided under ~~sub. (7) and (8)~~ sub. (7), the department may purchase materials, supplies, equipment and contractual services from any minority business submitting a qualified responsible competitive bid that is no more than 5% higher than the apparent low bid or competitive proposal that is no more than 5% higher than the most advantageous offer, unless the department is required under sub. (3s) to award the order or contract to a sheltered workshop. In administering the preference for minority businesses established in this paragraph, the department and any agency making purchases under s. 16.74 shall maximize the use of minority businesses which are incorporated under ch. 180 or which have their principal place of business in this state.

SECTION 25t. 16.75 (8) of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 26. 16.85 (2) of the statutes is amended to read:

16.85 (2) To furnish engineering, architectural, project management and other building construction services whenever requisitions therefor are presented to the department by any agency. The department may deposit moneys received from the provision of these services in the account under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned. In this subsection, “agency” means an office,

department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, ~~233~~ or 234.

SECTION 27. 16.865 (8) of the statutes is amended to read:

16.865 (8) On July 1 of each year, allocate as a charge to agencies a proportionate share of the estimated cost attributable to programs not funded from general purpose revenue to be paid from the appropriations under s. 20.865 (1) (dm), (f) and (fm). Costs may be charged to and collected from agencies on an estimated or premium basis and paid from the appropriations on an actual basis. The department shall deposit all collections in the general fund as general purpose revenue—earned. In this subsection, “agency” means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, ~~233~~ or 234.

SECTION 28. 16.963 (2) of the statutes is amended to read:

16.963 (2) The council, if created, may utilize staff resources made available to it by agencies as defined in s. 16.52 (7), authorities created under ch. 231, ~~233~~ or 234 or private sector sources.

SECTION 29. 16.98 (1) of the statutes is amended to read:

16.98 (1) The department shall engage in such activities as the secretary deems necessary to ensure the maximum utilization of federal resources by state agencies and institutions and other eligible organizations and units of government, including community development corporations ~~and the community development finance authority~~ as defined in s. ~~233.02 (1) and (3)~~ 234.94 (2). The department shall acquire excess and surplus real and personal property at such cost to the recipient as is necessary to amortize expenditures for transportation, packing, crating, handling and program overhead.

~~SECTION 29c. 17.01 (2) and (7) of the statutes are amended to read:~~

~~17.01 (2) By the secretary of state, treasurer, attorney general, state superintendent, by a district attorney and by all officers appointed by the governor alone or by him by and with the advice and consent of the senate, to the governor.~~

~~(7) By a county supervisor, county clerk, county treasurer, coroner, district attorney, register of deeds or county surveyor, to the sheriff, who shall immediately transmit a notice thereof, in case of a coroner, district attorney or register of deeds, to the governor.~~

**Vetoed
in Part**

Vetoed
in Part

and in case of a county supervisor, county clerk, county treasurer or surveyor, to the chairperson of the county board; and after such notice the sheriff shall file such resignations with the county clerk.

SECTION 29d. 17.03 (4) (bna) of the statutes is created to read:

17.03 (4) (bna) If the office is a district attorney, the prosecutorial unit from which elected, or

SECTION 29f. 17.06 (title) of the statutes is amended to read:

17.06 (title) **Removal of state officers; impeachment; address.**

SECTION 29g. 17.06 (3) of the statutes is created to read:

17.06 (3) A district attorney may be removed by the governor, for cause.

SECTION 29h. 17.09 (5) of the statutes is amended to read:

17.09 (5) **OTHER ELECTIVE COUNTY OFFICERS.** The sheriff, coroner, or register of deeds or district attorney, by the governor, for cause.

SECTION 29i. 17.11 (2) of the statutes is repealed and recreated to read:

17.11 (2) (a) The state shall pay an attorney temporarily appointed under sub. (1) for his or her services and expenses in an amount determined and fixed by the governor.

(b) The county in which a person is temporarily appointed sheriff under sub. (1) shall pay the appointed sheriff for his or her services in an amount determined and fixed by the governor and certified by the governor to the county clerk of the county.

SECTION 29j. 17.11 (4) of the statutes is repealed and recreated to read:

17.11 (4) If it is determined in the action or proceeding or is found upon the investigation that a district attorney or sheriff suspended under this section is not guilty of an offense, or has not willfully neglected or refused to perform his or her duties, as charged, that fact shall be certified by the governor to the prosecutors council under s. 978.11 if a district attorney is involved or to the county clerk of the sheriff's county if a sheriff is involved. Upon the certification, the district attorney or sheriff shall be:

(a) Entitled to the emoluments of the office for the time he or she would have served in the office had he or she not been suspended under this section; and

(b) Restored to office if the term for which he or she was elected or appointed has not expired.

SECTION 29k. 17.19 (3s) of the statutes is created to read:

17.19 (3s) **DISTRICT ATTORNEY.** In the office of district attorney, by appointment of the governor for the residue of the unexpired term and until a successor is elected and qualified.

SECTION 29L. 17.21 (1) of the statutes is amended to read:

Vetoed
in Part

17.21 (1) **SHERIFF, CORONER, ETC.** In the office of sheriff, coroner, or register of deeds or district attorney, by appointment by the governor for the residue of the unexpired term.

SECTION 29n. 19.01 (4) (a) of the statutes is amended to read:

19.01 (4) (a) In the office of the secretary of state, Of all members and officers of the legislature, of the governor, lieutenant governor and state superintendent of the justices, reporter and clerk of the supreme court, of the judges of the court of appeals, of the judges and reporters of the circuit courts, of all notaries public, of every officer, except the secretary of state, state treasurer, district attorney and attorney general, whose compensation is paid in whole or in part out of the state treasury, including every member or appointee of a board or commission whose compensation is so paid, and of every deputy or assistant of an officer who files with the secretary of state:

SECTION 29p. 19.10 of the statutes is amended to read:

19.10. Oaths. Each of the officers enumerated in s. 8.25 (4) (a) shall take and subscribe the oath of office prescribed by article IV, section 28, of the constitution, as follows: The governor and lieutenant governor, before entering upon the duties of office, the secretary of state, treasurer, attorney general and state superintendent and each district attorney, within 20 days after receiving notice of election and before entering upon the duties of office.

SECTION 29q. 19.42 (5) of the statutes is amended to read:

19.42 (5) "Department" means the legislature, the university of Wisconsin system, any authority or public corporation created and regulated by an act of the legislature and any office, department, independent agency or legislative service agency created under ch. 13, 14 or 15, any vocational, technical and adult education district or any constitutional office other than a judicial office and, in the case of a district attorney, the prosecutors council.

SECTION 30. 19.42 (10) (k) of the statutes is created to read:

19.42 (10) (k) The executive director, executive assistant to the executive director and investment directors of the investment board.

SECTION 31. 19.42 (13) (j) of the statutes is created to read:

19.42 (13) (j) The executive director, executive assistant to the executive director and investment directors of the investment board.

SECTION 32. 19.43 (5) of the statutes is amended to read:

19.43 (5) Each member of the investment board and each employe of the investment board ~~identified in s. 20.923~~ who is a state public official shall complete and file with the ethics board a quarterly report of economic transactions no later than the last day of the

month following the end of each calendar quarter during any portion of which he or she was a member or employe of the investment board. Such reports of economic transactions shall be in the form prescribed by the ethics board and shall identify the date and nature of any purchase, sale, put, call, option, lease, or creation, dissolution or modification of any economic interest made during the quarter for which the report is filed and disclosure of which would be required by s. 19.44 if a statement of economic interests were being filed.

Vetoed in Part

~~SECTION 32c. 19.43(7) of the statutes is amended to read:~~

~~19.43(7) If an official required to file fails to make a timely filing, the board shall promptly provide notice of the delinquency to the state treasurer, and to the chief executive of the department of which the official's office or position is a part, or, in the case of a district attorney, to the chief executive of that department and to the county clerk of each county served by the district attorney or in the case of a municipal judge to the clerk of the municipality of which the official's office is a part, or in the case of a justice, court of appeals judge or circuit judge, to the director of state courts. Upon such notification both the state treasurer and the department, municipality or director shall withhold all payments for compensation, reimbursement of expenses and other obligations to the official until the board notifies the officers to whom notice of the delinquency was provided that the official has complied with this section.~~

~~SECTION 32d. 19.45(9) of the statutes is amended to read:~~

~~19.45(9) The attorney general may not engage in the private practice of law during the period in which he or she holds that office. No justice of the supreme court and no judge of any court of record may engage in the private practice of law during the period in which he or she holds that office. No district attorney may engage in the private practice of law during the period in which he or she holds that office, except as authorized in s. 978.06(5).~~

~~SECTION 32e. 19.51(1)(a) and (3) of the statutes are amended to read:~~

~~19.51(1)(a) A recommendation for criminal prosecution which shall be referred to the district attorney in whose jurisdiction the alleged violation occurred or to the attorney general if the violation concerns the district attorney, and, if the district attorney fails to commence a prosecution within 30 days, to the attorney general, who may then commence a prosecution, or~~

~~(3) If the board makes a recommendation for criminal prosecution under sub. (1), the district attorney to whom the recommendation is made or the attorney general shall, within 30 days of receipt of such recommendation, make a decision whether to prosecute the party charged. The board shall give written notice of any referral under this subsection to the accused. The~~

~~district attorney or attorney general shall give written notice of the decision to the accused, the complainant and the board.~~

Vetoed in Part

~~SECTION 32f. 19.55(2)(b) of the statutes is amended to read:~~

~~19.55(2)(b) Records obtained or prepared by the board in connection with an investigation, except that the board shall permit inspection of records that are made public in the course of a hearing by the board to determine if a violation of this subchapter has occurred. Whenever the board refers such investigation and hearing records to a district attorney or to the attorney general, they may be made public in the course of a prosecution initiated under this subchapter.~~

~~SECTION 32g. 19.56(2)(b) 5 of the statutes is amended to read:~~

~~19.56(2)(b) 5. Is paid by the department or municipality of which the official's state public office is a part, or, in the case of a district attorney, is paid by that department or a county which the district attorney serves, or, in the case of a justice or judge of a court of record, is paid from the appropriations for operation of the state court system.~~

~~SECTION 32m. 19.85(1)(k) of the statutes is created to read:~~

Vetoed in Part

~~19.85(1)(k) Confering with legal counsel, engineers and expert witnesses and developing negotiation and arbitration proposals under s. 144.445.~~

~~SECTION 32s. 20.002(1) of the statutes, as affected by 1987 Wisconsin Act 4, is repealed and recreated to read:~~

~~20.002(1) EFFECTIVE PERIOD OF APPROPRIATIONS. Unless otherwise provided appropriations shall become effective on July 1 of the fiscal year shown in the schedule under s. 20.005 and shall be expendable until the following June 30. If the legislature does not amend or eliminate any existing appropriation on or before July 1 of the odd-numbered years, such existing appropriations provided for the previous fiscal year shall be in effect in the new fiscal year and all subsequent fiscal years until amended or eliminated by the legislature. If the biennial state budget has not been enacted on or before June 30 of the odd-numbered year, the department of administration may, for accounting purposes, adjust its appropriation account structure, beginning on July 1 of the odd-numbered year, to reflect the appropriation account structure in the biennial state budget.~~

~~SECTION 32w. 20.002(11)(a) of the statutes is amended to read:~~

~~20.002(11)(a) All appropriations, special accounts and fund balances within the general fund or any segregated fund may be made temporarily available for the purpose of allowing encumbrances or financing expenditures of other general or segregated fund activities which do not have sufficient moneys in the accounts from which they are financed but have accounts receivable balances or moneys anticipated to~~

be received from lottery proceeds, as defined in s. 25.75 (1) (c), tax revenues, gifts, grants, fees, sales of service, or interest earnings recorded under s. 16.52 (2). The secretary of administration shall determine the composition and allowability of the accounts receivable balances and anticipated moneys to be received for this purpose in accordance with s. 20.903

(2) and shall specifically approve the use of surplus moneys from the general or segregated funds after consultation with the appropriate state agency head for use by specified accounts or programs. The secretary of administration shall reallocate available moneys from the budget stabilization fund under s. 16.465 prior to reallocating moneys from any other fund.

SECTION 32x. 20.005 (3) (figure) of the statutes, as affected by 1987 Wisconsin Acts 1 to 299, is repealed and recreated to read:

Figure: 20.005 (3)*

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
Commerce				
20.115 Agriculture, trade and consumer protection, department of				
(1) FOOD AND TRADE REGULATION				
(a) General program operations	GPR	A	-0-	-0-
Food inspection	GPR	A	1,860,400	2,118,700
Plant industry services	GPR	A	531,900	1,079,900
Trade and consumer protection	GPR	A	1,536,600	1,542,700
General laboratory services	GPR	A	1,013,200	-0-
NET APPROPRIATION			4,942,100	4,741,300
(b) Meat and poultry inspection	GPR	A	1,780,000	1,780,000
(c) Warehouse keeper and grain dealer regulation	GPR	A	171,600	171,600
(d) Groundwater laboratory services	GPR	A	148,400	148,400
(g) Related services	PR	A	112,800	48,800
(ga) Milk standards program	PR	C	136,900	136,900
(gb) Food regulation	PR	A	1,860,400	2,174,500
(h) Fertilizer research assessments	PR	C	160,000	160,000
(ha) Liming material research funds	PR	A	16,200	16,200
(i) Pesticide certification and regulation	PR	A	463,400	468,400
(im) Unfair sales act enforcement	PR	A	65,000	65,000
(j) Weights and measures inspection	PR	A	214,100	183,800
(jm) Warehouse keeper and grain dealer regulation	PR	C	56,800	56,800
(k) Dairy trade regulation	PR	A	156,300	156,300
(m) Federal funds	PR-F	C	2,265,800	2,267,400
(q) Automobile repair regulation	SEG	A	217,200	217,200
(s) Groundwater--standards;				

* The program totals, department totals and functional area totals *do not reflect* the impact of the Governor's partial vetoes.

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
implementation	SEG	A	191,500	224,300
(1) PROGRAM	T O T A L S			
GENERAL PURPOSE REVENUES			7,042,100	6,841,300
PROGRAM REVENUE			5,507,700	5,734,100
FEDERAL	(		2,265,800)	(2,267,400)
OTHER	(		3,241,900)	(3,466,700)
SEGREGATED FUNDS			408,700	441,500
OTHER	(		408,700)	(441,500)
TOTAL-ALL SOURCES			12,958,500	13,016,900
(2) ANIMAL AND PLANT HEALTH SERVICES				
(a) General program operations	GPR	A	-0-	-0-
Animal health services	GPR	A	2,670,100	2,680,500
Plant health services	GPR	A	694,100	694,100
NET APPROPRIATION			3,364,200	3,374,600
(b) Animal disease indemnities	GPR	S	36,000	46,000
(c) Pseudorabies control program; administration	GPR	A	132,000	132,000
(g) Related services	PR	A	1,054,900	1,625,900
(gb) Animal health and disease research; gifts and grants	PR	C	-0-	-0-
(gm) Seed testing and labeling	PR	C	23,900	23,900
(h) Sale of supplies	PR	A	62,500	62,500
(hm) Dead animal regulation	PR	C	7,500	7,500
(i) Mink research assessments	PR	A	6,000	6,000
(j) Dog licenses, rabies control and related services	PR	A	102,700	102,700
(m) Federal funds	PR-F	C	134,600	134,600
(2) PROGRAM	T O T A L S			
GENERAL PURPOSE REVENUES			3,532,200	3,552,600
PROGRAM REVENUE			1,392,100	1,963,100
FEDERAL	(		134,600)	(134,600)
OTHER	(		1,257,500)	(1,828,500)
TOTAL-ALL SOURCES			4,924,300	5,515,700
(3) MARKETING SERVICES				
(a) General program operations	GPR	A	-0-	-0-
Agricultural services	GPR	A	1,182,900	1,182,900
Management information services	GPR	A	740,000	772,600
NET APPROPRIATION			1,922,900	1,955,500
(g) Related services	PR	A	878,200	900,000
(h) Grain regulation--Milwaukee	PR	A	800,400	572,200
(i) Marketing orders and agreements	PR	C	24,100	24,100
(j) Grain regulation--Superior	PR	A	2,832,100	2,751,300
(k) Potato board; assessments	PR	A	357,500	357,500
(m) Federal funds	PR-F	C	-0-	-0-
(3) PROGRAM	T O T A L S			
GENERAL PURPOSE REVENUES			1,922,900	1,955,500
PROGRAM REVENUE			4,892,300	4,605,100
FEDERAL	(		-0-)	(-0-)
OTHER	(		4,892,300)	(4,605,100)
TOTAL-ALL SOURCES			6,815,200	6,560,600
(4) AGRICULTURAL ASSISTANCE				
(a) Aid to Wisconsin livestock breeders association	GPR	A	27,200	27,200
(b) Aids to county and district fairs	GPR	A	368,500	368,500
(e) Premium aids to world dairy expo, inc.	GPR	A	53,300	53,300

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(4) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			449,000	449,000
TOTAL-ALL SOURCES			449,000	449,000
(5) STATE FAIR PARK				
(h) State fair operations	PR	A	6,854,000	6,854,000
(i) State fair capital expenses	PR	C	224,000	224,000
(j) State fair principal repayment, interest and rebates	PR	S	646,600	637,500
(5) P R O G R A M T O T A L S				
PROGRAM REVENUE			7,724,600	7,715,500
OTHER	(		7,724,600)	(7,715,500)
TOTAL-ALL SOURCES			7,724,600	7,715,500
(7) LAND CONSERVATION AND FARMLAND PRESERVATION				
(a) General program operations	GPR	A	647,300	647,300
(c) Soil and water resource management program	GPR	C	2,304,500	2,304,500
(g) Agricultural impact statements	PR	C	69,500	69,500
(k) Funds received from other state agencies	PR-S	C	-0-	-0-
(m) Federal funds	PR-F	C	-0-	-0-
(7) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			2,951,800	2,951,800
PROGRAM REVENUE			69,500	69,500
FEDERAL	(		-0-)	(-0-)
OTHER	(		69,500)	(69,500)
SERVICE	(		-0-)	(-0-)
TOTAL-ALL SOURCES			3,021,300	3,021,300
(8) CENTRAL ADMINISTRATIVE SERVICES				
(a) General program operations	GPR	A	1,592,800	1,499,000
(b) Emergency loan processing	GPR	A	-0-	-0-
(g) Gifts and grants	PR	C	129,000	109,000
(h) Sale of supplies	PR	A	42,300	42,300
(ig) Plat review	PR	A	-0-	147,300
(j) Stray voltage program	PR	A	-0-	93,400
(k) Central auto pool	PR-S	C	178,400	178,400
(km) General laboratory services	PR-S	A	-0-	1,421,800
(pz) Indirect cost reimbursements	PR-F	C	187,500	187,500
(8) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			1,592,800	1,499,000
PROGRAM REVENUE			537,200	2,179,700
FEDERAL	(		187,500)	(187,500)
OTHER	(		171,300)	(392,000)
SERVICE	(		178,400)	(1,600,200)
TOTAL-ALL SOURCES			2,130,000	3,678,700
(9) FARM MEDIATION AND ARBITRATION PROGRAM				
(a) General program operations	GPR	A	170,900	153,300
(9) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			170,900	153,300
TOTAL-ALL SOURCES			170,900	153,300
2 0 . 1 1 5 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			17,661,700	17,402,500
PROGRAM REVENUE			20,123,400	22,267,000
FEDERAL	(		2,587,900)	(2,589,500)
OTHER	(		17,357,100)	(18,077,300)
SERVICE	(		178,400)	(1,600,200)
SEGREGATED FUNDS			408,700	441,500
OTHER	(		408,700)	(441,500)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
TOTAL-ALL SOURCES			38,193,800	40,111,000
20.124 Banking, office of the commissioner of				
(1) SUPERVISION OF BANKS AND RELATED FINANCIAL INSTITUTIONS				
(a) Losses on public deposits	GPR	S	-0-	-0-
(g) General program operations	PR	A	3,564,900	3,529,100
(u) State deposit fund	SEG	S	-0-	-0-
20.124 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			3,564,900	3,529,100
OTHER	(		3,564,900)	(3,529,100)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			3,564,900	3,529,100
20.141 Credit unions, office of the commissioner of				
(1) SUPERVISION OF CREDIT UNIONS				
(g) General program operations	PR	A	1,020,700	1,067,100
20.141 DEPARTMENT TOTALS				
PROGRAM REVENUE			1,020,700	1,067,100
OTHER	(		1,020,700)	(1,067,100)
TOTAL-ALL SOURCES			1,020,700	1,067,100
20.143 Development, department of				
(1) ECONOMIC AND COMMUNITY DEVELOPMENT				
(a) General program operations	GPR	A	2,815,500	3,517,500
(b) Economic development promotion	GPR	A	127,000	177,000
(bm) Aid to Forward Wisconsin, inc.	GPR	A	500,000	500,000
(c) Wisconsin development fund; grants and loans	GPR	B	5,000,000	978,000
(d) Wisconsin development fund; major grants and loans	GPR	B	-0-	15,000,000
(dm) Grants to regional planning commissions	GPR	B	100,000	-0-
(dr) Main street program	GPR	A	37,500	170,000
(f) Employee ownership assistance loans	GPR	B	50,000	50,000
(g) Gifts, grants and proceeds	PR	C	20,100	20,100
(h) Economic development operations	PR	A	30,600	30,600
(i) Plat review	PR	A	147,300	-0-
(ie) Wisconsin development fund, repayments	PR	C	-0-	-0-
(j) Employee ownership assistance loans	PR	C	-0-	-0-
(k) Sale of materials or services	PR-S	C	-0-	-0-
(ka) Sale of materials and services--local assistance	PR-S	C	-0-	-0-
(kb) Sale of materials and services--individuals and organizations	PR-S	C	-0-	-0-
(m) Federal aid, state operations	PR-F	C	400,000	400,000
(n) Federal aid, local assistance	PR-F	C	19,810,000	19,810,000
(o) Federal aid, individuals and organizations	PR-F	C	-0-	-0-
(x) Industrial building construction loan fund	SEG	C	-0-	-0-
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			8,630,000	20,392,500

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
PROGRAM REVENUE			20,408,000	20,260,700
FEDERAL	(		20,210,000)	(20,210,000)
OTHER	(		198,000)	(50,700)
SERVICE	(		-0-)	(-0-)
SEGREGATED FUNDS				
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			29,038,000	40,653,200
(2) TOURISM DEVELOPMENT AND PROMOTION				
(a) General program operations	GPR	A	1,167,600	1,250,200
(b) Tourism marketing	GPR	A	5,000,000	5,000,000
(c) Film promotion	GPR	A	150,000	150,000
(g) Gifts, grants and proceeds	PR	C	5,000	5,000
(k) Sale of materials or services	PR-S	C	-0-	-0-
(ka) Sale of materials and services--local assistance	PR-S	C	-0-	-0-
(kb) Sale of materials and services--individuals and organizations	PR-S	C	-0-	-0-
(m) Federal aid, state operations	PR-F	C	-0-	-0-
(n) Federal aid, local assistance	PR-F	C	-0-	-0-
(o) Federal aid, individuals and organizations	PR-F	C	-0-	-0-
	(2) P R O G R A M	T O T A L S		
GENERAL PURPOSE REVENUES			6,317,600	6,400,200
PROGRAM REVENUE			5,000	5,000
FEDERAL	(		-0-)	(-0-)
OTHER	(		5,000)	(5,000)
SERVICE	(		-0-)	(-0-)
TOTAL-ALL SOURCES			6,322,600	6,405,200
(3) HOUSING ASSISTANCE				
(w) Housing project revenue obligation repayment	SEG	C	-0-	-0-
	(3) P R O G R A M	T O T A L S		
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
(4) EXECUTIVE AND ADMINISTRATIVE SERVICES				
(a) General program operations	GPR	A	1,779,800	1,866,400
(g) Gifts, grants and proceeds	PR	C	5,000	5,000
(k) Sale of materials or services	PR-S	C	33,100	33,100
(ka) Sale of materials and services--local assistance	PR-S	C	-0-	-0-
(kb) Sale of materials and services--individuals and organizations	PR-S	C	-0-	-0-
(m) Federal aid, state operations	PR-F	C	70,900	70,900
(n) Federal aid, local assistance	PR-F	C	-0-	-0-
(o) Federal aid, individuals and organizations	PR-F	C	-0-	-0-
(pz) Indirect cost reimbursements	PR-F	C	302,600	302,600
	(4) P R O G R A M	T O T A L S		
GENERAL PURPOSE REVENUES			1,779,800	1,866,400
PROGRAM REVENUE			411,600	411,600
FEDERAL	(		373,500)	(373,500)
OTHER	(		5,000)	(5,000)
SERVICE	(		33,100)	(33,100)
TOTAL-ALL SOURCES			2,191,400	2,278,000
20.143 DEPARTMENT		T O T A L S		
GENERAL PURPOSE REVENUES			16,727,400	28,659,100

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
PROGRAM REVENUE			20,824,600	20,677,300
FEDERAL	(		20,583,500)	(20,583,500)
OTHER	(		208,000)	(60,700)
SERVICE	(		33,100)	(33,100)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			37,552,000	49,336,400

20.145 Insurance, office of the commissioner of

(1) SUPERVISION OF THE INSURANCE INDUSTRY

(g) General program operations	PR	A	4,371,200	4,372,700
(gm) Gifts and grants	PR	C	-0-	-0-
(m) Federal funds	PR-F	C	-0-	-0-

(1) P R O G R A M T O T A L S

PROGRAM REVENUE			4,371,200	4,372,700
FEDERAL	(		-0-)	(-0-)
OTHER	(		4,371,200)	(4,372,700)
TOTAL-ALL SOURCES			4,371,200	4,372,700

(2) PATIENTS COMPENSATION FUND

(u) Administration	SEG	A	316,200	316,200
(um) Peer review council	SEG	A	48,500	48,500
(v) Operations and benefits	SEG	C	18,350,000	18,350,000

(2) P R O G R A M T O T A L S

SEGREGATED FUNDS			18,714,700	18,714,700
OTHER	(		18,714,700)	(18,714,700)
TOTAL-ALL SOURCES			18,714,700	18,714,700

(3) LOCAL GOVERNMENT PROPERTY INSURANCE FUND

(u) Administration	SEG	A	173,000	173,000
(v) Operations and benefits	SEG	C	6,038,400	6,038,400

(3) P R O G R A M T O T A L S

SEGREGATED FUNDS			6,211,400	6,211,400
OTHER	(		6,211,400)	(6,211,400)
TOTAL-ALL SOURCES			6,211,400	6,211,400

(4) STATE LIFE INSURANCE FUND

(u) Administration	SEG	A	251,500	251,500
(v) Operations and benefits	SEG	C	1,415,000	1,425,000

(4) P R O G R A M T O T A L S

SEGREGATED FUNDS			1,666,500	1,676,500
OTHER	(		1,666,500)	(1,676,500)
TOTAL-ALL SOURCES			1,666,500	1,676,500

(7) HEALTH INSURANCE RISK SHARING PLAN ADMINISTRATION

(a) Premium reduction subsidy	GPR	B	380,500	380,500
(u) Administration	SEG	C	194,500	194,500

(7) P R O G R A M T O T A L S

GENERAL PURPOSE REVENUES			380,500	380,500
SEGREGATED FUNDS			194,500	194,500
OTHER	(		194,500)	(194,500)
TOTAL-ALL SOURCES			575,000	575,000

20.145 D E P A R T M E N T T O T A L S

GENERAL PURPOSE REVENUES			380,500	380,500
PROGRAM REVENUE			4,371,200	4,372,700
FEDERAL	(		-0-)	(-0-)
OTHER	(		4,371,200)	(4,372,700)
SEGREGATED FUNDS			26,787,100	26,797,100
OTHER	(		26,787,100)	(26,797,100)
TOTAL-ALL SOURCES			31,538,800	31,550,300

20.155 Public service commission

(1) REGULATION OF PUBLIC UTILITIES

(g) Utility regulation	PR	A	7,299,500	7,519,800
------------------------	----	---	-----------	-----------

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(h) Holding company regulation	PR	C	302,900	302,900
(j) Intervenor financing	PR	A	200,000	200,000
(L) Stray voltage program	PR	A	-0-	162,400
(Lb) Gifts for stray voltage program	PR	C	-0-	-0-
(m) Federal funds	PR-F	C	97,000	97,000
20.155 DEPARTMENT TOTALS				
PROGRAM REVENUE			7,899,400	8,282,100
FEDERAL	(		97,000)	(97,000)
OTHER	(		7,802,400)	(8,185,100)
TOTAL-ALL SOURCES			7,899,400	8,282,100
20.165 Regulation and licensing, department of				
(1) PROFESSIONAL REGULATION				
(g) General program operations	PR	A	5,091,400	5,070,900
(h) Technical assistance; nonstate agencies and organizations	PR	C	-0-	-0-
(k) Technical assistance; state agencies	PR-S	C	-0-	-0-
(m) Federal funds	PR-F	C	-0-	-0-
20.165 DEPARTMENT TOTALS				
PROGRAM REVENUE			5,091,400	5,070,900
FEDERAL	(		-0-)	(-0-)
OTHER	(		5,091,400)	(5,070,900)
SERVICE	(		-0-)	(-0-)
TOTAL-ALL SOURCES			5,091,400	5,070,900
20.175 Savings and loan, office of the commissioner of				
(1) SUPERVISION OF SAVINGS AND LOAN ASSOCIATIONS				
(g) General program operations	PR	A	903,700	899,300
20.175 DEPARTMENT TOTALS				
PROGRAM REVENUE			903,700	899,300
OTHER	(		903,700)	(899,300)
TOTAL-ALL SOURCES			903,700	899,300
20.185 Securities, office of the commissioner of				
(1) SECURITIES, CORPORATE TAKE-OVER AND FRANCHISE INVESTMENT REGULATION				
(g) General program operations	PR	A	1,327,100	1,306,000
20.185 DEPARTMENT TOTALS				
PROGRAM REVENUE			1,327,100	1,306,000
OTHER	(		1,327,100)	(1,306,000)
TOTAL-ALL SOURCES			1,327,100	1,306,000
20.195 Lottery board				
(1) LOTTERY OPERATION				
(a) General fund loan	GPR	B	5,000,000	-0-
(q) General program operations	SEG	A	348,500	526,000
(r) General fund loan repayment	SEG	S	-0-	5,400,000
(s) Prizes	SEG	S	-0-	-0-
(u) General fund transfer	SEG	S	-0-	-0-
20.195 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			5,000,000	-0-
SEGREGATED FUNDS			348,500	5,926,000
OTHER	(		348,500)	(5,926,000)
TOTAL-ALL SOURCES			5,348,500	5,926,000
Commerce				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			39,769,600	46,442,100
PROGRAM REVENUE			65,126,400	67,471,500
FEDERAL	(		23,268,400)	(23,270,000)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
OTHER	(		41,646,500)	(42,568,200)
SERVICE	(		211,500)	(1,633,300)
SEGREGATED FUNDS			27,544,300	33,164,600
FEDERAL	(		-0-)	(-0-)
OTHER	(		27,544,300)	(33,164,600)
SERVICE	(		-0-)	(-0-)
LOCAL	(		-0-)	(-0-)
TOTAL-ALL SOURCES			132,440,300	147,078,200

Education

20.215 Arts board

(1) SUPPORT OF ARTS PROJECTS

(a) General program operations	GPR	A	291,100	291,100
(b) State aid for the arts	GPR	A	779,300	779,300
(c) Portraits of governors	GPR	A	5,800	5,800
(d) Challenge grant program	GPR	A	75,000	400,000
(e) Cultural excellence awards	GPR	A	-0-	250,000
(f) Milwaukee community arts programs	GPR	A	-0-	41,000
(g) Gifts and grants; state operations	PR	C	2,500	2,500
(h) Gifts and grants; aids to individuals and organizations	PR	C	-0-	-0-
(k) Funds received from other state agencies	PR-S	C	-0-	-0-
(ka) Percent-for-art administration	PR-S	A	35,200	35,200
(m) Federal grants; state operations	PR-F	C	179,900	179,900
(o) Federal grants; aids to individuals and organizations	PR-F	C	279,100	279,100
20.215 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,151,200	1,767,200
PROGRAM REVENUE			496,700	496,700
FEDERAL			(459,000)	(459,000)
OTHER			(2,500)	(2,500)
SERVICE			(35,200)	(35,200)
TOTAL-ALL SOURCES			1,647,900	2,263,900

20.225 Educational communications board

(1) INSTRUCTIONAL TECHNOLOGY

(a) General program operations	GPR	A	2,982,300	2,897,600
(b) Utilities and heating	GPR	A	478,800	528,800
(c) Principal repayment and interest	GPR	S	248,900	240,000
(d) Milwaukee area technical college	GPR	A	238,000	330,000
(f) Programming	GPR	A	1,683,000	1,683,000
(g) Gifts, grants and leases	PR	C	3,861,700	3,861,700
(h) Instructional material	PR	A	307,300	158,500
(m) Federal grants	PR-F	C	313,800	313,800
20.225 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			5,631,000	5,679,400
PROGRAM REVENUE			4,482,800	4,334,000
FEDERAL			(313,800)	(313,800)
OTHER			(4,169,000)	(4,020,200)
TOTAL-ALL SOURCES			10,113,800	10,013,400

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
20.235 Higher educational aids board				
(1) STUDENT SUPPORT ACTIVITIES				
(b) Tuition grants	GPR	A	12,154,400	12,403,700
(c) Loan forgiveness for critical manpower occupations	GPR	S	25,000	25,000
(cg) Nursing student loans	GPR	A	-0-	936,300
(d) Dental education contract	GPR	A	877,100	661,600
(e) Minnesota-Wisconsin student reciprocity agreement	GPR	S	-0-	-0-
(fb) Indian student assistance	GPR	A	1,097,300	1,184,800
(fe) Wisconsin higher education grants	GPR	A	19,361,300	20,510,100
(fg) Minority undergraduate retention grants program; private	GPR	A	382,500	400,500
(fh) Minority undergraduate retention grants program; vocational	GPR	A	175,000	201,600
(g) Student loans	PR	A	-0-	-0-
(gg) Nursing student loan repayments	PR	C	-0-	-0-
(gn) Medical student loans	PR	A	-0-	-0-
(i) Gifts and grants	PR	C	-0-	-0-
(m) Federal aid; grants	PR-F	C	-0-	-0-
(n) Federal aid; grants overdrafts	PR-F	C	-0-	-0-
(no) Federal aid; aids to individuals and organizations	PR-F	C	1,515,900	1,515,900
(1) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			34,072,600	36,323,600
PROGRAM REVENUE			1,515,900	1,515,900
FEDERAL			1,515,900	1,515,900
OTHER			-0-	-0-
TOTAL-ALL SOURCES			35,588,500	37,839,500
(2) ADMINISTRATION				
(aa) General program operations	GPR	A	637,500	701,200
(ba) Student loan interest	GPR	S	175,000	175,000
(bb) Student loan interest, loans sold or conveyed	GPR	S	-0-	-0-
(bc) Write-off of uncollectible student loans	GPR	A	-0-	-0-
(bd) Purchase of defective student loans	GPR	S	-0-	-0-
(ga) Student interest payments	PR	C	140,000	140,000
(gb) Student interest payments, loans sold or conveyed	PR	C	-0-	-0-
(ha) Medical loan collections, interest and principal	PR	C	-0-	-0-
(hb) Centralized lender collections; interest and principal	PR	C	-0-	-0-
(ia) Student loans; collection and administration	PR	C	2,133,400	-0-
(ja) Write-off of defaulted student loans	PR	A	-0-	-0-
(ma) Federal interest payments	PR-F	C	5,000	5,000
(mb) Federal interest payments, loans sold or conveyed	PR-F	C	-0-	-0-
(n) Federal aid; state operations	PR-F	C	1,097,500	649,700

Vetoed
in Part

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(qa) Student loan revenue obligation repayment	SEG	C	-0-	-0-
(qb) Wisconsin health education loan revenue obligation repayment	SEG	C	210,100	210,100
(2) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			812,500	876,200
PROGRAM REVENUE			3,375,900	794,700
FEDERAL	(		1,102,500)	(654,700)
OTHER	(		2,273,400)	(140,000)
SEGREGATED FUNDS			210,100	210,100
OTHER	(		210,100)	(210,100)
TOTAL-ALL SOURCES			4,398,500	1,881,000
2 0 . 2 3 5 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			34,885,100	37,199,800
PROGRAM REVENUE			4,891,800	2,310,600
FEDERAL	(		2,618,400)	(2,170,600)
OTHER	(		2,273,400)	(140,000)
SEGREGATED FUNDS			210,100	210,100
OTHER	(		210,100)	(210,100)
TOTAL-ALL SOURCES			39,987,000	39,720,500

20.245 Historical society

(1) ARCHIVES, RESEARCH AND LIBRARY SERVICES

(a) General program operations, archives and research services	GPR	A	833,800	843,400
(am) General program operations; library services	GPR	A	1,191,800	1,200,000
(b) Distribution of the history of Wisconsin	GPR	C	-0-	25,000
(g) Admissions, sales and other receipts	PR	A	271,600	273,900
(h) Gifts and grants	PR	C	33,400	33,400
(k) Funds received from other state agencies	PR-S	C	-0-	-0-
(m) General program operations; federal funds	PR-F	C	184,300	184,300
(r) Endowment	SEG	C	42,300	42,800

(1) P R O G R A M T O T A L S

GENERAL PURPOSE REVENUES			2,025,600	2,068,400
PROGRAM REVENUE			489,300	491,600
FEDERAL	(		184,300)	(184,300)
OTHER	(		305,000)	(307,300)
SERVICE	(		-0-)	(-0-)
SEGREGATED FUNDS			42,300	42,800
OTHER	(		42,300)	(42,800)
TOTAL-ALL SOURCES			2,557,200	2,602,800

(2) HISTORIC SITES

(a) General program operations	GPR	A	169,600	219,600
(bd) Stonefield Village	GPR	A	68,300	80,300
(be) Pendarvis	GPR	A	65,000	65,000
(bf) Villa Louis	GPR	A	57,500	57,500
(bg) Old Wade House	GPR	A	60,200	60,200
(bh) Madeline Island	GPR	A	-0-	-0-
(bi) Old World Wisconsin	GPR	A	341,000	341,000
(c) Utilities and heat	GPR	A	67,800	67,800
(e) Principal repayment and interest	GPR	S	185,300	177,900
(g) Admissions, sales and other				

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
receipts	PR	C	1,247,100	1,247,100
(h) Gifts and grants	PR	C	25,000	25,000
(j) Self-amortizing facilities; principal repayment, interest and rebates	PR	S	-0-	-0-
(k) Funds received from other state agencies	PR-S	C	-0-	-0-
(m) General program operations; federal funds	PR-F	C	-0-	-0-
(r) Endowment	SEG	C	11,400	11,400
(2) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			1,014,700	1,069,300
PROGRAM REVENUE			1,272,100	1,272,100
FEDERAL	(		-0-)	(-0-)
OTHER	(		1,272,100)	(1,272,100)
SERVICE	(		-0-)	(-0-)
SEGREGATED FUNDS			11,400	11,400
OTHER	(		11,400)	(11,400)
TOTAL-ALL SOURCES			2,298,200	2,352,800
(3) HISTORIC PRESERVATION				
(a) General program operations	GPR	A	207,800	262,700
(g) Admissions, sales and other receipts	PR	A	5,000	5,000
(h) Gifts and grants	PR	C	1,000	1,000
(k) Funds received from other state agencies	PR-S	C	-0-	-0-
(m) General program operations; federal funds	PR-F	C	406,300	406,300
(n) Federal aids	PR-F	C	-0-	-0-
(r) Endowment	SEG	C	-0-	-0-
(3) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			207,800	262,700
PROGRAM REVENUE			412,300	412,300
FEDERAL	(		406,300)	(406,300)
OTHER	(		6,000)	(6,000)
SERVICE	(		-0-)	(-0-)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			620,100	675,000
(4) EXECUTIVE AND ADMINISTRATIVE SERVICES				
(a) General program operations	GPR	A	1,141,600	1,141,600
(c) Utilities and heat	GPR	A	133,300	133,300
(e) Principal repayment and interest	GPR	S	-0-	-0-
(g) Admissions, sales and other receipts	PR	A	172,400	172,400
(h) Gifts and grants	PR	C	33,600	33,600
(k) Funds received from other state agencies	PR-S	C	-0-	-0-
(m) General program operations; federal funds	PR-F	C	47,200	47,200
(q) Endowment principal	SEG	C	-0-	-0-
(r) Endowment	SEG	C	31,800	31,800
(4) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			1,274,900	1,274,900
PROGRAM REVENUE			253,200	253,200
FEDERAL	(		47,200)	(47,200)
OTHER	(		206,000)	(206,000)
SERVICE	(		-0-)	(-0-)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
SEGREGATED FUNDS			31,800	31,800
OTHER	(		31,800)	(31,800)
TOTAL-ALL SOURCES			1,559,900	1,559,900
(5) MUSEUM				
(a) General program operations	GPR	A	628,100	629,100
(c) Utilities and heat	GPR	A	35,000	52,500
(e) Principal repayment and interest	GPR	S	312,300	300,300
(g) Admissions, sales and other receipts	PR	C	57,400	57,400
(h) Gifts and grants	PR	C	11,600	11,600
(k) Funds received from other state agencies	PR-S	C	117,000	117,000
(m) General program operations, federal funds	PR-F	C	15,300	15,300
(r) Endowment	SEG	C	1,600	1,600
	(5) P R O G R A M	T O T A L S		
GENERAL PURPOSE REVENUES			975,400	981,900
PROGRAM REVENUE			201,300	201,300
FEDERAL	(		15,300)	(15,300)
OTHER	(		69,000)	(69,000)
SERVICE	(		117,000)	(117,000)
SEGREGATED FUNDS			1,600	1,600
OTHER	(		1,600)	(1,600)
TOTAL-ALL SOURCES			1,178,300	1,184,800
(6) BURIAL SITE PRESERVATION				
(a) General program operations	GPR	A	93,500	93,500
(g) Burial sites excavation fees	PR	C	-0-	-0-
	(6) P R O G R A M	T O T A L S		
GENERAL PURPOSE REVENUES			93,500	93,500
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			93,500	93,500
	2 0 . 2 4 5	D E P A R T M E N T	T O T A L S	
GENERAL PURPOSE REVENUES			5,591,900	5,750,700
PROGRAM REVENUE			2,628,200	2,630,500
FEDERAL	(		653,100)	(653,100)
OTHER	(		1,858,100)	(1,860,400)
SERVICE	(		117,000)	(117,000)
SEGREGATED FUNDS			87,100	87,600
OTHER	(		87,100)	(87,600)
TOTAL-ALL SOURCES			8,307,200	8,468,800
20.250 Medical college of Wisconsin				
(1) TRAINING OF HEALTH MANPOWER				
(a) General program operations	GPR	A	4,107,300	4,107,300
(b) Family medicine and practice	GPR	A	1,087,400	1,087,400
(e) Principal repayment and interest	GPR	S	590,200	569,100
	2 0 . 2 5 0	D E P A R T M E N T	T O T A L S	
GENERAL PURPOSE REVENUES			5,784,900	5,763,800
TOTAL-ALL SOURCES			5,784,900	5,763,800
20.255 Public instruction, department of				
(1) EDUCATIONAL LEADERSHIP				
(a) General program operations	GPR	A	11,402,900	11,670,700
(b) General program operations; residential schools	GPR	A	7,556,100	7,556,100
(c) Utilities and heating	GPR	A	330,700	330,700
(cw) Alternative school American				

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
Indian language and culture education aid	GPR	A	35,800	73,700
(d) Debt service	GPR	S	769,000	740,100
(e) Aid to public library systems	GPR	A	8,354,500	8,773,300
(fg) Special Olympics	GPR	A	75,000	75,000
(fm) Human growth and development grants	GPR	A	-0-	-0-
(fw) Wisconsin educational opportunity program	GPR	A	673,000	673,000
(fz) Minority group pupil scholarships	GPR	A	232,700	232,700
(g) Student activity therapy	PR	A	9,200	9,200
(gt) Residential schools; pupil transportation	PR	A	419,200	419,200
(hf) Administrative leadership academy	PR	A	31,700	42,300
(hg) Personnel cert., teacher supply, information & analysis & teacher improvement	PR	A	980,000	1,180,400
(hm) Services for drivers	PR	A	225,000	225,000
(hr) Alcohol and other drug abuse program	PR	C	384,600	493,800
(i) Publications	PR	A	606,500	658,600
(jg) School lunch handling charges	PR	A	1,598,200	1,598,200
(jm) Professional services center charges	PR	A	37,000	37,000
(jr) Gifts, grants and trust funds	PR	C	88,300	163,300
(js) State-owned housing maintenance	PR	A	-0-	6,000
(jz) School district boundary appeal proceedings	PR	C	6,900	6,900
(ke) Funds transferred from other state agencies; program operations	PR-S	C	3,257,600	3,257,600
(kk) Funds transferred from other state agencies; aids to ind. and organizations	PR-S	C	870,000	870,000
(km) State agency library processing center	PR-S	A	66,500	66,500
(ks) Data processing	PR-S	C	1,408,400	1,408,400
(kw) Fleet operations	PR-S	A	-0-	78,100
(L) Gifts, grants and trust funds; aids to individuals and organizations	PR	C	1,000	1,000
(me) Federal aids; program operations	PR-F	C	7,680,400	7,680,400
(mm) Federal funds; local assistance	PR-F	C	1,417,500	1,417,500
(ms) Federal funds; individuals and organizations	PR-F	C	11,135,800	11,135,800
(pz) Indirect cost reimbursements	PR-F	C	6,000	6,000
	(1) P R O G R A M	T O T A L S		
GENERAL PURPOSE REVENUES			29,429,700	30,125,300
PROGRAM REVENUE			30,229,800	30,761,200
FEDERAL	(		20,239,700)	(20,239,700)
OTHER	(		4,387,600)	(4,840,900)
SERVICE	(		5,602,500)	(5,680,600)
TOTAL-ALL SOURCES			59,659,500	60,886,500

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89	
(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING					
(ac) General equalization aids	GPR	A	1,223,783,600	1,297,210,600	
(an) Supplemental state aid	GPR	A	21,777,500	23,084,200	
(b) Aids for handicapped education	GPR	A	187,853,200	198,064,400	
(cc) Bilingual-bicultural education aids	GPR	A	4,842,400	5,611,500	
(cg) Tuition payments	GPR	A	4,402,100	3,951,600	
(cn) Aids for school lunches and elderly nutrition	GPR	A	4,388,100	4,366,600	
(cp) Wisconsin morning milk program	GPR	A	-0-	820,000	
(cr) Aid for pupil transportation	GPR	A	17,712,400	17,715,900	
(d) Youth initiatives program	GPR	A	500,000	500,000	
(do) Grants for preschool to grade 5 programs	GPR	A	3,110,000	3,460,000	
(ds) Grants for tutoring programs	GPR	A	0	180,000	Vetoed in Part
(e) Vocational education instructor occupational competency program	GPR	A	18,000	18,000	
(ec) Aid to Milwaukee public schools	GPR	A	-0-	3,100,000	
(em) Education for employment	GPR	A	300,000	150,000	
(f) Pupil minimum competency tests	GPR	A	-0-	301,200	
(fg) Aid for cooperative educational service agencies	GPR	A	457,200	457,200	
(fm) Human growth and development grants	GPR	A	200,000	200,000	
(fp) Teaching incentive program demonstration projects	GPR	A	214,000	-0-	
(fs) Aid for suicide prevention programs	GPR	A	36,000	36,000	
(g) Aid for alcohol and other drug abuse programs	PR	C	635,600	774,300	
(k) Funds transferred from other state agencies; local aids	PR-S	C	6,576,200	6,576,200	
(m) Federal aids; local aid	PR-F	C	113,654,000	113,654,000	
(q) General equalization aids; lottery proceeds	SEG	C	-0-	-0-	
(r) Driver education; local assistance	SEG	A	2,901,100	2,646,700	
(rm) Pupil passenger safety	SEG	A	-0-	-0-	
(s) School library aids	SEG	C	11,298,000	12,768,900	
(t) School aids from the badger fund	SEG	C	-0-	-0-	
(2) P R O G R A M T O T A L S					
GENERAL PURPOSE REVENUES			1,469,594,500	1,559,227,200	
PROGRAM REVENUE			120,865,800	121,004,500	
FEDERAL	(		113,654,000)	(113,654,000)	
OTHER	(		635,600)	(774,300)	
SERVICE	(		6,576,200)	(6,576,200)	
SEGREGATED FUNDS			14,199,100	15,415,600	
OTHER	(		14,199,100)	(15,415,600)	
TOTAL-ALL SOURCES			1,604,659,400	1,695,647,300	
2 0 . 2 5 5 D E P A R T M E N T T O T A L S					
GENERAL PURPOSE REVENUES			1,499,024,200	1,589,352,500	
PROGRAM REVENUE			151,095,600	151,765,700	
FEDERAL	(		133,893,700)	(133,893,700)	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
OTHER	(		5,023,200)	(5,615,200)
SERVICE	(		12,178,700)	(12,256,800)
SEGREGATED FUNDS			14,199,100	15,415,600
OTHER	(		14,199,100)	(15,415,600)
TOTAL-ALL SOURCES			1,664,318,900	1,756,533,800

20.285 University of Wisconsin system**(1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE**

(a) General program operations	GPR	A	494,975,900	501,329,600
(ab) Student aid	GPR	A	833,300	893,300
(am) Distinguished professorships	GPR	A	75,000	425,000
(as) Industrial and economic development research	GPR	A	800,000	800,000
(b) Advanced opportunity program	GPR	A	2,499,500	2,617,000
(c) Utilities and heating	GPR	A	36,516,200	36,903,200
(cm) Doctoral student loans	GPR	C	-0-	183,400
(d) Principal repayment and interest	GPR	S	53,827,300	55,264,400
(da) Lease rental payments	GPR	S	4,829,000	2,852,000
(db) Self-amortizing facilities principal and interest	GPR	S	-0-	-0-
(dc) Minority teacher loans	GPR	A	-0-	100,000
(dd) Ben R. Lawton minority undergraduate retention grant program	GPR	A	1,530,000	1,601,900
(de) Pilot minority student tuition award program	GPR	A	-0-	132,000
(fa) General medical operations	GPR	A	2,282,200	2,282,200
(fc) Department of family medicine and practice	GPR	A	4,327,900	4,477,900
(fd) State laboratory of hygiene; general program operations	GPR	A	3,984,000	3,984,000
(fm) Laboratories	GPR	A	3,083,900	3,083,900
(fn) Private sewage systems-- systems research	GPR	C	-0-	-0-
(g) Physical plant service departments	PR	C	-0-	-0-
(ga) Surplus auxiliary funds	PR	C	-0-	-0-
(gb) Principal repayment, interest and rebates	PR	S	6,134,800	6,574,600
(gc) Lease rental payments	PR	S	2,345,400	2,345,400
(gm) Auxiliary enterprises building projects	PR	C	10,598,000	10,598,000
(h) Auxiliary enterprises	PR	A	211,957,500	211,957,500
(ha) Stores	PR	C	-0-	-0-
(i) State laboratory of hygiene	PR	C	6,468,700	7,457,000
(ia) State laboratory of hygiene, drivers	PR	C	362,600	362,600
(im) Academic student fees	PR	A	249,842,400	253,453,200
(iw) Indoor practice facility for athletic programs operation and maintenance	PR	C	-0-	-0-
(iz) General operations receipts	PR	C	35,045,600	35,045,600
(j) Gifts and donations	PR	C	84,468,600	84,468,600
(ja) Gifts; student loans	PR	C	1,625,900	1,625,900
(jL) Doctoral student loan repayments	PR	C	-0-	-0-
(jm) Distinguished professorships	PR	C	-0-	-0-
(ka) Sale of real property	PR	C	-0-	-0-
(kb) University of Wisconsin				

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
hospital and clinics	PR	A	153,657,900	153,657,900
(L) Libraries	PR	C	1,994,600	1,994,600
(Lm) Laboratories	PR	C	1,451,200	1,451,200
(m) Federal aid	PR-F	C	179,408,600	179,408,600
(ma) Federal aid; loans and grants	PR-F	C	80,264,500	80,264,500
(n) Federal indirect cost reimbursement	PR-F	C	39,216,300	39,216,300
(u) Trust fund income	SEG	C	8,109,400	8,109,400
(w) Trust fund operations	SEG	C	-0-	-0-
(x) Driver education teachers	SEG	C	61,000	61,000
(1) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			609,564,200	616,929,800
PROGRAM REVENUE			1,064,842,600	1,069,881,500
FEDERAL	(		298,889,400)	(298,889,400)
OTHER	(		765,953,200)	(770,992,100)
SEGREGATED FUNDS			8,170,400	8,170,400
OTHER	(		8,170,400)	(8,170,400)
TOTAL-ALL SOURCES			1,682,577,200	1,694,981,700
(3) UNIVERSITY SYSTEM ADMINISTRATION				
(a) General program operations	GPR	A	7,501,700	7,501,700
(iz) General operations receipts	PR	C	183,100	166,700
(n) Federal indirect cost reimbursement	PR-F	A	706,900	706,900
(3) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			7,501,700	7,501,700
PROGRAM REVENUE			890,000	873,600
FEDERAL	(		706,900)	(706,900)
OTHER	(		183,100)	(166,700)
TOTAL-ALL SOURCES			8,391,700	8,375,300
(4) MINORITY AND DISADVANTAGED PROGRAMS				
(a) Minority and disadvantaged programs	GPR	A	5,500,000	5,500,000
(4) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			5,500,000	5,500,000
TOTAL-ALL SOURCES			5,500,000	5,500,000
20.285 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			622,565,900	629,931,500
PROGRAM REVENUE			1,065,732,600	1,070,755,100
FEDERAL	(		299,596,300)	(299,596,300)
OTHER	(		766,136,300)	(771,158,800)
SEGREGATED FUNDS			8,170,400	8,170,400
OTHER	(		8,170,400)	(8,170,400)
TOTAL-ALL SOURCES			1,696,468,900	1,708,857,000

20.292 Vocational, technical and adult education, board of

(1) VOCATIONAL, TECHNICAL AND ADULT EDUCATION

(a) General program operations	GPR	A	2,206,500	2,206,500
(b) Displaced homemakers' program	GPR	A	480,100	480,100
(d) State aid for vocational, technical and adult education	GPR	A	80,194,100	85,005,700
(da) Supplemental aid	GPR	A	792,600	-0-
(db) State replacement of vocational levy	GPR	S	-0-	-0-
(dc) Incentive grants	GPR	C	731,500	1,831,500
(dm) Aid for special collegiate transfer programs	GPR	A	1,100,000	970,000
(e) Vocational education instructor occupational competency program	GPR	A	71,300	71,300
(g) Text materials	PR	A	123,000	123,000

**Vetoed
in Part**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(gm) Fire schools; state operations	PR	A	71,600	74,100
(gr) Fire schools; local assistance	PR	A	-0-	350,000
(h) Gifts and grants	PR	C	20,600	20,600
(i) Conferences	PR	C	85,900	85,900
(j) Personnel certification	PR	A	149,300	149,300
(k) Gifts and grants	PR	C	30,200	30,200
(ka) Interagency projects; local assistance	PR-S	A	3,414,700	3,414,700
(kb) Interagency projects; state operations	PR-S	A	931,000	931,000
(m) Federal aid, state operations	PR-F	C	3,779,400	3,779,400
(n) Federal aid, local assistance	PR-F	C	15,695,000	15,695,000
(o) Federal aid, aids to individuals and organizations	PR-F	C	121,500	121,500
(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
(q) Ambulance attendant and service provider training; aid	SEG	A	-0-	101,200
(r) Ambulance attendant and service provider training; state operations	SEG	A	-0-	57,400
(u) Driver education, local assistance	SEG	A	206,300	206,300
(v) Chauffeur training grants	SEG	C	200,000	200,000
(1) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			85,576,100	90,565,100
PROGRAM REVENUE			24,422,200	24,774,700
FEDERAL	(		19,595,900)	(19,595,900)
OTHER	(		480,600)	(833,100)
SERVICE	(		4,345,700)	(4,345,700)
SEGREGATED FUNDS			406,300	564,900
OTHER	(		406,300)	(564,900)
TOTAL-ALL SOURCES			110,404,600	115,904,700
(2) EDUCATIONAL APPROVAL BOARD				
(a) General program operations	GPR	A	11,400	-0-
(g) Proprietary school permits	PR	A	120,700	132,100
(m) Federal aid	PR-F	C	149,400	149,400
(2) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			11,400	-0-
PROGRAM REVENUE			270,100	281,500
FEDERAL	(		149,400)	(149,400)
OTHER	(		120,700)	(132,100)
TOTAL-ALL SOURCES			281,500	281,500
2 0 . 2 9 2 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			85,587,500	90,565,100
PROGRAM REVENUE			24,692,300	25,056,200
FEDERAL	(		19,745,300)	(19,745,300)
OTHER	(		601,300)	(965,200)
SERVICE	(		4,345,700)	(4,345,700)
SEGREGATED FUNDS			406,300	564,900
OTHER	(		406,300)	(564,900)
TOTAL-ALL SOURCES			110,686,100	116,186,200
Education				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			2,260,221,700	2,366,010,000
PROGRAM REVENUE			1,254,020,000	1,257,348,800
FEDERAL	(		457,279,600)	(456,831,800)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
OTHER	(		780,063,800)	(783,762,300)
SERVICE	(		16,676,600)	(16,754,700)
SEGREGATED FUNDS			23,073,000	24,448,600
FEDERAL	(		-0-)	(-0-)
OTHER	(		23,073,000)	(24,448,600)
SERVICE	(		-0-)	(-0-)
LOCAL	(		-0-)	(-0-)
TOTAL-ALL SOURCES			3,537,314,700	3,647,807,400

Environmental Resources

20.315 Boundary area commission, Minnesota-Wisconsin

(1) BOUNDARY AREA COOPERATION

(a) General program operations	GPR	A	89,600	99,500
(g) Gifts or grants	PR	C	-0-	-0-
2 0 . 3 1 5 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			89,600	99,500
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			89,600	99,500

20.370 Natural resources, department of

(1) RESOURCE MANAGEMENT

(bq) Wildlife management--land leasing	SEG	A	200,300	-0-
(cq) Forestry--reforestation	SEG	C	100,000	100,000
(da) Water resources--Fox river management; general fund	GPR	C	50,000	50,000
(di) Water resources--Fox river management; gifts and contributions	PR	C	-0-	-0-
(dj) Water resources--Fox river management; fees	PR	C	-0-	-0-
(dn) Water resources--Fox river management; federal moneys	PR	C	-0-	-0-
(dq) Water resources--Fox river management	SEG	B	-0-	75,000
(dr) Water resources--Fox river maintenance and rehab.; transportation fund	SEG	C	-0-	-0-
(ea) Parks--general program operations	GPR	A	3,745,200	3,728,000
(ed) Parks--Olympic ice rink repair, maintenance and improvement	GPR	A	32,400	32,400
(fb) Endangered resources--general program operations	GPR	A	-0-	-0-
(fc) Endangered resources--Wisconsin stewardship program	GPR	A	40,000	40,000
(fd) Endangered resources--natural heritage inventory program	GPR	A	108,000	108,000
(fg) Endangered res.--Wisconsin natural areas heritage prog.; gifts and contrib.	PR	A	-0-	-0-
(fh) Endangered resources--withdrawals from the state natural areas system	PR	C	-0-	-0-
(fs) Endangered resources--voluntary payments	SEG	C	418,100	394,400
(gg) Ice age trail - gifts and				

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
grants	PR	C	-0-	-0-
(is) Lake research; voluntary contributions	SEG	C	-0-	8,600
(jr) Rental property--maintenance	SEG	C	-0-	-0-
(kb) Resource acquisition and development--state funds	GPR	C	182,000	1,552,700
(kc) Resource acquisition and development--principal repayment and interest	GPR	S	6,789,600	7,226,000
(kd) Resource acquisition and development-Olympic ice rink lease rental payments	GPR	S	35,400	35,400
(kp) Resource acquisition and development--boating access	SEG	C	100,000	100,000
(kq) Resource acquisition and development--taxes and assessments	SEG	A	150,000	150,000
(kr) Resource acquisition and development--nonmotorized boating improvements	SEG	C	-0-	-0-
(ks) Resource acquisition and development--state funds	SEG	C	533,900	473,900
(kt) Resource acquisition and development--wetlands habitat improvement	SEG	C	159,300	150,700
(ku) Resource acquisition and development--Great Lakes trout and salmon	SEG	C	847,700	851,500
(kv) Resource acquisition and development--trout habitat improvement	SEG	C	614,900	616,300
(kw) Resource acquisition and development - principal repayment and interest	SEG	C	-0-	318,800
(ky) Resource acquisition and development--federal funds	SEG-F	C	1,880,000	1,880,000
(Lr) Beaver control; fish and wildlife account	SEG	C	100,000	100,000
(ma) General program operations--state funds	GPR	A	833,200	860,800
(mi) General program operations-research service funds	PR-S	C	-0-	-0-
(mk) General program operations--service funds	PR-S	C	-0-	-0-
(mm) General program operations--federal funds	PR-F	C	-0-	-0-
(mq) General program operations--state snowmobile trails and areas	SEG	A	112,300	112,300
(mr) General program operations--state park and forest roads	SEG	A	350,000	1,850,000
(ms) General program operations--state all-terrain vehicle areas and trails	SEG	A	5,000	5,000
(mt) General program operations--service funds	SEG-S	C	45,900	45,900
(mu) General program operations--state funds	SEG	A	-0-	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
Fish management	SEG	A	10,048,200	10,047,800
Wildlife management	SEG	A	6,432,800	6,627,400
Forestry	SEG	A	17,399,200	17,421,400
Southern forests	SEG	A	2,069,500	2,069,500
Parks and recreation	SEG	A	3,730,700	3,698,800
Engineering	SEG	A	1,014,500	1,014,000
Research	SEG	A	1,511,200	1,511,200
Real estate	SEG	A	282,800	280,200
Resource acquisition and development	SEG	A	-0-	-0-
NET APPROPRIATION			42,488,900	42,670,300
(mv) General program operations-- use of departmental gravel pits	SEG	C	-0-	-0-
(my) General program operations-- federal funds	SEG-F	C	-0-	-0-
Fish management	SEG-F	C	708,600	708,600
Wildlife management	SEG-F	C	1,313,200	1,313,200
Forestry	SEG-F	C	463,900	463,900
Southern forests	SEG-F	C	109,000	109,000
Parks and recreation	SEG-F	C	316,600	316,600
Endangered resources	SEG-F	C	94,800	94,800
Research	SEG-F	C	956,700	956,700
NET APPROPRIATION			3,962,800	3,962,800
(1) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			11,815,800	13,633,300
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(-0-)
OTHER	(		-0-)	(-0-)
SERVICE	(		-0-)	(-0-)
SEGREGATED FUNDS			52,069,100	53,865,500
FEDERAL	(		5,842,800)	(5,842,800)
OTHER	(		46,180,400)	(47,976,800)
SERVICE	(		45,900)	(45,900)
TOTAL-ALL SOURCES			63,884,900	67,498,800
(2) ENVIRONMENTAL STANDARDS				
(aq) Water resources management-- lake and river management	SEG	A	560,400	562,100
(bL) Wastewater management--fees	PR	C	334,800	364,100
(ca) Air management--sulfur dioxide emission reduction study	GPR	A	-0-	-0-
(ci) Air management--permit review and enforcement	PR	A	479,100	479,100
(cj) Air management -- acid deposition activities	PR	A	364,700	312,000
(cq) Air manage.--motor vehicle emission inspec. and maint. program, state funds	SEG	A	33,800	33,800
(dd) Solid waste management-- 2,4,5-t and silvex	GPR	A	-0-	-0-
(dg) Solid waste management--solid and hazardous waste disposal administration	PR	C	1,316,700	1,309,200
(dh) Solid waste management--gifts and grants	PR	C	-0-	-0-
(di) Solid waste management-- reimbursements and environmental repair	PR	C	-0-	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(dj) Waste tire removal and recovery programs; program activities	PR	C	662,500	2,775,000
(dL) Waste tire removal and recovery programs; administration	PR	A	62,500	125,000
(dq) Solid waste management--waste management fund	SEG	C	-0-	-0-
(dr) Solid waste management--environmental repair; administration	SEG	A	462,000	480,900
(ds) Solid waste management--closure & long-term care; imminent hazard	SEG	C	-0-	-0-
(dt) Solid waste management--closure and long-term care	SEG	C	-0-	-0-
(dv) Solid waste management--environmental repair; spills; abandoned containers	SEG	C	2,778,000	4,161,700
(dw) Solid waste management--environmental repair; petroleum spills; admin.	SEG	A	-0-	34,600
(dx) Solid waste management--environmental repair; federal funds	SEG-F	C	-0-	-0-
(eb) Compen. for well contamination; municipal water supply grants --	GPR	C	400,000	276,400 Vetoed in Part
(ec) Compen. for well contamination; municipal water supply grants -- admin.	GPR	A	-0-	-0-
(eg) Compen. for well contamination; mun. water supply grants--grant	PR	C	-0-	-0-
(eh) Compensation for well contamination--payments	PR	C	-0-	318,300 Vetoed in Part
(fi) Environmental damage compensation	PR	C	106,300	106,300
(fj) Environmental quality--laboratory certification	PR	A	259,200	238,300
(gh) Mining--mining regulation and administration	PR	A	20,000	20,000
(gr) Mining--investment and local impact fund; long-term care	SEG	C	-0-	-0-
(gs) Mining--investment and local impact fund; environmental repair	SEG	C	-0-	-0-
(ma) General program operations--state funds	GPR	A	-0-	-0-
Water resources management	GPR	A	2,430,400	2,407,600
Wastewater management	GPR	A	2,854,400	2,885,400
Air management	GPR	A	2,526,000	2,561,200
Solid waste management	GPR	A	1,963,900	1,979,000
Water supply management	GPR	A	1,289,900	1,279,900
Technical services	GPR	A	676,900	672,500
NET APPROPRIATION			11,741,500	11,785,600
(mb) General program operations--groundwater general fund supplement	GPR	A	866,800	866,800

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(md) General program operations-- environmental repair general fund supplement	GPR	A	700,000	700,000
(mi) General program operations-- aquatic nuisance control	PR	C	30,000	30,000
(mk) General program operations-- service funds	PR-S	C	-0-	-0-
(mm) General program operations-- federal funds	PR-F	C	-0-	-0-
Water resources management	PR-F	C	1,470,200	1,454,300
Wastewater management	PR-F	C	1,341,500	1,320,500
Air management	PR-F	C	1,481,700	1,480,300
Solid waste management	PR-F	C	859,400	857,400
Water supply management	PR-F	C	711,300	709,800
Technical services	PR-F	C	-0-	-0-
NET APPROPRIATION			5,864,100	5,822,300
(ms) General program operations-- groundwater activities	SEG	A	1,915,700	1,956,400
(2) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			13,708,300	13,567,800
PROGRAM REVENUE			9,499,900	11,894,600
FEDERAL	(		5,864,100)	(5,822,300)
OTHER	(		3,635,800)	(6,072,300)
SERVICE	(		-0-)	(-0-)
SEGREGATED FUNDS			5,749,900	7,229,500
FEDERAL	(		-0-)	(-0-)
OTHER	(		5,749,900)	(7,229,500)
TOTAL-ALL SOURCES			28,958,100	32,691,900
(3) ENFORCEMENT				
(aq) Law enforcement--snowmobile enforcement and safety training	SEG	A	263,800	264,400
(ar) Law enforcement--boat enforcement and safety training	SEG	A	736,600	736,800
(as) Law enforcement--all-terrain vehicle enforcement	SEG	A	23,000	23,000
(bh) Water regulation and zoning-- dam inspections and safety administration	PR	A	116,200	108,200
(cr) Environmental enforcement-- groundwater enforcement	SEG	A	38,700	37,500
(cu) Environmental enforcement-- spills program	SEG	A	39,100	39,100
(dg) Environmental impact-- consultant services; printing and postage costs	PR	C	-0-	-0-
(ma) General program operations-- state funds	GPR	A	3,864,700	3,869,100
(mk) General program operations-- service funds	PR-S	C	85,000	85,000
(mm) General program operations-- federal funds	PR-F	C	264,000	236,000
(mu) General program operations-- state funds	SEG	A	8,573,400	8,569,400
(my) General program operations-- federal funds	SEG-F	C	969,700	969,700
(3) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			3,864,700	3,869,100

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1987-88

1988-89

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89	
PROGRAM REVENUE			465,200	429,200	
FEDERAL	(		264,000)	(236,000)	
OTHER	(		116,200)	(108,200)	
SERVICE	(		85,000)	(85,000)	
SEGREGATED FUNDS			10,644,300	10,639,900	
FEDERAL	(		969,700)	(969,700)	
OTHER	(		9,674,600)	(9,670,200)	
TOTAL-ALL SOURCES			14,974,200	14,938,200	
(4) LOCAL SUPPORT					
(am) Resource aids--national forest income aids	PR-F	C	630,000	660,000	
(an) Resource aids--payment in lieu of taxes; federal	PR-F	C	200,000	220,000	
(aq) Resource aids--Canadian agencies migratory waterfowl aids	SEG	C	87,300	83,100	
(ar) Res. aids--county forests, forest croplands and managed forest land aids	SEG	A	1,640,900	2,040,900	
(as) Resource aids--county conservation aids	SEG	A	140,000	140,000	
(at) Resource aids--county parks	SEG	A	0	25,000	Vetoed in Part
(bp) Recreation aids--waterfront park aids; conservation fund	SEG	C	1,000,000	1,000,000	
(bq) Recreation aids--fish, wildlife and forestry recreation aids	SEG	A	-0-	-0-	
(br) Recreation aids--badger fund	SEG	C	-0-	-0-	
(bs) Recreation aids--county snowmobile trail and area aids	SEG	C	1,781,300	1,159,000	
(bt) Recreation aids--snowmobile trail areas; transportation fund	SEG	C	1,323,600	1,469,000	
(bu) Recreation aids--waterways assistance	SEG	C	881,800	1,385,000	Vetoed in Part
(bv) Recreation aids--motorcycle recreation aids; trails	SEG	A	197,500	197,500	
(bw) Recreation aids--waterfront park aids	SEG	C	1,500,000	1,500,000	
(bx) Recreation and resource aids, federal funds	SEG-F	C	183,200	183,200	
(by) Recreation aids--all-terrain vehicle project aids	SEG	C	120,000	100,000	
(bz) Recreation aids--all-terrain vehicle project aids; transportation fund	SEG	C	67,100	118,400	
(ca) Environmental aids--point source; prior to bonding and small projects	GPR	A	53,300	53,300	
(cb) Environmental aids--point source; pollution abatement grants; general fund	GPR	C	324,000	1,100,000	
(cc) Environmental aids; nonpoint source	GPR	C	6,732,400	6,732,400	
(cd) Environmental aids--household hazardous waste	GPR	A	50,000	50,000	
(ce) Environmental aids-waste reduction and recycling					

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89	
demonstration grants	GPR	C	50,000	50,000	
(cf) Environmental aids--private sewage system replacement and rehabilitation	GPR	A	2,000,000	2,000,000	
(cj) Environmental aids--waste reduction and recycling grants and gifts	PR	C	-0-	-0-	
(cm) Environmental aids--federal funds	PR-F	C	1,000,000	1,000,000	
(co) Environmental aids--inland lake renewal; federal funds	PR-F	C	-0-	-0-	
(cq) Environmental aids--clean water fund revenue obligation funding	SEG	C	-0-	-0-	
(cr) Environmental aids -- clean water fund repayment of revenue obligations	SEG	S	-0-	-0-	
(cs) Environmental aids -- clean water fund financial assistance	SEG	S	-0-	-0-	
(da) Environmental planning aids-- local water quality planning	GPR	A	167,800	167,800	
(dc) Environmental planning aids-- recycling transition funds	GPR	A	-0-	-0-	
(df) Environmental aids--local groundwater management	GPR	A	-0-	20,000	Vetoed in Part
(dn) Environmental planning aids-- federal funds	PR-F	C	-0-	-0-	
(dq) Environmental aids--scenic urban waterways	SEG	C	-0-	100,000	Vetoed in Part
(ea) Aids in lieu of taxes	GPR	S	698,200	800,600	
(eq) Aids in lieu of taxes	SEG	S	945,800	1,025,000	
(fq) Enforcement aids--boating enforcement	SEG	A	447,500	447,500	
(ft) Enforcement aids-- snowmobiling enforcement	SEG	A	126,500	126,500	
(fu) Enforcement aids--all-terrain vehicle enforcement	SEG	A	18,000	22,000	
(fy) Enforcement aids--federal funds	SEG-F	C	-0-	-0-	
(ga) Enforcement aids-- spearfishing enforcement	GPR	C	35,000	35,000	
(gq) Wildlife damage claims and abatement	SEG	C	1,079,100	1,119,400	
(hb) Youth camps and work projects--state funds	GPR	A	531,200	531,200	
(hm) Youth camps and work projects--federal funds	PR-F	C	-0-	-0-	
(hq) Youth camps and work projects--state lands	SEG	A	303,200	302,800	
(ia) Aids administration--general program operations, state funds	GPR	A	266,800	438,900	
(im) Aids administration--general program operations, federal funds	PR-F	C	1,591,700	1,618,800	
(iq) Aids administration-- all-terrain vehicle recreation	SEG	A	8,000	8,300	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(ir) Aids administration-- motorcycle recreation	SEG	A	45,800	45,800
(is) Aids administration-- snowmobile recreation	SEG	A	71,900	72,400
(it) Aids administration--wildlife damage claims and abatement	SEG	A	32,900	32,900
(iu) Aids administration--general program operations, state funds	SEG	A	359,300	359,300
(iv) Aids administration--clean water fund program; state funds	SEG	A	-0-	-0-
(ix) Aids administration -- clean water fund program; federal funds	SEG-F	A	-0-	-0-
(iy) Aids administration--general program operations, federal funds	SEG-F	C	50,000	50,000
(jb) Debt service--recreational boating bonds	GPR	S	145,300	139,300
(jc) Debt service--pollution abatement bonds	GPR	S	66,487,500	65,818,100
(jd) Debt service--combined sewer overflow; pollution abatement bonds	GPR	S	5,804,700	7,944,200
(jq) Debt service -- clean water fund bonds	SEG	A	-0-	-0-
(jr) Debt service -- clean water fund revenue obligation repayment	SEG	S	-0-	-0-
(ka) Environmental aids -- clean water fund; general fund	GPR	A	-0-	-0-
(4) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			83,346,200	85,880,800
PROGRAM REVENUE			3,421,700	3,498,800
FEDERAL	(		3,421,700)	(3,498,800)
OTHER	(		-0-)	(-0-)
SEGREGATED FUNDS			12,410,700	13,113,000
FEDERAL	(		233,200)	(233,200)
OTHER	(		12,177,500)	(12,879,800)
TOTAL-ALL SOURCES			99,178,600	102,492,600
(8) ADMINISTRATIVE SERVICES				
(dq) Snowmobile registration	SEG	A	122,000	151,000
(dr) Boat registration	SEG	A	357,100	397,800
(ds) All-terrain vehicle administration	SEG	A	47,900	62,800
(iq) Natural resources magazine	SEG	C	523,100	523,100
(La) Facility repair and maintenance	GPR	A	13,600	13,600
(Lb) Administrative facilities-- principal repayment and interest	GPR	S	419,500	423,100
(Lc) Facility repair and maintenance--parks and youth camps	GPR	A	15,000	15,000
(Ld) Administrative facilities-- acquisition, development and improvement	GPR	C	66,000	16,000
(Lr) Facility repair and				

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(Ls) maintenance	SEG	A	239,400	239,400
(Lt) Administrative facilities-- principal repayment and interest	SEG	S	425,500	405,700
(Lu) Administrative facilities-- acquisition, development and improvement	SEG	C	260,000	260,000
(ma) Rental property--maintenance	SEG	C	-0-	-0-
(mk) General program operations-- state funds	GPR	A	6,774,600	6,774,300
(mm) General program operations-- service funds	PR-S	C	1,115,900	1,115,900
(mn) General program operations-- federal funds	PR-F	C	-0-	-0-
(mt) Indirect cost reimbursements	PR-F	C	2,137,500	2,130,600
(mu) General program operations-- service funds	SEG-S	C	51,300	51,300
(mv) General program operations-- state funds	SEG	A	14,564,700	14,579,000
(my) General program operations-- groundwater fund	SEG	A	193,900	153,900
(mz) General program operations-- federal funds	SEG-F	C	-0-	-0-
(mz) Indirect cost reimbursements	SEG-F	C	658,800	642,500
(8) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			7,288,700	7,242,000
PROGRAM REVENUE			3,253,400	3,246,500
FEDERAL	(		2,137,500)	(2,130,600)
SERVICE	(		1,115,900)	(1,115,900)
SEGREGATED FUNDS			17,443,700	17,466,500
FEDERAL	(		658,800)	(642,500)
OTHER	(		16,733,600)	(16,772,700)
SERVICE	(		51,300)	(51,300)
TOTAL-ALL SOURCES			27,985,800	27,955,000
2 0 . 3 7 0 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			120,023,700	124,193,000
PROGRAM REVENUE			16,640,200	19,069,100
FEDERAL	(		11,687,300)	(11,687,700)
OTHER	(		3,752,000)	(6,180,500)
SERVICE	(		1,200,900)	(1,200,900)
SEGREGATED FUNDS			98,317,700	102,314,400
FEDERAL	(		7,704,500)	(7,688,200)
OTHER	(		90,516,000)	(94,529,000)
SERVICE	(		97,200)	(97,200)
TOTAL-ALL SOURCES			234,981,600	245,576,500
20.395 Transportation, department of				
(1) AIDs				
(aq) Transportation aids, state funds	SEG	A	187,577,000	199,575,900
(bq) Transit operating aids, state funds	SEG	A	44,735,300	48,537,700
(br) Milwaukee urban area rail transit system planning study; state funds	SEG	A	-0-	-0-
(bt) Urban rail transit system grants	SEG	C	-0-	-0-
(bv) Transit aids, local funds	SEG-L	C	-0-	-0-
(bx) Transit aids, federal funds	SEG-F	C	2,100,000	2,100,000
(cq) Elderly and handicapped				

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
capital aids, state funds	SEG	A	610,200	638,900
(cr) Elderly and handicapped county aids, state funds	SEG	A	3,780,900	3,958,600
(cv) Elderly and handicapped aids, local funds	SEG-L	C	248,000	253,800
(cx) Elderly and handicapped aids, federal funds	SEG-F	C	630,000	630,000
(dq) Scheduled air passenger service assistance aid, state funds	SEG	C	-0-	-0-
(dr) County forest road aids, state funds	SEG	A	114,800	114,800
(ex) Highway safety, local assistance, federal funds	SEG-F	C	1,700,000	1,700,000
(fq) Connecting highway aids, state funds	SEG	A	8,910,400	9,300,000
(fr) Flood damage aids, state funds	SEG	C	500,000	500,000
(ft) Lift bridge aids, state funds	SEG	A	1,453,700	1,000,000
(gq) Expressway policing aids, state funds	SEG	A	600,000	663,600
(1) P R O G R A M T O T A L S				
SEGREGATED FUNDS			252,960,300	268,973,300
FEDERAL	(		4,430,000)	(4,430,000)
OTHER	(		248,282,300)	(264,289,500)
LOCAL	(		248,000)	(253,800)
TOTAL-ALL SOURCES			252,960,300	268,973,300
(2) LOCAL TRANSPORTATION ASSISTANCE				
(aq) Railroad service continuation, state funds	SEG	A	-0-	-0-
(av) Railroad service continuation, local funds	SEG-L	C	-0-	-0-
(ax) Railroad service continuation, federal funds	SEG-F	C	-0-	-0-
(bq) Railroad facilities acquisition and railroad rehabilitation, state funds	SEG	C	2,970,000	2,910,000
(bv) Railroad facilities acquisition and railroad rehabilitation, local funds	SEG-L	C	-0-	-0-
(bx) Railroad facilities acquisition and railroad rehabilitation, federal funds	SEG-F	C	600,000	600,000
(cq) Harbor assistance and ferry service assistance grants, state funds	SEG	C	600,000	500,000
(dq) Local airport development, state funds	SEG	C	3,760,700	4,046,700
(dv) Local airport development, local funds	SEG-L	C	3,046,100	3,046,100
(dx) Local airport development, federal funds	SEG-F	C	17,600,000	17,600,000
(eq) Highway and local bridge improvement assistance, state funds	SEG	C	9,752,800	10,691,700
(ev) Local bridge improvement assistance, local funds	SEG-L	C	6,480,700	6,715,400
(ex) Local bridge improvement assistance, federal funds	SEG-F	C	16,157,000	16,157,000

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1987-88	1988-89
(fv) Local highway improvement assistance, local funds	SEG-L C	6,820,800	6,820,800
(fx) Local highway improvement assistance, federal funds	SEG-F C	22,646,400	22,646,400
(gq) Railroad crossing improvement and protection assistance, state funds	SEG A	2,916,300	3,026,300
(gs) Railroad crossing repair assistance, state funds	SEG A	250,000	250,000
(gv) Railroad crossing improvement, local funds	SEG-L C	-0-	-0-
(gx) Railroad crossing improvement, federal funds	SEG-F C	2,333,600	2,333,600
(iq) Transportation facilities economic assistance and development, state funds	SEG C	3,000,000	3,000,000
(iv) Transportation facilities economic assistance and development, local funds	SEG-L C	3,000,000	3,000,000
(ix) Transportation facilities economic assistance & development, federal funds	SEG-F C	-0-	-0-
(2) P R O G R A M T O T A L S			
SEGREGATED FUNDS		101,934,400	103,344,000
FEDERAL	(	59,337,000)	(59,337,000)
OTHER	(	23,249,800)	(24,424,700)
LOCAL	(	19,347,600)	(19,582,300)
TOTAL-ALL SOURCES		101,934,400	103,344,000
(3) STATE HIGHWAY FACILITIES			
(bq) Major highway development, state funds	SEG C	18,200,700	12,961,600
(bv) Major highway development, local funds	SEG-L C	-0-	-0-
(bx) Major highway development, federal funds	SEG-F C	15,727,300	21,720,400
(cq) Existing highway improvement, state funds	SEG C	102,783,400	107,221,300
(cv) Existing highway improvement, local funds	SEG-L C	1,510,000	1,510,000
(cx) Existing highway improvement, federal funds	SEG-F C	58,162,000	59,692,900
(dq) Improvement of state bridges, state funds	SEG C	16,597,700	16,588,700
(dv) Improvement of state bridges, local funds	SEG-L C	490,000	490,000
(dx) Improvement of state bridges, federal funds	SEG-F C	16,157,000	16,157,000
(eq) General and winter highway maintenance and repair, state funds	SEG B	72,324,200	75,298,900
(ev) General and winter highway maintenance and repair, local funds	SEG-L C	250,000	250,000
(ex) General and winter highway maintenance and repair, federal funds	SEG-F C	-0-	-0-
(fq) Special highway maintenance, state funds	SEG C	37,290,000	38,824,200
(fv) Special highway maintenance,			

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1987-88	1988-89
local funds	SEG-L C	-0-	-0-
(fx) Special highway maintenance, federal funds	SEG-F C	-0-	-0-
(gq) Interstate construction and rehabilitation, state funds	SEG C	6,339,500	6,573,200
(gv) Interstate construction and rehabilitation, local funds	SEG-L C	-0-	-0-
(gx) Interstate construction and rehabilitation, federal funds	SEG-F C	57,085,700	59,189,100
(hq) Highway traffic operations, state funds	SEG A	14,851,700	14,945,200
(hv) Highway traffic operations, local funds	SEG-L C	-0-	-0-
(hx) Highway traffic operations, federal funds	SEG-F C	150,000	150,000
(iq) General program operations, highways, state funds	SEG A	11,240,000	11,531,200
(ir) Disadvantaged business mobilization assistance, state funds	SEG C	-0-	300,000
(iv) General program operations, highways, local funds	SEG-L C	-0-	-0-
(ix) General program operations, highways, federal funds	SEG-F C	1,332,600	1,332,600
(qh) Highways, bridges, rail and airport clearing account	SEG C	-0-	-0-
(qj) Highway and bridge clearing account, federally funded positions	SEG-F C	-0-	-0-
	(3) P R O G R A M T O T A L S		
SEGREGATED FUNDS		430,491,800	444,736,300
FEDERAL	(	148,614,600)	(158,242,000)
OTHER	(	279,627,200)	(284,244,300)
LOCAL	(	2,250,000)	(2,250,000)
TOTAL-ALL SOURCES		430,491,800	444,736,300
(4) GENERAL TRANSPORTATION OPERATIONS			
(aq) Departmental management and operations, state funds	SEG A	30,910,400	30,333,800
(av) Departmental management and operations, local funds	SEG-L C	108,200	108,200
(ax) Departmental management and operations, federal funds	SEG-F C	3,487,200	3,487,200
(ch) Gifts and grants	PR C	-0-	-0-
(er) Fleet operations, service funds	SEG-S C	9,946,800	9,979,900
(es) Other department services, operations, service funds	SEG-S C	688,500	688,500
(et) Service center supplements, state funds	SEG A	-0-	-0-
(gq) Type 1 motorcycle, moped and motor bicycle safety program, state funds	SEG A	185,700	157,400
	(4) P R O G R A M T O T A L S		
PROGRAM REVENUE		-0-	-0-
OTHER	(	-0-)	(-0-)
SEGREGATED FUNDS		45,326,800	44,755,000
FEDERAL	(	3,487,200)	(3,487,200)
OTHER	(	31,096,100)	(30,491,200)
SERVICE	(	10,635,300)	(10,668,400)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
LOCAL		(	108,200)	(108,200)
TOTAL-ALL SOURCES			45,326,800	44,755,000
(5) MOTOR VEHICLE SERVICES AND ENFORCEMENT				
(ch) Veh. reg. & driver lic., operating under the influence enforce., state	PR	A	773,200	773,200
(cq) Vehicle reg., inspection & maintenance & driver licensing, state funds	SEG	A	41,398,800	41,588,800
(cx) Vehicle registration and driver licensing, federal funds	SEG-F	C	278,700	204,900
(dq) Vehicle inspection and traffic enforcement, state funds	SEG	A	28,191,400	27,133,400
(dx) Vehicle inspection and traffic enforcement, federal funds	SEG-F	C	963,400	963,400
(hq) Motor veh. emission insp. and maint. program, contractor costs, state funds	SEG	A	8,230,000	8,377,000
(hx) Motor vehicle emission inspection and maintenance programs, federal funds	SEG-F	C	-0-	-0-
(iv) Municipal and county registration fee, local funds	SEG-L	C	-0-	-0-
(5) P R O G R A M			T O T A L S	
PROGRAM REVENUE			773,200	773,200
OTHER		(	773,200)	(773,200)
SEGREGATED FUNDS			79,062,300	78,267,500
FEDERAL		(	1,242,100)	(1,168,300)
OTHER		(	77,820,200)	(77,099,200)
LOCAL		(	-0-)	(-0-)
TOTAL-ALL SOURCES			79,835,500	79,040,700
(6) DEBT SERVICES				
(aq) Principal repayment and interest, transportation facilities, state funds	SEG	S	22,909,000	22,498,900
(ar) Principal repayment and interest, buildings, state funds	SEG	S	903,300	871,000
(as) Transportation facilities and highway projects revenue obligation repayment	SEG	C	-0-	-0-
(6) P R O G R A M			T O T A L S	
SEGREGATED FUNDS			23,812,300	23,369,900
OTHER		(	23,812,300)	(23,369,900)
TOTAL-ALL SOURCES			23,812,300	23,369,900
(7) OFFICE OF THE COMMISSIONER OF TRANSPORTATION				
(aq) Transportation regulation and general program operations	SEG	A	890,600	903,900
(ax) Transportation regulation and general program operations, federal funds	SEG-F	C	-0-	-0-
(7) P R O G R A M			T O T A L S	
SEGREGATED FUNDS			890,600	903,900
FEDERAL		(	-0-)	(-0-)
OTHER		(	890,600)	(903,900)
TOTAL-ALL SOURCES			890,600	903,900

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
2 0 . 3 9 5 D E P A R T M E N T T O T A L S				
PROGRAM REVENUE			773,200	773,200
OTHER	(		773,200)	(773,200)
SEGREGATED FUNDS			934,478,500	964,349,900
FEDERAL	(		217,110,900)	(226,664,500)
OTHER	(		684,778,500)	(704,822,700)
SERVICE	(		10,635,300)	(10,668,400)
LOCAL	(		21,953,800)	(22,194,300)
TOTAL-ALL SOURCES			935,251,700	965,123,100
20.399 Wisconsin conservation corps board				
(1) CORPS ENROLLEE SUPPORT				
(a) Corps enrollee compensation and support; general program operations	GPR	C	2,346,900	2,346,900
(j) Corps enrollee compensation and support; sponsor contribution	PR	C	62,800	62,800
(k) Corps enrollee compensation and support; service funds	PR-S	C	125,700	125,700
(m) Corps enrollee compensation and support; federal funds	PR-F	C	-0-	-0-
(q) Corps enrollee compensation and support; conservation fund	SEG	C	-0-	-0-
(r) Corps enrollee compensation and support; transportation fund	SEG	C	250,000	250,000
(1) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			2,346,900	2,346,900
PROGRAM REVENUE			188,500	188,500
FEDERAL	(		-0-)	(-0-)
OTHER	(		62,800)	(62,800)
SERVICE	(		125,700)	(125,700)
SEGREGATED FUNDS			250,000	250,000
OTHER	(		250,000)	(250,000)
TOTAL-ALL SOURCES			2,785,400	2,785,400
(2) ADMINISTRATION				
(a) Administrative support; general program operations	GPR	A	42,100	106,500
(j) Administrative support; sponsor contribution	PR	C	-0-	-0-
(k) Conservation corps -- administrative support; service funds	PR-S	C	-0-	-0-
(m) Administrative support; federal funds	PR-F	C	-0-	-0-
(q) Administrative support; conservation fund	SEG	A	272,900	272,900
(2) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			42,100	106,500
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(-0-)
OTHER	(		-0-)	(-0-)
SERVICE	(		-0-)	(-0-)
SEGREGATED FUNDS			272,900	272,900
OTHER	(		272,900)	(272,900)
TOTAL-ALL SOURCES			315,000	379,400
(3) GIFTS AND RELATED SUPPORT				
(g) Gifts and related support	PR	C	-0-	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1987-88	1988-89
(3) PROGRAM TOTALS			
PROGRAM REVENUE		-0-	-0-
OTHER	(	-0-)	(-0-)
TOTAL-ALL SOURCES		-0-	-0-
20.399 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		2,389,000	2,453,400
PROGRAM REVENUE		188,500	188,500
FEDERAL	(	-0-)	(-0-)
OTHER	(	62,800)	(62,800)
SERVICE	(	125,700)	(125,700)
SEGREGATED FUNDS		522,900	522,900
OTHER	(	522,900)	(522,900)
TOTAL-ALL SOURCES		3,100,400	3,164,800

Environmental Resources

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES		122,502,300	126,745,900
PROGRAM REVENUE		17,601,900	20,030,800
FEDERAL	(	11,687,300)	(11,687,700)
OTHER	(	4,588,000)	(7,016,500)
SERVICE	(	1,326,600)	(1,326,600)
SEGREGATED FUNDS		1,033,319,100	1,067,187,200
FEDERAL	(	224,815,400)	(234,352,700)
OTHER	(	775,817,400)	(799,874,600)
SERVICE	(	10,732,500)	(10,765,600)
LOCAL	(	21,953,800)	(22,194,300)
TOTAL-ALL SOURCES		1,173,423,300	1,213,963,900

Human Relations and Resources

20.420 Criminal justice, council on

(1) CRIMINAL JUSTICE

(a) General program operations	GPR	A	282,800	-0-
(g) Anti-drug enforcement program, aids and local assistance	PR	C	449,600	-0-
(h) Anti-drug enforcement program, state operations	PR	C	214,500	-0-
(k) Interagency and intra-agency assistance	PR-S	C	100,300	-0-
(m) Federal aid, planning and administration, state operations	PR-F	C	177,200	-0-
(o) Federal aid, criminal justice improvement projects, state operations	PR-F	C	292,000	-0-
(p) Federal aid, criminal justice improvement projects, local assistance	PR-F	C	984,400	-0-
(pa) Federal aid, criminal justice improvement projects, aid to organizations	PR-F	C	181,800	-0-
(pb) Federal aid, anti-drug enforcement program, aids and local assistance	PR-F	C	2,248,100	-0-
(pc) Federal aid, anti-drug enforcement program, state operations	PR-F	C	1,215,900	-0-

20.420 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		282,800	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
PROGRAM REVENUE			5,863,800	-0-
FEDERAL	(		5,099,400)	(-0-)
OTHER	(		664,100)	(-0-)
SERVICE	(		100,300)	(-0-)
TOTAL-ALL SOURCES			6,146,600	-0-
20.425 Employment relations commission				
(1) PROMOTION OF PEACE IN LABOR RELATIONS				
(a) General program operations	GPR	A	2,007,200	2,047,000
(g) Publications	PR	A	28,300	28,300
(h) Arbitration training	PR	C	-0-	-0-
20.425 DEPARTMENT			TOTALS	
GENERAL PURPOSE REVENUES			2,007,200	2,047,000
PROGRAM REVENUE			28,300	28,300
OTHER	(		28,300)	(28,300)
TOTAL-ALL SOURCES			2,035,500	2,075,300
20.432 Board on aging and long-term care				
(1) IDENTIFICATION OF THE NEEDS OF THE AGED AND DISABLED				
(a) General program operations	GPR	A	216,900	309,500
(i) Gifts and grants	PR	C	-0-	-0-
(k) Contracts with state agencies	PR-S	A	68,200	68,200
(kb) Insurance and other information, counseling and assistance	PR-S	A	66,000	73,000
(m) Federal aid	PR-F	C	-0-	-0-
20.432 DEPARTMENT			TOTALS	
GENERAL PURPOSE REVENUES			216,900	309,500
PROGRAM REVENUE			134,200	141,200
FEDERAL	(		-0-)	(-0-)
OTHER	(		-0-)	(-0-)
SERVICE	(		134,200)	(141,200)
TOTAL-ALL SOURCES			351,100	450,700
20.433 Child abuse and neglect prevention board				
(1) PREVENTION OF CHILD ABUSE AND NEGLECT				
(g) General program operations	PR	A	110,700	111,200
(h) Grants to organizations	PR	C	556,600	556,600
(m) Federal aid	PR-F	C	-0-	-0-
(q) Children's trust fund	SEG	C	-0-	-0-
20.433 DEPARTMENT			TOTALS	
PROGRAM REVENUE			667,300	667,800
FEDERAL	(		-0-)	(-0-)
OTHER	(		667,300)	(667,800)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			667,300	667,800
20.434 Adolescent pregnancy prevention and pregnancy services board				
(1) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES				
(a) General program operations	GPR	A	76,400	76,400
(b) Grants to organizations	GPR	A	461,800	461,800
20.434 DEPARTMENT			TOTALS	
GENERAL PURPOSE REVENUES			538,200	538,200
TOTAL-ALL SOURCES			538,200	538,200
20.435 Health and social services, department of				
(1) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY				
(a) General program operations	GPR	A	18,575,900	19,057,700
(am) Acquired immunodeficiency syndrome services	GPR	A	205,000	255,000
(b) Medical assistance program				

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
benefits	GPR	B	482,976,700	515,820,900
(bm) Medical assistance administration	GPR	B	6,121,800	6,782,100
(bs) Health care for elderly persons	GPR	A	-0-	-0-
(cc) Cancer control	GPR	A	-0-	400,000
(cm) Immunization	GPR	A	-0-	660,000
(d) Facility appeals mechanism	GPR	A	546,800	546,800
(dm) Nursing home receivership supplement	GPR	S	-0-	-0-
(e) Disease aids	GPR	B	2,195,000	2,195,000
(ed) Radon aids	GPR	A	-0-	20,000
(eg) Pregnancy counseling	GPR	A	555,600	275,000
(em) Supplemental food program for women, infants and children benefits	GPR	A	1,900,400	2,125,400
(es) Supplemental food program for women, infants and children administration	GPR	A	78,100	78,100
(ev) Pregnancy outreach	GPR	A	-0-	250,000
(f) Family planning	GPR	A	1,150,000	1,150,000
(gm) Licensing activities	PR	A	3,245,200	3,272,700
(gp) Health care	PR	C	112,000	112,000
(hg) Assessments; office of health care information	PR	C	-0-	940,500
(hi) User fees; office of health care information	PR	C	-0-	-0-
(hj) Gifts and grants; office of health care information	PR	C	-0-	-0-
(i) Gifts and grants	PR	C	173,000	169,500
(j) Fees for services and supplies	PR	A	772,500	772,500
(ja) Congenital disorders diagnosis, special dietary treatment and counseling	PR	A	338,700	505,700
(k) Nursing home receivership operations	PR-S	C	-0-	-0-
(km) Internal services	PR-S	A	1,409,000	1,355,600
(kx) Interagency and intra-agency programs	PR-S	C	152,600	149,300
(ky) Interagency and intra-agency aids	PR-S	C	78,000	-0-
(kz) Interagency and intra-agency local assistance	PR-S	C	-0-	-0-
(m) Federal project operations	PR-F	C	3,920,200	3,784,000
(ma) Federal project aids	PR-F	C	928,400	928,400
(mc) Block grant operations	PR-F	C	5,942,800	5,890,400
(md) Block grant aids	PR-F	C	12,568,000	12,530,500
(mr) Federal funds; office of health care information	PR-F	C	-0-	-0-
(n) Federal program operations	PR-F	C	10,730,000	11,197,300
(na) Federal program aids	PR-F	C	27,380,400	27,380,400
(o) Federal aid; medical assistance	PR-F	C	684,998,500	731,781,300
(p) Federal aid; medical assistance contracts administration	PR-F	C	11,466,500	12,057,200
(q) Groundwater--standards; implementation	SEG	A	140,800	140,800

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(1) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			514,305,300	549,616,000
PROGRAM REVENUE			764,215,800	812,827,300
FEDERAL	(		757,934,800)	(805,549,500)
OTHER	(		4,641,400)	(5,772,900)
SERVICE	(		1,639,600)	(1,504,900)
SEGREGATED FUNDS			140,800	140,800
OTHER	(		140,800)	(140,800)
TOTAL-ALL SOURCES			1,278,661,900	1,362,584,100
(2) CARE AND TREATMENT FACILITIES				
(a) General program operations	GPR	A	29,888,000	30,172,600
(aa) Institutional repair and maintenance	GPR	A	435,900	435,900
(ee) Principal repayment and interest	GPR	S	4,862,700	4,685,900
(ef) Lease rental payments	GPR	S	503,000	503,300
(f) Utilities and heating	GPR	A	1,124,800	1,241,400
(gk) Institutional operations and charges	PR	A	106,294,600	107,346,900
(i) Gifts and grants	PR	C	120,800	120,800
(kx) Interagency and intra-agency programs	PR-S	C	1,782,200	1,794,000
(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
(kz) Interagency and intra-agency local assistance	PR-S	C	-0-	-0-
(m) Federal project operations	PR-F	C	54,600	54,600
(2) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			36,814,400	37,039,100
PROGRAM REVENUE			108,252,200	109,316,300
FEDERAL	(		54,600)	(54,600)
OTHER	(		106,415,400)	(107,467,700)
SERVICE	(		1,782,200)	(1,794,000)
TOTAL-ALL SOURCES			145,066,600	146,355,400
(3) CORRECTIONAL SERVICES				
(a) General program operations	GPR	A	117,400,900	119,367,000
(aa) Institutional repair and maintenance	GPR	A	1,135,200	1,135,200
(ab) Intergovernmental corrections agreements	GPR	A	467,800	1,197,800
(am) Juvenile correctional services	GPR	A	17,200	102,900
(c) Reimbursement claims of counties containing state institutions	GPR	S	106,100	106,100
(d) Purchased services for offenders	GPR	A	999,000	1,215,000
(dd) Special living arrangements	GPR	A	1,873,500	1,873,500
(e) Principal repayment and interest	GPR	S	15,011,800	15,640,600
(ec) Self-amortizing prison industries principal, interest and rebates	GPR	S	-0-	-0-
(ef) Lease rental payments	GPR	S	114,000	114,000
(f) Utilities and heating	GPR	A	4,615,300	5,347,700
(g) Probationer and parolee loan fund	PR	A	47,000	47,000
(gg) Supervision of criminal defendants	PR	A	-0-	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(h) Administration of restitution	PR	A	156,900	156,900
(hm) Juvenile correctional services	PR	A	17,599,300	17,887,100
(ho) Foster care	PR	A	2,653,100	2,763,600
(i) Gifts and grants	PR	C	47,600	47,600
(j) State-owned housing maintenance	PR	A	-0-	-0-
(jp) Correctional officer training	PR	A	964,200	994,200
(kk) Institutional operations and charges	PR-S	A	4,217,600	4,236,400
(km) Prison industries	PR-S	A	9,845,600	10,353,700
(ko) Prison industries principal, interest and rebates	PR-S	S	179,400	176,100
(kx) Interagency and intra-agency programs	PR-S	C	1,633,100	1,535,400
(ky) Interagency and intra-agency aids	PR-S	C	220,600	587,300
(kz) Interagency and intra-agency local assistance	PR-S	C	-0-	-0-
(m) Federal project operations	PR-F	C	437,900	460,800
(n) Federal program operations	PR-F	C	-0-	-0-
(o) Federal aid; foster care	PR-F	C	-0-	-0-
(3) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			141,740,800	146,099,800
PROGRAM REVENUE			38,002,300	39,246,100
FEDERAL	(		437,900)	(460,800)
OTHER	(		21,468,100)	(21,896,400)
SERVICE	(		16,096,300)	(16,888,900)
TOTAL-ALL SOURCES			179,743,100	185,345,900
(4) COMMUNITY SERVICES				
(a) General program operations	GPR	A	18,396,400	18,064,200
(b) Community aids	GPR	A	188,834,800	179,445,400
(bd) Community options program	GPR	A	28,098,700	30,404,900
(bf) Alzheimer's disease; training and information grants	GPR	A	150,000	270,000
(bg) Employment and training programs; administration	GPR	A	818,900	457,700
(bp) Guaranteed jobs program	GPR	B	-0-	-0-
(c) Independent living centers	GPR	A	311,700	411,700
(cb) Domestic abuse grants	GPR	A	1,836,600	1,931,600
(cc) Shelter for homeless individuals and families	GPR	A	650,000	750,000
(cd) Community youth and family aids	GPR	A	50,515,500	63,691,600
(cf) Foster parent insurance and liability	GPR	A	87,900	87,900
(cj) Reduction of paternity backlog	GPR	B	90,000	-0-
(cv) State supplement to community services block grant	GPR	A	-0-	300,000
(d) Income maintenance payments to individuals	GPR	S	199,795,700	202,093,200
(da) Reimbursements to local units of government	GPR	S	192,900	192,900
(dc) Emergency assistance program	GPR	A	1,707,000	1,707,000
(dd) State foster care and adoption services	GPR	A	2,879,200	3,210,800
(de) Income maintenance county administration	GPR	A	20,931,400	21,027,900

Vetoed in Part

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(df) Employment and training programs	GPR	A	9,271,800	13,787,600
(dg) State adoption center	GPR	A	65,000	65,000
(dh) Programs for senior citizens	GPR	A	6,081,300	6,128,300
(dj) Elderly benefit specialist program	GPR	A	542,300	787,300
(dL) Indian aids	GPR	A	201,600	201,600
(dm) Community-based residential facility receivership supplement	GPR	S	-0-	-0-
(e) Other public assistance aids	GPR	S	5,207,700	5,533,100
(eb) General relief aid	GPR	A	23,382,300	22,748,300
(ec) Aids for interest on county construction loans	GPR	A	32,600	16,600
(ed) State supplement to federal supplemental security income program	GPR	S	91,424,100	98,084,000
(eg) Programs for adolescents and adolescent parents	GPR	A	1,161,300	1,161,300
(g) Child support collections	PR	C	69,600,000	69,600,000
(ga) Community-based residential facility receivership operations	PR	C	-0-	-0-
(gg) Collection remittances to local units of government	PR	C	223,800	223,800
(hh) Domestic abuse assessment	PR	A	100,000	200,000
(hx) Services for drivers, receipts	PR	A	-0-	-0-
(hy) Services for drivers, local assistance	PR	A	4,330,300	4,632,900
(hz) Services for drivers, state operations	PR	A	91,000	91,000
(i) Gifts and grants	PR	C	69,000	69,000
(j) Child support state operations	PR	C	190,500	208,600
(jb) Fees for mailings, computer services and publications	PR	C	10,000	10,000
(jj) Searches for birth parents	PR	A	2,800	2,800
(jk) Youth diversion program	PR	A	250,000	250,000
(jm) Administrative and support services	PR	A	371,700	371,700
(k) Professional training	PR-S	A	-0-	-0-
(kc) Independent living center grants	PR-S	A	537,800	537,800
(km) Services for children outside departmental custody	PR-S	A	8,600	8,600
(kx) Interagency and intra-agency programs	PR-S	C	608,200	606,800
(ky) Interagency and intra-agency aids	PR-S	C	1,580,700	1,580,700
(kz) Interagency and intra-agency local assistance	PR-S	C	-0-	-0-
(L) Welfare fraud and error reduction	PR	C	812,000	891,400
(m) Federal project operations	PR-F	C	2,522,600	2,401,400
(ma) Federal project aids	PR-F	C	2,115,900	2,157,700
(mb) Federal project local assistance	PR-F	C	807,600	807,600
(mc) Federal block grant				

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
operations	PR-F	C	8,214,500	8,214,500
(md) Federal block grant aids	PR-F	C	66,628,300	66,628,300
(n) Federal program operations	PR-F	C	30,165,300	30,808,600
(na) Federal program aids	PR-F	C	31,499,300	31,131,000
(nL) Federal program local assistance	PR-F	C	27,300,200	27,350,200
(o) Federal aid; community aids	PR-F	C	65,411,400	64,902,800
(oo) Federal aid; community youth and family aids	PR-F	C	2,449,200	2,449,200
(p) Federal aid; income maintenance payments	PR-F	C	319,143,900	322,028,400
(pd) Federal aid; state foster care and adoption services	PR-F	C	1,909,900	2,451,000
(pm) Employment programs; administration	PR-F	C	7,742,900	7,935,300
(ps) Employment programs; aids	PR-F	C	8,686,300	8,966,900
(4) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			652,666,700	672,559,900
PROGRAM REVENUE			653,383,700	657,518,000
FEDERAL	(		574,597,300)	(578,232,900)
OTHER	(		76,051,100)	(76,551,200)
SERVICE	(		2,735,300)	(2,733,900)
TOTAL-ALL SOURCES			1,306,050,400	1,330,077,900
(5) VOCATIONAL REHABILITATION SERVICES				
(a) General program operations	GPR	A	4,246,900	4,281,000
(bm) Purchased services for clients	GPR	A	4,061,800	4,061,800
(c) Enterprises for the blind	GPR	A	912,000	100,000
(d) Telecommunication aid for the hearing impaired	GPR	A	80,000	80,000
(e) Principal repayment and interest	GPR	S	26,000	22,300
(gg) Contractual services	PR	C	-0-	-0-
(h) Supervised business enterprise program	PR	C	189,000	190,900
(hh) Interpreter services for hearing impaired	PR	A	100,000	100,000
(i) Gifts and grants	PR	C	52,000	52,000
(k) Interagency contractual services	PR-S	A	-0-	-0-
(kx) Interagency and intra-agency programs	PR-S	C	32,500	32,500
(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
(kz) Interagency and intra-agency local assistance	PR-S	C	-0-	-0-
(m) Federal project operations	PR-F	C	819,700	834,700
(ma) Federal project aids	PR-F	C	413,700	425,400
(n) Federal program operations	PR-F	C	14,462,700	14,736,500
(na) Federal program aids	PR-F	C	15,780,200	15,780,200
(nL) Federal program local assistance	PR-F	C	-0-	-0-
(5) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			9,326,700	8,545,100
PROGRAM REVENUE			31,849,800	32,152,200
FEDERAL	(		31,476,300)	(31,776,800)
OTHER	(		341,000)	(342,900)
SERVICE	(		32,500)	(32,500)
TOTAL-ALL SOURCES			41,176,500	40,697,300

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(8) GENERAL ADMINISTRATION				
(a) General program operations	GPR	A	13,015,600	12,666,500
(g) Legal services collections	PR	C	12,200	12,200
(i) Gifts and grants	PR	C	-0-	-0-
(k) Administrative and support services	PR-S	A	12,590,800	12,708,800
(kx) Interagency and intra-agency programs	PR-S	C	68,800	65,400
(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
(kz) Interagency and intra-agency local assistance	PR-S	C	-0-	-0-
(m) Federal project operations	PR-F	C	83,700	22,600
(ma) Federal project aids	PR-F	C	-0-	-0-
(n) Federal program operations	PR-F	C	453,000	428,700
(pz) Indirect cost reimbursements	PR-F	C	852,900	823,800
(8) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			13,015,600	12,666,500
PROGRAM REVENUE			14,061,400	14,061,500
FEDERAL	(		1,389,600)	(1,275,100)
OTHER	(		12,200)	(12,200)
SERVICE	(		12,659,600)	(12,774,200)
TOTAL-ALL SOURCES			27,077,000	26,728,000
2 0 . 4 3 5 D E P A R T M E N T			T O T A L S	
GENERAL PURPOSE REVENUES			1,367,869,500	1,426,526,400
PROGRAM REVENUE			1,609,765,200	1,665,121,400
FEDERAL	(		1,365,890,500)	(1,417,349,700)
OTHER	(		208,929,200)	(212,043,300)
SERVICE	(		34,945,500)	(35,728,400)
SEGREGATED FUNDS			140,800	140,800
OTHER	(		140,800)	(140,800)
TOTAL-ALL SOURCES			2,977,775,500	3,091,788,600
20.440 Health and educational facilities authority				
(1) CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES				
(a) General program operations	GPR	C	-0-	-0-
2 0 . 4 4 0 D E P A R T M E N T			T O T A L S	
GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-
20.442 Community development finance authority				
(1) COMMUNITY DEVELOPMENT ASSISTANCE				
(a) General program operations	GPR	A	-0-	-0-
(b) Loan from general fund	GPR	A	-0-	-0-
(c) Matching funds grants	GPR	A	150,000	-0-
2 0 . 4 4 2 D E P A R T M E N T			T O T A L S	
GENERAL PURPOSE REVENUES			150,000	-0-
TOTAL-ALL SOURCES			150,000	-0-
20.445 Industry, labor and human relations, department of				
(1) INDUSTRY, LABOR AND HUMAN RELATIONS				
(a) General program operations	GPR	A	4,441,700	4,531,600
(aa) Special death benefit	GPR	S	100,000	100,000
(bc) Assistance for dislocated workers	GPR	A	500,000	500,000
(c) Job center pilot projects	GPR	B	150,000	-0-
(dm) Storage tank inventory	GPR	A	-0-	-0-
(e) Wisconsin job opportunity business subsidy program	GPR	A	-0-	2,000,000
(f) Death and disability benefit payments; public				

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
insurrections	GPR	S	-0-	-0-
(g) Gifts and grants	PR	C	18,000	18,000
(ga) Job service operations	PR	C	48,600	48,600
(gb) Local agreements	PR	C	164,400	164,400
(gc) Unemployment administration	PR	C	-0-	-0-
(gd) Unemployment interest and penalty payments	PR	C	21,861,900	20,964,800
(ge) Unemployment reserve fund research	PR	A	188,800	188,800
(gf) Employment security administration	PR	A	2,068,100	2,669,300
(gm) Employment training services	PR	C	2,556,600	2,556,600
(h) Local energy resource system fees	PR	A	-0-	-0-
(ha) Worker's compensation operations	PR	A	4,290,900	4,368,300
(hb) Worker's compensation contracts	PR	C	44,300	44,300
(j) Safety and building operations	PR	A	9,069,000	9,049,400
(k) Fees	PR	C	46,500	46,500
(ka) Interagency agreements	PR-S	C	328,800	328,800
(kg) Administrative services for the work incentive demonstration program	PR-S	C	7,339,300	7,113,200
(kk) Services for the work incentive demonstration program	PR-S	C	5,794,200	5,794,200
(L) Fire dues distribution	PR	C	5,060,900	5,060,900
(La) Fire prevention and fire dues administration	PR	A	390,400	404,800
(m) Federal funds	PR-F	C	1,891,900	1,891,900
(ma) Federal aid--program administration	PR-F	C	8,007,600	8,007,600
(mb) Federal aid--employment and training local assistance	PR-F	C	21,914,500	21,914,500
(mc) Federal aid--employment and training aids	PR-F	C	33,292,800	33,292,800
(n) Unemployment administration; federal moneys	PR-F	C	55,854,100	54,855,000
(na) Employment security buildings and equipment	PR-F	C	787,000	-0-
(pz) Indirect cost reimbursements	PR-F	C	234,400	234,400
(q) Groundwater--standards; implementation	SEG	A	-0-	-0-
(s) Self-insured employers liability fund	SEG	C	-0-	-0-
(t) Work injury supplemental benefit fund	SEG	C	2,500,000	2,500,000
(u) Interest repayment	SEG	S	-0-	-0-
(v) Petroleum storage environmental remedial action; awards	SEG	A	-0-	7,393,400
(w) Petroleum storage environmental remedial action; administration	SEG	A	-0-	72,000
(1) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			5,191,700	7,131,600
PROGRAM REVENUE			181,253,000	179,017,100

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
FEDERAL	(		121,982,300)	(120,196,200)
OTHER	(		45,808,400)	(45,584,700)
SERVICE	(		13,462,300)	(13,236,200)
SEGREGATED FUNDS			2,500,000	9,965,400
OTHER	(		2,500,000)	(9,965,400)
TOTAL-ALL SOURCES			188,944,700	196,114,100
(2) REVIEW COMMISSION				
(a) General program operations, review commission	GPR	A	82,200	82,200
(ha) Worker's compensation operations	PR	A	208,200	208,200
(m) Federal moneys	PR-F	C	73,600	73,600
(n) Unemployment administration; federal moneys	PR-F	C	1,035,700	1,035,700
(2) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			82,200	82,200
PROGRAM REVENUE			1,317,500	1,317,500
FEDERAL	(		1,109,300)	(1,109,300)
OTHER	(		208,200)	(208,200)
TOTAL-ALL SOURCES			1,399,700	1,399,700
(4) ADJUDICATION OF CLAIMS				
(a) Administration of mining damage claims	GPR	A	-0-	-0-
(b) Funding for mining damage claims	GPR	S	-0-	-0-
(4) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-
2 0 . 4 4 5			D E P A R T M E N T	
T O T A L S				
GENERAL PURPOSE REVENUES			5,273,900	7,213,800
PROGRAM REVENUE			182,570,500	180,334,600
FEDERAL	(		123,091,600)	(121,305,500)
OTHER	(		46,016,600)	(45,792,900)
SERVICE	(		13,462,300)	(13,236,200)
SEGREGATED FUNDS			2,500,000	9,965,400
OTHER	(		2,500,000)	(9,965,400)
TOTAL-ALL SOURCES			190,344,400	197,513,800

20.455 Justice, department of

(1) LEGAL SERVICES				
(a) General program operations	GPR	A	7,959,500	8,239,900
(b) Special counsel	GPR	S	738,000	267,000
(cm) Special prosecutor cost reimbursement	GPR	A	-0-	10,000
(d) Legal expenses	GPR	A	716,700	745,800
(k) Environment litigation project	PR-S	C	75,000	75,000
(m) Federal aid	PR-F	C	412,100	412,100
(1) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			9,414,200	9,262,700
PROGRAM REVENUE			487,100	487,100
FEDERAL	(		412,100)	(412,100)
SERVICE	(		75,000)	(75,000)
TOTAL-ALL SOURCES			9,901,300	9,749,800
(2) LAW ENFORCEMENT SERVICES				
(a) General program operations	GPR	A	7,666,100	7,602,900
(b) Investigations and operations	GPR	A	70,500	70,500
(c) Crime laboratory equipment	GPR	A	-0-	-0-
(cm) Debt service	GPR	S	326,900	316,500
(d) Aid to counties for law				

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
enforcement	GPR	A	60,000	60,000
(gm) Criminal history search fees	PR	C	152,900	152,900
(h) Terminal charges	PR	A	1,484,200	1,654,800
(i) Penalty assessment surcharge, receipts	PR	A	-0-	-0-
(j) Law enforcement training fund, local assistance	PR	A	2,766,000	2,766,000
(ja) Law enforcement training fund, state operations	PR	A	1,712,700	1,751,900
(jb) Crime laboratory equipment	PR	B	159,100	159,100
(k) Interagency and intra-agency assistance	PR-S	C	770,400	744,400
(m) Federal aid, state operations	PR-F	C	-0-	264,400
(n) Federal aid, local assistance	PR-F	C	-0-	-0-
(2) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			8,123,500	8,049,900
PROGRAM REVENUE			7,045,300	7,493,500
FEDERAL			(-0-)	(264,400)
OTHER			(6,274,900)	(6,484,700)
SERVICE			(770,400)	(744,400)
TOTAL-ALL SOURCES			15,168,800	15,543,400
(3) ADMINISTRATIVE SERVICES				
(a) General program operations	GPR	A	2,116,200	2,326,000
(g) Gifts, grants and proceeds	PR	C	23,500	-0-
(m) Federal aid	PR-F	C	44,300	44,300
(3) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			2,116,200	2,326,000
PROGRAM REVENUE			67,800	44,300
FEDERAL			(44,300)	(44,300)
OTHER			(23,500)	(-0-)
TOTAL-ALL SOURCES			2,184,000	2,370,300
(4) TRUST LANDS AND INVESTMENT DIVISION				
(h) General program operations	PR	A	336,500	432,500
(m) Federal aid--flood control	PR-F	C	25,000	25,000
(4) P R O G R A M			T O T A L S	
PROGRAM REVENUE			361,500	457,500
FEDERAL			(25,000)	(25,000)
OTHER			(336,500)	(432,500)
TOTAL-ALL SOURCES			361,500	457,500
(5) VICTIMS AND WITNESSES				
(a) General program operations	GPR	A	417,000	427,400
(b) Awards for victims of crimes	GPR	A	930,000	930,000
(c) Reimbursement for victim and witness services	GPR	A	587,200	587,200
(g) Crime victim and witness assistance surcharge	PR	A	985,700	985,700
(h) Crime victim compensation services	PR	A	29,200	29,200
(m) Federal aid; victim compensation	PR-F	C	285,300	285,300
(mh) Federal aid; victim assistance	PR-F	C	800,000	800,000
(5) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			1,934,200	1,944,600
PROGRAM REVENUE			2,100,200	2,100,200
FEDERAL			(1,085,300)	(1,085,300)
OTHER			(1,014,900)	(1,014,900)
TOTAL-ALL SOURCES			4,034,400	4,044,800

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1987-88

1988-89

(6) Prosecutors Council						Vetoed in Part		
(a) Services for prosecutors council								
				GPR	E		-0-	11,400
				(6) PROGRAM TOTALS			-0-	11,400
GENERAL PURPOSE REVENUES							-0-	11,400
TOTAL-ALL SOURCES							-0-	11,400
20.455 DEPARTMENT TOTALS								
GENERAL PURPOSE REVENUES							21,588,100	21,594,600
PROGRAM REVENUE							10,061,900	10,582,600
FEDERAL				(			1,566,700)	(1,831,100)
OTHER				(		7,649,800)	(7,932,100)	
SERVICE				(		845,400)	(819,400)	
TOTAL-ALL SOURCES						31,650,000	32,177,200	

20.465 Military affairs, department of

(1) NATIONAL GUARD OPERATIONS

(a) General program operations	GPR	A	3,170,600	3,178,400
(b) Repair and maintenance	GPR	A	186,700	186,700
(c) Public emergencies	GPR	S	50,000	50,000
(d) Principal repayment and interest	GPR	S	427,600	415,100
(e) State service flags	GPR	A	400	400
(f) Fuel and utilities	GPR	A	1,086,000	1,100,600
(g) Military property	PR	A	85,000	60,000
(k) Armory store operations	PR-S	A	200,000	200,000
(m) Federal aid	PR-F	C	5,426,600	5,562,700
(q) Helicopter medical services and transportation	SEG	A	60,800	60,800
			(1) PROGRAM TOTALS	
GENERAL PURPOSE REVENUES			4,921,300	4,931,200
PROGRAM REVENUE			5,711,600	5,822,700
FEDERAL			(5,426,600)	(5,562,700)
OTHER			(85,000)	(60,000)
SERVICE			(200,000)	(200,000)
SEGREGATED FUNDS			60,800	60,800
OTHER			(60,800)	(60,800)
TOTAL-ALL SOURCES			10,693,700	10,814,700

(2) GUARD MEMBERS' BENEFITS

(a) Tuition grants	GPR	A	20,000	20,000
			(2) PROGRAM TOTALS	
GENERAL PURPOSE REVENUES			20,000	20,000
TOTAL-ALL SOURCES			20,000	20,000

20.465 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			4,941,300	4,951,200
PROGRAM REVENUE			5,711,600	5,822,700
FEDERAL			(5,426,600)	(5,562,700)
OTHER			(85,000)	(60,000)
SERVICE			(200,000)	(200,000)
SEGREGATED FUNDS			60,800	60,800
OTHER			(60,800)	(60,800)
TOTAL-ALL SOURCES			10,713,700	10,834,700

~~20.475 Prosecutors Council~~

~~(1) PROSECUTOR SERVICES~~

(a) General program operations						Vetoed in Part	
				GPR	B		-0-	30,100
(b) Salaries and expenses							
				GPR	B	-0-	57,700
20.475 DEPARTMENT TOTALS							
GENERAL PURPOSE REVENUES						-0-	87,800
TOTAL-ALL SOURCES						-0-	87,800

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
20.485 Veterans affairs, department of				
(1) HOME FOR VETERANS				
(b) General fund supplement to institutional operations	GPR	B	3,017,600	3,008,400
(c) Fuel and utilities	GPR	A	619,800	630,600
(d) Cemetery maintenance and beautification	GPR	A	24,900	24,900
(e) Lease rental payments	GPR	S	22,200	22,200
(f) Principal repayment and interest	GPR	S	430,800	411,600
(fa) Geriatric program	GPR	A	171,200	171,200
(g) Home exchange	PR	A	142,400	142,400
(gk) Institutional operations	PR	A	16,662,100	16,642,500
(h) Gifts and bequests	PR	C	141,900	141,900
(hm) Gifts and grants	PR	C	-0-	-0-
(i) Prepaid care	PR	A	-0-	-0-
(j) Geriatric program receipts	PR	C	-0-	-0-
(m) Federal aid; care at veterans home	PR-F	C	-0-	-0-
(mj) Federal aid; geriatric unit	PR-F	C	-0-	-0-
(mn) Federal projects	PR-F	C	-0-	-0-
(u) Rentals; improvements; equipment; land acquisition	SEG	A	-0-	-0-
(1) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			4,286,500	4,268,900
PROGRAM REVENUE			16,946,400	16,926,800
FEDERAL	(		-0-)	(-0-)
OTHER	(		16,946,400)	(16,926,800)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			21,232,900	21,195,700
(2) LOANS AND AIDS TO VETERANS				
(db) General fund supplement to veterans trust fund	GPR	A	965,100	716,700
(m) Federal aid projects	PR-F	C	-0-	-0-
(q) Vietnam veteran educational grants	SEG	A	127,500	108,400
(s) Veterans memorial grants	SEG	C	600,000	-0-
(u) Administration of loans and aids to veterans	SEG	A	1,952,000	1,962,100
(v) Memorial hall sales receipts	SEG	C	15,000	15,000
(vm) Veterans aids and treatment	SEG	A	1,333,400	1,330,000
(vn) Grants to veterans organizations	SEG	A	300,000	300,000
(vw) Payments to veterans organizations for claims service	SEG	A	48,000	48,000
(vx) County grants	SEG	A	84,000	84,000
(w) Home for needy veterans	SEG	C	5,000	5,000
(wd) Operation of memorial hall	SEG	A	66,500	66,500
(y) Veterans loans and expense	SEG	A	5,010,100	5,523,500
(z) Gifts	SEG	C	-0-	-0-
(2) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			965,100	716,700
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(-0-)
SEGREGATED FUNDS			9,541,500	9,442,500
OTHER	(		9,541,500)	(9,442,500)
TOTAL-ALL SOURCES			10,506,600	10,159,200

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(3) SELF-AMORTIZING MORTGAGE LOANS FOR VETERANS				
(b) Self insurance	GPR	S	-0-	-0-
(e) General program deficiency	GPR	S	-0-	-0-
(q) Foreclosure loss payments	SEG	C	800,000	800,000
(r) Funded reserves	SEG	C	50,000	50,000
(rm) Other reserves	SEG	C	14,371,000	12,197,000
(s) General program operations	SEG	A	1,868,400	1,872,200
(sm) County grants	SEG	A	84,000	84,000
(t) Debt service	SEG	C	129,816,700	129,414,300
(u) Revenue obligation supplement	SEG	C	-0-	-0-
(v) Revenue obligation repayment	SEG	C	-0-	-0-
(3) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			-0-	-0-
SEGREGATED FUNDS			146,990,100	144,417,500
OTHER	(		146,990,100)	(144,417,500)
TOTAL-ALL SOURCES			146,990,100	144,417,500
2 0 . 4 8 5 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			5,251,600	4,985,600
PROGRAM REVENUE			16,946,400	16,926,800
FEDERAL	(		-0-)	(-0-)
OTHER	(		16,946,400)	(16,926,800)
SEGREGATED FUNDS			156,531,600	153,860,000
OTHER	(		156,531,600)	(153,860,000)
TOTAL-ALL SOURCES			178,729,600	175,772,400
20.490 Wisconsin housing and economic development authority				
(1) FACILITATION OF CONSTRUCTION OF HOUSING				
(a) Capital reserve fund deficiency	GPR	C	-0-	-0-
(1) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-
(2) HOUSING REHABILITATION LOAN PROGRAM				
(a) General program operations	GPR	C	-0-	-0-
(q) Loan loss reserve fund	SEG	C	-0-	-0-
(2) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			-0-	-0-
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
(3) AGRICULTURAL PRODUCTION LOAN GUARANTEE				
(a) Agricultural production loan fund	GPR	C	-0-	-0-
(b) Agricultural production loan interest reduction	GPR	C	-0-	-0-
(3) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-
(4) DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE				
(g) Disadvantaged business mobilization loan guarantee	PR	C	-0-	-0-
(4) P R O G R A M T O T A L S				
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
2 0 . 4 9 0 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-

Human Relations and Resources

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES			1,408,119,500	1,468,254,100
PROGRAM REVENUE			1,831,749,200	1,879,625,400
FEDERAL	(		1,501,074,800)	(1,546,049,000)
OTHER	(		280,986,700)	(283,451,200)
SERVICE	(		49,687,700)	(50,125,200)
SEGREGATED FUNDS			159,233,200	164,027,000
FEDERAL	(		-0-)	(-0-)
OTHER	(		159,233,200)	(164,027,000)
SERVICE	(		-0-)	(-0-)
LOCAL	(		-0-)	(-0-)
TOTAL-ALL SOURCES			3,399,101,900	3,511,906,500

General Executive

20.505 Administration, department of

(1) SUPERVISION AND MANAGEMENT

(a) General program operations	GPR	A	12,181,400	12,004,400
(b) Midwest interstate low-level radioactive waste compact; loan from gen. fund	GPR	C	15,900	19,500
(d) Energy development and demonstration fund	GPR	A	-0-	-0-
(g) Midwest interstate low-level radioactive waste compact; membership & costs	PR	A	49,800	60,700
(i) Services to nonstate governmental units	PR	A	-0-	-0-
(im) Services to nonstate governmental units	PR	A	1,240,400	1,217,800
(j) Gifts and donations	PR	C	-0-	-0-
(jm) Acid deposition activities	PR	A	46,000	46,000
(ka) Materials and services to state agencies	PR-S	A	6,111,600	5,939,900
(kb) Fleet services	PR-S	A	9,683,500	6,940,100
(kc) Building construction services	PR-S	A	2,448,800	2,448,800
(kd) Printing services	PR-S	A	4,794,600	4,794,600
(ke) State telecommunications system	PR-S	A	16,413,200	17,467,200
(kg) Records, microfilm and forms services	PR-S	A	1,244,200	1,099,400
(kh) Records storage and microfilm service	PR-S	A	-0-	-0-
(ki) Risk management	PR-S	A	1,908,000	1,908,000
(ma) Federal grants and contracts	PR-F	C	-0-	-0-
(mb) Federal energy grants and contracts	PR-F	C	1,024,700	1,024,700
(mc) Coastal zone management	PR-F	C	910,000	910,000
(md) Oil overcharge restitution funds	PR-F	C	4,056,100	300,000
(n) Federal aid; local assistance	PR-F	C	-0-	-0-
(pz) Indirect cost reimbursements	PR-F	C	97,500	97,500
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			12,197,300	12,023,900

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
PROGRAM REVENUE			50,028,400	44,254,700
FEDERAL	(		6,088,300)	(2,332,200)
OTHER	(		1,336,200)	(1,324,500)
SERVICE	(		42,603,900)	(40,598,000)
TOTAL-ALL SOURCES			62,225,700	56,278,600
(2) EMERGENCY GOVERNMENT SERVICES				
(a) General program operations	GPR	A	636,200	636,200
(e) Disaster recovery aid	GPR	C	1,030,000	5,500
(g) Program services	PR	A	390,100	398,200
(m) Federal aid, state operations	PR-F	C	1,365,500	1,365,500
(n) Federal aid, local assistance	PR-F	C	1,391,200	1,391,200
(o) Federal aid, individuals and organizations	PR-F	C	22,000	22,000
(q) Civil air patrol aids	SEG	A	19,000	19,000
(2) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			1,666,200	641,700
PROGRAM REVENUE			3,168,800	3,176,900
FEDERAL	(		2,778,700)	(2,778,700)
OTHER	(		390,100)	(398,200)
SEGREGATED FUNDS			19,000	19,000
OTHER	(		19,000)	(19,000)
TOTAL-ALL SOURCES			4,854,000	3,837,600
(3) COMMITTEES AND INTERSTATE BODIES				
(a) General program operations	GPR	A	139,200	174,200
(b) Women's council operations	GPR	A	225,300	296,300
(e) Mediation office operations	GPR	A	-0-	-0-
(g) Gifts and grants	PR	C	-0-	-0-
(h) Program fees	PR	A	6,100	6,100
(m) Federal aid	PR-F	C	-0-	-0-
(3) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			364,500	470,500
PROGRAM REVENUE			6,100	6,100
FEDERAL	(		-0-)	(-0-)
OTHER	(		6,100)	(6,100)
TOTAL-ALL SOURCES			370,600	476,600
(4) ATTACHED DIVISIONS, BOARDS AND COMMISSIONS				
(a) Adjudication of tax appeals	GPR	A	527,900	535,400
(b) Adjudication of equalization appeals	GPR	S	-0-	-0-
(c) Claims board; general program operations	GPR	A	24,500	24,500
(d) Claims awards	GPR	S	54,400	18,800
(dm) Sentencing commission; general program operations	GPR	A	199,800	199,800
(ea) Radioactive waste review board operations	GPR	A	153,400	153,400
(eb) Waste facility siting board administrative expenses	GPR	A	75,000	75,000
(f) Hearings and appeals operations	GPR	A	232,400	232,400
(g) Gifts and grants	PR	C	-0-	-0-
(gm) Sentencing commission; gifts and grants	PR	C	-0-	-0-
(h) Program services	PR	A	26,000	26,000
(m) Federal aid	PR-F	C	-0-	-0-
(mm) Sentencing commission; federal aid	PR-F	C	-0-	-0-
(4) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			1,267,400	1,239,300

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
PROGRAM REVENUE			26,000	26,000
FEDERAL	(		-0-)	(-0-)
OTHER	(		26,000)	(26,000)
TOTAL-ALL SOURCES			1,293,400	1,265,300
(5) FACILITIES MANAGEMENT				
(ka) Facility operations and maintenance	PR-S	A	17,051,400	17,051,400
(kb) Lease rental payments	PR-S	C	137,000	137,000
(kc) Principal repayment, interest and rebates	PR-S	C	6,403,800	6,146,400
(5) P R O G R A M			T O T A L S	
PROGRAM REVENUE			23,592,200	23,334,800
SERVICE	(		23,592,200)	(23,334,800)
TOTAL-ALL SOURCES			23,592,200	23,334,800
(6) OFFICE OF JUSTICE ASSISTANCE				
(a) General program operations	GPR	A	-0-	270,800
(g) Anti-drug enforcement program, aids and local assistance	PR	C	-0-	449,600
(h) Anti-drug enforcement program, state operations	PR	C	-0-	596,100
(k) Interagency and intra-agency assistance	PR-S	C	-0-	110,000
(m) Federal aid, planning and administration, state operations	PR-F	C	-0-	139,700
(o) Federal aid, criminal justice improvement projects, state operations	PR-F	C	-0-	27,600
(p) Federal aid, criminal justice improvement projects, local assistance	PR-F	C	-0-	1,021,900
(pa) Federal aid, criminal justice improvement projects, aid to organizations	PR-F	C	-0-	181,800
(pb) Federal aid, anti-drug enforcement program, aids and local assistance	PR-F	C	-0-	2,248,100
(pc) Federal aid, anti-drug enforcement program, state operations	PR-F	C	-0-	1,215,900
(6) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			-0-	270,800
PROGRAM REVENUE			-0-	5,990,700
FEDERAL	(		-0-)	(4,835,000)
OTHER	(		-0-)	(1,045,700)
SERVICE	(		-0-)	(110,000)
TOTAL-ALL SOURCES			-0-	6,261,500
2 0 . 5 0 5 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			15,495,400	14,646,200
PROGRAM REVENUE			76,821,500	76,789,200
FEDERAL	(		8,867,000)	(9,945,900)
OTHER	(		1,758,400)	(2,800,500)
SERVICE	(		66,196,100)	(64,042,800)
SEGREGATED FUNDS			19,000	19,000
OTHER	(		19,000)	(19,000)
TOTAL-ALL SOURCES			92,335,900	91,454,400

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
20.510 Elections board				
(1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS				
(a) General program operations	GPR	B	442,200	400,600
(g) Recount fees	PR	C	-0-	-0-
(q) Wisconsin election campaign fund	SEG	C	100,000	1,400,000
2 0 . 5 1 0 D E P A R T M E N T			T O T A L S	
GENERAL PURPOSE REVENUES			442,200	400,600
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	-0-)
SEGREGATED FUNDS			100,000	1,400,000
OTHER	(		100,000)	1,400,000)
TOTAL-ALL SOURCES			542,200	1,800,600

20.512 Employment relations, department of

(1) EMPLOYMENT RELATIONS				
(a) General program operations	GPR	A	4,359,200	4,385,400
(b) Day care services	GPR	A	47,300	23,200
(i) Services to nonstate governmental units	PR	A	96,900	100,400
(j) Gifts and donations	PR	C	-0-	-0-
(k) Employee development and training services	PR-S	A	722,900	723,000
(ka) Publications	PR-S	A	90,000	90,000
(m) Federal grants and contracts	PR-F	C	-0-	-0-
(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-

(1) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			4,406,500	4,408,600
PROGRAM REVENUE			909,800	913,400
FEDERAL	(		-0-)	-0-)
OTHER	(		96,900)	100,400)
SERVICE	(		812,900)	813,000)
TOTAL-ALL SOURCES			5,316,300	5,322,000

(2) AFFIRMATIVE ACTION COUNCIL

(a) General program operations	GPR	A	8,700	8,700
(j) Gifts and donations	PR	C	-0-	-0-
(m) Federal grants and contracts	PR-F	C	-0-	-0-

(2) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			8,700	8,700
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	-0-)
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			8,700	8,700

2 0 . 5 1 2 D E P A R T M E N T T O T A L S

GENERAL PURPOSE REVENUES			4,415,200	4,417,300
PROGRAM REVENUE			909,800	913,400
FEDERAL	(		-0-)	-0-)
OTHER	(		96,900)	100,400)
SERVICE	(		812,900)	813,000)
TOTAL-ALL SOURCES			5,325,000	5,330,700

20.515 Employee trust funds, department of

(1) EMPLOYE BENEFIT PLANS

(a) Annuity supplements and payments	GPR	S	1,282,700	1,189,300
(b) Reimbursement account plan; general program operations	GPR	A	-0-	100,400
(c) Contingencies	GPR	S	-0-	-0-
(t) Automated operating system	SEG	C	-0-	-0-
(w) Administration	SEG	A	6,859,000	6,898,700

Vetoed in Part

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1987-88	1988-89
20.515 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		1,282,700	1,298,700
SEGREGATED FUNDS		6,859,000	6,898,700
OTHER	(	6,859,000)	(6,898,700)
TOTAL-ALL SOURCES		8,141,700	8,197,400
20.521 Ethics board			
(1) CODE OF ETHICS			
(a) General program operations	GPR A	138,700	152,700
(g) Gifts and grants	PR C	-0-	-0-
20.521 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		138,700	152,700
PROGRAM REVENUE		-0-	-0-
OTHER	(	-0-)	(-0-)
TOTAL-ALL SOURCES		138,700	152,700
20.525 Office of the governor			
(1) EXECUTIVE ADMINISTRATION			
(a) General program operations	GPR S	1,473,300	1,450,500
(b) Contingent fund	GPR S	21,700	21,700
(c) Membership in national associations	GPR S	78,800	84,300
(d) Disability board	GPR S	-0-	-0-
(i) Gifts and grants	PR C	-0-	-0-
(m) Federal aid	PR-F C	-0-	-0-
(1) PROGRAM TOTALS			
GENERAL PURPOSE REVENUES		1,573,800	1,556,500
PROGRAM REVENUE		-0-	-0-
FEDERAL	(	-0-)	(-0-)
OTHER	(	-0-)	(-0-)
TOTAL-ALL SOURCES		1,573,800	1,556,500
(2) EXECUTIVE RESIDENCE			
(a) General program operations	GPR S	132,600	132,600
(2) PROGRAM TOTALS			
GENERAL PURPOSE REVENUES		132,600	132,600
TOTAL-ALL SOURCES		132,600	132,600
20.525 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		1,706,400	1,689,100
PROGRAM REVENUE		-0-	-0-
FEDERAL	(	-0-)	(-0-)
OTHER	(	-0-)	(-0-)
TOTAL-ALL SOURCES		1,706,400	1,689,100
20.536 Investment board			
(1) INVESTMENT OF FUNDS			
(k) General program operations	PR-S A	3,139,800	3,638,500
(ka) General program operations; clean water fund	PR C	-0-	-0-
20.536 DEPARTMENT TOTALS			
PROGRAM REVENUE		3,139,800	3,638,500
OTHER	(	-0-)	(-0-)
SERVICE	(	3,139,800)	(3,638,500)
TOTAL-ALL SOURCES		3,139,800	3,638,500
20.540 Office of the lieutenant governor			
(1) EXECUTIVE COORDINATION			
(a) General program operations	GPR A	295,000	305,000
(g) Gifts, grants and proceeds	PR C	-0-	-0-
(m) Federal aid	PR-F C	-0-	-0-
20.540 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		295,000	305,000
PROGRAM REVENUE		-0-	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
FEDERAL	(		-0-)	(-0-)
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			295,000	305,000

20.546 Personnel board

(1) PERSONNEL REGULATION

(a) General program operations	GPR	A	4,000	4,000
20.546 DEPARTMENT			TOTALS	
GENERAL PURPOSE REVENUES			4,000	4,000
TOTAL-ALL SOURCES			4,000	4,000

20.547 Personnel commission

(1) REVIEW OF PERSONNEL DECISIONS

(a) General program operations	GPR	A	496,800	499,800
(m) Federal aid	PR-F	C	-0-	-0-
20.547 DEPARTMENT			TOTALS	
GENERAL PURPOSE REVENUES			496,800	499,800
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(-0-)
TOTAL-ALL SOURCES			496,800	499,800

20.550 Public defender board

(1) LEGAL ASSISTANCE

(a) Program administration	GPR	A	462,000	469,300
(b) Appellate representation	GPR	A	1,803,000	1,826,500
(c) Trial representation	GPR	A	13,673,500	14,156,500
(d) Private bar and investigator reimbursement	GPR	A	9,015,800	8,799,400
(g) Gifts and grants	PR	C	-0-	-0-
(h) Contractual agreements	PR-S	A	-0-	-0-
(m) Federal aid	PR-F	C	-0-	-0-
20.550 DEPARTMENT			TOTALS	
GENERAL PURPOSE REVENUES			24,954,300	25,251,700
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(-0-)
OTHER	(		-0-)	(-0-)
SERVICE	(		-0-)	(-0-)
TOTAL-ALL SOURCES			24,954,300	25,251,700

20.566 Revenue, department of

(1) COLLECTION OF STATE TAXES

(a) General program operations	GPR	A	29,027,700	29,008,400
(g) Administration of county sales and use taxes	PR	A	343,700	343,700
(h) Debt collection	PR	A	100,000	100,000
(ha) Administration of liquor tax	PR	A	293,900	294,000
(hm) Collections from nonresidents	PR	S	350,000	350,000
(hp) Administration of endangered resources voluntary payments	PR	A	16,900	16,900
(hq) Delinquent tax collection fees	PR	C	262,600	293,000
(i) Gifts and grants	PR	C	-0-	-0-
(m) Federal funds; state operations	PR-F	C	-0-	-0-
(u) Motor fuel tax administration	SEG	A	764,200	764,200
(1) PROGRAM			TOTALS	
GENERAL PURPOSE REVENUES			29,027,700	29,008,400
PROGRAM REVENUE			1,367,100	1,397,600
FEDERAL	(		-0-)	(-0-)
OTHER	(		1,367,100)	(1,397,600)
SEGREGATED FUNDS			764,200	764,200
OTHER	(		764,200)	(764,200)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
TOTAL-ALL SOURCES			31,159,000	31,170,200
(2) STATE AND LOCAL FINANCE				
(a) General program operations	GPR	A	7,428,700	7,442,100
(c) Assessor education program	GPR	A	-0-	-0-
(gi) Municipal finance report compliance	PR	A	40,000	40,000
(h) Reassessments	PR	A	329,300	131,400
(hi) Wisconsin property assessment manual	PR	A	126,400	76,900
(i) Gifts and grants	PR	C	-0-	-0-
(m) Federal funds; state operations	PR-F	C	-0-	-0-
(q) Railroad and air carrier tax administration	SEG	A	55,600	55,600
(2) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			7,428,700	7,442,100
PROGRAM REVENUE			495,700	248,300
FEDERAL	(		-0-)	(-0-)
OTHER	(		495,700)	(248,300)
SEGREGATED FUNDS			55,600	55,600
OTHER	(		55,600)	(55,600)
TOTAL-ALL SOURCES			7,980,000	7,746,000
(3) ADMINISTRATIVE SERVICES				
(a) General program operations	GPR	A	9,979,600	9,914,000
(c) Expert professional services	GPR	A	10,000	10,000
(g) Services	PR	A	55,000	55,000
(gm) Reciprocity agreement and publications	PR	A	49,200	39,600
(gp) Data processing costs for endangered resources voluntary payments	PR	A	10,000	10,000
(i) Gifts and grants	PR	C	-0-	-0-
(m) Federal funds; state operations	PR-F	C	-0-	-0-
(3) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			9,989,600	9,924,000
PROGRAM REVENUE			114,200	104,600
FEDERAL	(		-0-)	(-0-)
OTHER	(		114,200)	(104,600)
TOTAL-ALL SOURCES			10,103,800	10,028,600
(7) INVESTMENT AND LOCAL IMPACT FUND				
(a) Investment and local impact fund administrative expenses	GPR	A	-0-	-0-
(e) Investment and local impact fund supplement	GPR	A	100,000	-0-
(n) Federal mining revenue	PR-F	C	-0-	-0-
(v) Investment and local impact fund	SEG	C	-0-	-0-
(7) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			100,000	-0-
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(-0-)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			100,000	-0-
(8) PROPERTY TAX DEFERRAL				
(q) Program administration	SEG	A	73,100	73,100
(w) Revenue obligation repayment	SEG	C	-0-	-0-
(wa) Elderly property tax deferral				

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
loans	SEG S		-0-	-0-
	(8) PROGRAM	TOTALS		
SEGREGATED FUNDS			73,100	73,100
OTHER	(		73,100)	73,100)
TOTAL-ALL SOURCES			73,100	73,100
20.566 DEPARTMENT		TOTALS		
GENERAL PURPOSE REVENUES			46,546,000	46,374,500
PROGRAM REVENUE			1,977,000	1,750,500
FEDERAL	(		-0-)	-0-)
OTHER	(		1,977,000)	1,750,500)
SEGREGATED FUNDS			892,900	892,900
OTHER	(		892,900)	892,900)
TOTAL-ALL SOURCES			49,415,900	49,017,900

20.575 Secretary of state**(1) MANAGING AND OPERATING PROGRAM RESPONSIBILITIES**

(a) General program operations	GPR	A	735,000	795,200
(g) Program fees	PR	A	655,100	591,900
(gb) Expedited service and telephone application for reservation of name	PR	A	57,800	70,500
(h) Search fees	PR	A	126,300	121,600
(i) Uniform commercial code statewide lien system fees	PR	A	22,700	22,700
(ka) Agency collections	PR-S	A	47,400	47,400

20.575 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			735,000	795,200
PROGRAM REVENUE			909,300	854,100
OTHER	(		861,900)	806,700)
SERVICE	(		47,400)	47,400)
TOTAL-ALL SOURCES			1,644,300	1,649,300

20.585 Treasurer, state**(1) CUSTODIAN OF STATE FUNDS**

(a) General program operations	GPR	A	425,500	425,500
(b) Insurance	GPR	A	-0-	-0-
(e) Unclaimed property; contingency appropriation	GPR	S	-0-	-0-
(g) Processing services	PR	A	33,400	33,400
(j) Unclaimed property; claims and administrative expenses	PR	C	100,500	100,500
(jm) Credit card use charges	PR	C	-0-	-0-

20.585 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			425,500	425,500
PROGRAM REVENUE			133,900	133,900
OTHER	(		133,900)	133,900)
TOTAL-ALL SOURCES			559,400	559,400

General Executive Functions**FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES			96,937,200	96,260,300
PROGRAM REVENUE			83,891,300	84,079,600
FEDERAL	(		8,867,000)	9,945,900)
OTHER	(		4,828,100)	5,592,000)
SERVICE	(		70,196,200)	68,541,700)
SEGREGATED FUNDS			7,870,900	9,210,600
FEDERAL	(		-0-)	-0-)
OTHER	(		7,870,900)	9,210,600)
SERVICE	(		-0-)	-0-)
LOCAL	(		-0-)	-0-)
TOTAL-ALL SOURCES			188,699,400	189,550,500

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
Judicial				
20.625 Circuit courts				
(1) COURT OPERATIONS				
(a) Circuit courts	GPR	S	26,044,000	27,781,900
(b) Permanent reserve judges	GPR	A	-0-	-0-
(c) Court interpreter fees	GPR	A	-0-	39,200
(d) Multicounty prosecution, county reimbursement	GPR	A	-0-	100,000
(m) Federal aid	PR-F	C	-0-	-0-
(1) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			26,044,000	27,921,100
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(
TOTAL-ALL SOURCES			26,044,000	27,921,100
(3) CHILD CUSTODY HEARINGS AND STUDIES IN OTHER STATES				
(a) General program operations	GPR	S	-0-	-0-
(3) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-
2 0 . 6 2 5 D E P A R T M E N T			T O T A L S	
GENERAL PURPOSE REVENUES			26,044,000	27,921,100
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(
TOTAL-ALL SOURCES			26,044,000	27,921,100
20.645 Judicial council				
(1) ADVISORY SERVICES TO THE COURTS AND LEGISLATURE				
(a) General program operations	GPR	A	108,100	110,800
(m) Federal aid	PR-F	C	-0-	-0-
2 0 . 6 4 5 D E P A R T M E N T			T O T A L S	
GENERAL PURPOSE REVENUES			108,100	110,800
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(
TOTAL-ALL SOURCES			108,100	110,800
20.660 Court of appeals				
(1) APPELLATE PROCEEDINGS				
(a) General program operations	GPR	S	3,289,300	3,342,100
(m) Federal aid	PR-F	C	-0-	-0-
2 0 . 6 6 0 D E P A R T M E N T			T O T A L S	
GENERAL PURPOSE REVENUES			3,289,300	3,342,100
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(
TOTAL-ALL SOURCES			3,289,300	3,342,100
20.665 Judicial commission				
(1) JUDICIAL CONDUCT				
(a) General program operations	GPR	A	112,300	112,300
(cm) Contractual agreements	GPR	A	33,400	33,400
(mm) Federal aid	PR-F	C	-0-	-0-
2 0 . 6 6 5 D E P A R T M E N T			T O T A L S	
GENERAL PURPOSE REVENUES			145,700	145,700
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(
TOTAL-ALL SOURCES			145,700	145,700
20.680 Supreme court				
(1) SUPREME COURT PROCEEDINGS				
(a) General program operations	GPR	S	2,092,400	2,107,600
(m) Federal aid	PR-F	C	-0-	-0-
(1) P R O G R A M			T O T A L S	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
GENERAL PURPOSE REVENUES			2,092,400	2,107,600
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	-0-)
TOTAL-ALL SOURCES			2,092,400	2,107,600
(2) DIRECTOR OF STATE COURTS				
(a) General program operations	GPR	A	3,041,900	3,375,300
(b) Judicial planning and research	GPR	A	-0-	20,000
(g) Gifts and grants	PR	C	-0-	-0-
(h) Materials and services	PR	A	16,500	17,500
(i) Municipal judge training	PR	A	55,400	55,400
(k) Data processing services	PR-S	A	31,200	31,200
(m) Federal aid	PR-F	C	-0-	-0-
(qm) Mediation fund	SEG	C	570,700	570,700
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			3,041,900	3,395,300
PROGRAM REVENUE			103,100	104,100
FEDERAL	(		-0-)	-0-)
OTHER	(		71,900)	72,900)
SERVICE	(		31,200)	31,200)
SEGREGATED FUNDS			570,700	570,700
OTHER	(		570,700)	570,700)
TOTAL-ALL SOURCES			3,715,700	4,070,100
(3) PROFESSIONAL COMPETENCE AND RESPONSIBILITY				
(g) Board of attorneys professional competence	PR	C	209,400	209,400
(h) Board of attorneys professional responsibility	PR	C	676,800	676,800
(3) PROGRAM TOTALS				
PROGRAM REVENUE			886,200	886,200
OTHER	(		886,200)	886,200)
TOTAL-ALL SOURCES			886,200	886,200
(4) LAW LIBRARY				
(a) General program operations	GPR	A	553,700	552,100
(g) Library collections and services	PR	A	35,600	35,600
(h) Gifts and grants	PR	C	-0-	-0-
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			553,700	552,100
PROGRAM REVENUE			35,600	35,600
OTHER	(		35,600)	35,600)
TOTAL-ALL SOURCES			589,300	587,700
20.680 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			5,688,000	6,055,000
PROGRAM REVENUE			1,024,900	1,025,900
FEDERAL	(		-0-)	-0-)
OTHER	(		993,700)	994,700)
SERVICE	(		31,200)	31,200)
SEGREGATED FUNDS			570,700	570,700
OTHER	(		570,700)	570,700)
TOTAL-ALL SOURCES			7,283,600	7,651,600
Judicial				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			35,275,100	37,574,700
PROGRAM REVENUE			1,024,900	1,025,900
FEDERAL	(		-0-)	-0-)
OTHER	(		993,700)	994,700)
SERVICE	(		31,200)	31,200)
SEGREGATED FUNDS			570,700	570,700

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
FEDERAL	(		-0-)	(-0-)
OTHER	(		570,700)	(570,700)
SERVICE	(		-0-)	(-0-)
LOCAL	(		-0-)	(-0-)
TOTAL-ALL SOURCES			36,870,700	39,171,300

Legislative

20.765 Legislature

(1) ENACTMENT OF STATE LAWS

(a) General program operations-- assembly	GPR	S	10,929,500	10,956,100
(b) General program operations-- senate	GPR	S	7,443,700	7,380,300
(c) Contingent expenses	GPR	B	12,500	12,500
(d) Legislative documents	GPR	S	2,962,000	3,906,400

(1) P R O G R A M T O T A L S

GENERAL PURPOSE REVENUES	21,347,700	22,255,300
TOTAL-ALL SOURCES	21,347,700	22,255,300

(2) SPECIAL STUDY GROUPS

(a) Retirement committees	GPR	A	120,700	120,400
(ab) Retirement actuarial studies	GPR	B	6,000	6,000
(b) Commission on uniform state laws	GPR	B	19,100	19,500

(2) P R O G R A M T O T A L S

GENERAL PURPOSE REVENUES	145,800	145,900
TOTAL-ALL SOURCES	145,800	145,900

(3) LEGISLATIVE SERVICE AGENCIES

(a) Revisor of statutes bureau	GPR	B	388,000	388,000
(b) Legislative reference bureau	GPR	B	1,733,300	1,733,300
(c) Legislative audit bureau	GPR	B	2,284,500	2,284,500
(d) Legislative fiscal bureau	GPR	B	1,334,800	1,341,800
(e) Legislative council	GPR	B	1,549,200	1,591,200
(ec) Council contingent expenses	GPR	B	500	1,700
(em) Legislative computer and data processing system	GPR	B	-0-	186,300
(f) Joint committee on legislative organization	GPR	B	-0-	-0-
(fa) Membership in national associations	GPR	S	145,300	153,500
(g) Gifts and grants to service agencies	PR	C	-0-	-0-
(ka) Audit bureau service charges	PR-S	A	429,300	450,500
(m) Federal aid	PR-F	C	-0-	-0-

(3) P R O G R A M T O T A L S

GENERAL PURPOSE REVENUES	7,435,600	7,680,300
PROGRAM REVENUE	429,300	450,500
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(429,300)	(450,500)
TOTAL-ALL SOURCES	7,864,900	8,130,800

20.765 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	28,929,100	30,081,500
PROGRAM REVENUE	429,300	450,500
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(429,300)	(450,500)
TOTAL-ALL SOURCES	29,358,400	30,532,000

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1987-88	1988-89
FUNCTIONAL AREA TOTALS			
GENERAL PURPOSE REVENUES		28,929,100	30,081,500
PROGRAM REVENUE		429,300	450,500
FEDERAL	(	-0-)	(-0-)
OTHER	(	-0-)	(-0-)
SERVICE	(	429,300)	(450,500)
SEGREGATED FUNDS		-0-	-0-
FEDERAL	(	-0-)	(-0-)
OTHER	(	-0-)	(-0-)
SERVICE	(	-0-)	(-0-)
LOCAL	(	-0-)	(-0-)
TOTAL-ALL SOURCES		29,358,400	30,532,000

General Appropriations

20.835 Shared revenue and tax relief

(1) SHARED REVENUE ACCOUNT AND MINIMUM PAYMENTS				
(d) Shared revenue account	GPR	S	779,389,300	791,360,000
(e) Corrections of shared revenue payments	GPR	S	-0-	-0-
		(1) P R O G R A M	T O T A L S	
GENERAL PURPOSE REVENUES			779,389,300	791,360,000
TOTAL-ALL SOURCES			779,389,300	791,360,000
(2) TAX RELIEF				
(b) Claim of right credit	GPR	S	-0-	-0-
(bm) Omitted personal property	GPR	S	-0-	-0-
(c) Homestead tax credit	GPR	S	103,300,000	126,300,000
(dm) Farm property tax credit	GPR	S	37,500,000	49,245,000
(ep) Cigarette tax refunds	GPR	S	3,100,000	3,200,000
(eq) Sales tax refunds	GPR	S	-0-	-0-
		(2) P R O G R A M	T O T A L S	
GENERAL PURPOSE REVENUES			143,900,000	178,745,000
TOTAL-ALL SOURCES			143,900,000	178,745,000
(3) STATE PROPERTY TAX CREDITS				
(a) General government tax credit	GPR	S	146,696,100	145,680,000
(b) School levy tax credit	GPR	S	172,545,700	173,625,000
(d) Corrections of state property tax credit payments	GPR	S	-0-	-0-
		(3) P R O G R A M	T O T A L S	
GENERAL PURPOSE REVENUES			319,241,800	319,305,000
TOTAL-ALL SOURCES			319,241,800	319,305,000
(4) COUNTY TAXES				
(g) County taxes	PR	C	-0-	-0-
		(4) P R O G R A M	T O T A L S	
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
(5) PAYMENTS IN LIEU OF TAXES				
(a) Payments for municipal services	GPR	A	10,900,000	12,150,000
		(5) P R O G R A M	T O T A L S	
GENERAL PURPOSE REVENUES			10,900,000	12,150,000
TOTAL-ALL SOURCES			10,900,000	12,150,000
20.835 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,253,431,100	1,301,560,000
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			1,253,431,100	1,301,560,000

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
20.855 Miscellaneous appropriations				
(1) CASH MANAGEMENT EXPENSES; INTEREST AND PRINCIPAL REPAYMENT				
(a) Obligation on operating notes	GPR	S	8,400,000	11,300,000
(b) Operating note expenses	GPR	S	125,000	125,000
(c) Interest payments to program revenue accounts	GPR	S	-0-	-0-
(d) Interest payments to segregated funds	GPR	S	-0-	-0-
(e) Interest on prorated local government payments	GPR	S	-0-	-0-
(q) Redemption of operating notes	SEG	S	-0-	-0-
(r) Interest payments to general fund	SEG	S	-0-	-0-
(1) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			8,525,000	11,425,000
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			8,525,000	11,425,000
(4) TAX AND ASSISTANCE PAYMENTS				
(a) Interest on overpayment of taxes	GPR	S	300,000	300,000
(b) Election campaign payments	GPR	S	396,700	400,000
(c) Minnesota income tax reciprocity	GPR	S	18,421,000	19,500,000
(ca) Minnesota income tax reciprocity bench mark	GPR	A	-0-	-0-
(f) County assessment aid	GPR	S	590,000	595,000
(fa) General fund loan to the investment and local impact fund board	GPR	C	-0-	-0-
(fc) Badger state games assistance	GPR	A	35,000	-0-
(q) Terminal tax distribution	SEG	S	1,035,000	1,056,000
(s) Transfer to conservation fund; motorboat formula	SEG	S	3,991,400	3,786,700
(4) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			19,742,700	20,795,000
SEGREGATED FUNDS			5,026,400	4,842,700
OTHER	(		5,026,400)	4,842,700)
TOTAL-ALL SOURCES			24,769,100	25,637,700
(5) STATE HOUSING AUTHORITY RESERVE FUND				
(a) Enhancement of credit of authority debt	GPR	A	-0-	-0-
(5) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-
(6) MISCELLANEOUS RECEIPTS				
(g) Gifts and grants	PR	C	-0-	-0-
(h) Vehicle and aircraft receipts	PR	A	-0-	-0-
(i) Miscellaneous program revenue	PR	A	-0-	-0-
(j) Custody accounts	PR	C	-0-	-0-
(m) Federal aid	PR-F	C	-0-	-0-
(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
(6) P R O G R A M			T O T A L S	
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	-0-)
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			-0-	-0-
(7) DEBT COLLECTIONS				
(j) Delinquent support payments	PR	C	-0-	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(7) PROGRAM TOTALS				
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			-0-	-0-
(8) DATA PROCESSING SERVICE CENTERS				
(k) Wilson street regional data processing service center	PR-S	A	17,254,000	17,280,900
(ka) Hill farms regional data processing service center	PR-S	A	20,336,400	17,776,600
(kb) GEF regional data processing service center	PR-S	A	-0-	-0-
(8) PROGRAM TOTALS				
PROGRAM REVENUE			37,590,400	35,057,500
SERVICE	(		37,590,400)	(35,057,500)
TOTAL-ALL SOURCES			37,590,400	35,057,500
20.855 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			28,267,700	32,220,000
PROGRAM REVENUE			37,590,400	35,057,500
FEDERAL	(		-0-)	(-0-)
OTHER	(		-0-)	(-0-)
SERVICE	(		37,590,400)	(35,057,500)
SEGREGATED FUNDS			5,026,400	4,842,700
OTHER	(		5,026,400)	(4,842,700)
TOTAL-ALL SOURCES			70,884,500	72,120,200
20.865 Program supplements				
(1) EMPLOYE COMPENSATION AND SUPPORT				
(a) Judgments and legal expenses	GPR	S	50,000	50,000
(c) Compensation and related adjustments	GPR	S	-0-	-0-
(ci) University system faculty and academic pay adjustments	GPR	S	-0-	-0-
(cq) Specified pay adjustments	GPR	S	-0-	-0-
(d) Employer fringe benefit costs	GPR	S	-0-	-0-
(dm) Risk management--worker's compensation	GPR	S	6,722,400	7,412,500
(f) Risk management--state property	GPR	S	2,610,400	2,755,900
(fm) Risk management--liability	GPR	S	2,687,400	2,916,900
(fn) Physically handicapped supplements	GPR	A	6,900	6,900
(g) Judgments and legal expenses; program revenues	PR	S	-0-	-0-
(i) Compensation and related adjustments; program revenues	PR	S	-0-	-0-
(ic) University system employe pay adjustments; program revenues	PR	S	-0-	-0-
(iq) Specified pay adjustments	PR	S	-0-	-0-
(j) Employer fringe benefit costs; program revenues	PR	S	-0-	-0-
(k) Risk management--worker's compensation; program revenues	PR	S	-0-	-0-
(kg) Risk management--state property; program revenues	PR	S	-0-	-0-
(kr) Risk management--liability; program revenues	PR	S	-0-	-0-
(Ln) Physically handicapped supplements; program revenues	PR	S	-0-	-0-
(q) Judgments and legal expenses;			-0-	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(s) segregated revenues	SEG	S	-0-	-0-
(s) Compensation and related adjustments; segregated revenues	SEG	S	-0-	-0-
(si) University system employe pay adjustments; segregated revenues	SEG	S	-0-	-0-
(sq) Specified pay adjustments	SEG	S	-0-	-0-
(t) Employer fringe benefit costs; segregated revenues	SEG	S	-0-	-0-
(u) Risk management--worker's compensation; segregated revenues	SEG	S	-0-	-0-
(ug) Risk management--state property; segregated revenues	SEG	S	-0-	-0-
(ur) Risk management--liability; segregated revenues	SEG	S	-0-	-0-
(vn) Physically handicapped supplements; segregated revenues	SEG	S	-0-	-0-
(1) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			12,077,100	13,142,200
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			12,077,100	13,142,200
(2) C O N T R A C T U A L S E R V I C E S				
(a) Space management supplements	GPR	A	599,900	840,200
(ag) State-owned office rent supplement	GPR	A	461,300	461,300
(d) State deposit fund	GPR	S	-0-	-0-
(e) Maintenance of capitol and executive residence	GPR	A	2,891,300	2,891,300
(eb) Executive residence furnishings replacement	GPR	C	25,000	25,000
(em) Groundwater survey and analysis	GPR	A	231,200	231,200
(g) Space management supplements; program revenues	PR	S	-0-	-0-
(gg) State-owned office rent supplement; program revenues	PR	S	-0-	-0-
(j) State deposit fund; program revenues	PR	S	-0-	-0-
(q) Space management supplements; segregated revenues	SEG	S	-0-	-0-
(qg) State-owned office rent supplement; segregated revenues	SEG	S	-0-	-0-
(t) State deposit fund; segregated revenues	SEG	S	-0-	-0-
(2) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			4,208,700	4,449,000
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			4,208,700	4,449,000

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
(3) TAXES, ASSESSMENTS AND SPECIAL CHARGES				
(a) Property taxes	GPR	S	-0-	-0-
(b) Assessments	GPR	A	450,000	300,000
(g) Property taxes; program revenues	PR	S	-0-	-0-
(h) Assessments; program revenues	PR	S	-0-	-0-
(i) Payments for municipal services; program revenues	PR	S	-0-	-0-
(q) Property taxes; segregated revenues	SEG	S	-0-	-0-
(r) Assessments; segregated revenues	SEG	S	-0-	-0-
(s) Payments for municipal services; segregated revenues	SEG	S	-0-	-0-
(3) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			450,000	300,000
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	-0-
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	-0-
TOTAL-ALL SOURCES			450,000	300,000
(4) JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
(a) General purpose revenue funds general program supplementation	GPR	B	560,200	810,200
(g) Program revenue funds general program supplementation	PR	S	-0-	-0-
(u) Segregated funds general program supplementation	SEG	S	-0-	-0-
(4) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			560,200	810,200
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	-0-
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	-0-
TOTAL-ALL SOURCES			560,200	810,200
(8) SUPPLEMENTATION OF PROGRAM REVENUE AND PROGRAM REV.-SERVICE APPROPRIATIONS				
(g) Supplementation of program revenue and program rev.-service appropriations	PR	S	-0-	-0-
(8) P R O G R A M			T O T A L S	
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	-0-
TOTAL-ALL SOURCES			-0-	-0-
2 0 . 8 6 5 D E P A R T M E N T			T O T A L S	
GENERAL PURPOSE REVENUES			17,296,000	18,701,400
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	-0-
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	-0-
TOTAL-ALL SOURCES			17,296,000	18,701,400
20.866 Public debt				
(1) BOND SECURITY AND REDEMPTION FUND				
(u) Principal repayment and interest	SEG	S	328,677,200	335,789,000
Allocated from agency appropriations	SEG	S	-328,677,200	-335,789,000
NET APPROPRIATION			-0-	-0-
2 0 . 8 6 6 D E P A R T M E N T			T O T A L S	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			-0-	-0-
20.867 Building commission				
(1) STATE OFFICE BUILDINGS				
(a) Principal repayment and interest; housing of state agencies	GPR	S	-0-	-0-
(b) Principal repayment and interest; capitol and executive residence	GPR	S	1,048,100	1,047,700
(1) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			1,048,100	1,047,700
TOTAL-ALL SOURCES			1,048,100	1,047,700
(2) BUILDING TRUST FUND				
(b) Asbestos removal	GPR	A	250,000	350,000
(c) Hazardous materials removal	GPR	A	675,000	675,000
(d) Minimum health and safety maintenance	GPR	A	925,000	925,000
(f) Facilities maintenance and improvement	GPR	C	250,000	700,000
(q) Building trust fund	SEG	C	-0-	-0-
(r) Planning and design	SEG	C	-0-	-0-
(u) Aids for buildings	SEG	C	-0-	-0-
(v) Building program funding contingency	SEG	C	-0-	-0-
(w) Building program funding	SEG	C	-0-	-0-
(2) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			2,100,000	2,650,000
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			2,100,000	2,650,000
(3) STATE BUILDING PROGRAM				
(a) Principal repayment and interest	GPR	S	565,100	5,297,000
(b) Principal repayment and interest	GPR	S	470,900	454,400
(c) Lease rental payments	GPR	S	-0-	-0-
(d) Interest rebates on obligation proceeds; general fund	GPR	S	-0-	-0-
(g) Principal repayment, interest and rebates; program revenues	PR-S	S	-0-	-0-
(h) Principal repayment, interest and rebates	PR-S	S	-0-	-0-
(i) Principal repayment, interest and rebates	PR-S	S	2,508,600	2,357,400
(k) Interest rebates on obligation proceeds; program revenues	PR-S	C	-0-	-0-
(q) Principal repayment and interest; segregated revenues	SEG	S	-0-	-0-
(r) Interest rebates on obligation proceeds; conservation fund	SEG	S	-0-	-0-
(s) Interest rebates on obligation proceeds; transportation fund	SEG	S	-0-	-0-
(t) Interest rebates on			-0-	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1987-88	1988-89
obligation proceeds; veterans trust fund	SEG	S	-0-	-0-
(w) Bonding services	SEG	S	611,200	611,200
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,036,000	5,751,400
PROGRAM REVENUE			2,508,600	2,357,400
SERVICE	(		2,508,600)	(2,357,400)
SEGREGATED FUNDS			611,200	611,200
OTHER	(		611,200)	(611,200)
TOTAL-ALL SOURCES			4,155,800	8,720,000
(4) CAPITAL IMPROVEMENT FUND INTEREST EARNINGS				
(q) Funding in lieu of borrowing	SEG	C	-0-	-0-
(r) Interest on veterans obligations	SEG	C	-0-	-0-
(4) PROGRAM TOTALS				
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
20.867 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			4,184,100	9,449,100
PROGRAM REVENUE			2,508,600	2,357,400
SERVICE	(		2,508,600)	(2,357,400)
SEGREGATED FUNDS			611,200	611,200
OTHER	(		611,200)	(611,200)
TOTAL-ALL SOURCES			7,303,900	12,417,700
20.875 Budget stabilization fund				
(1) TRANSFERS TO FUND				
(a) General fund transfer	GPR	A	-0-	-0-
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-
(2) TRANSFERS FROM FUND				
(q) Budget stabilization fund transfer	SEG	A	-0-	-0-
(2) PROGRAM TOTALS				
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
20.875 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
General Appropriations				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			1,303,178,900	1,361,930,500
PROGRAM REVENUE			40,099,000	37,414,900
FEDERAL	(		-0-)	(-0-)
OTHER	(		-0-)	(-0-)
SERVICE	(		40,099,000)	(37,414,900)
SEGREGATED FUNDS			5,637,600	5,453,900
FEDERAL	(		-0-)	(-0-)
OTHER	(		5,637,600)	(5,453,900)
SERVICE	(		-0-)	(-0-)
LOCAL	(		-0-)	(-0-)
TOTAL-ALL SOURCES			1,348,915,500	1,404,799,300

SECTION 34. 20.115 (1) (gb) of the statutes, as created by 1987 Wisconsin Act 27, section 133, is amended to read:

20.115 (1) (gb) *Food regulation.* The amounts in the schedule for the regulation of food under chs. 93 and 97 to 99. All moneys received under ss. 93.09, 93.11, 97.17, 97.175, 97.20, 97.21, 97.22, 97.24, 97.26, 97.27, 97.28, 97.29, 97.30, 97.34, 97.40, 97.41, 98.145, 98.146, 99.02, 99.20 and 99.30 for the regulation of food shall be credited to this appropriation, but any balance at the close of a biennium exceeding ~~10%~~ 20% of the previous fiscal year's expenditures under this appropriation shall lapse to the general fund.

SECTION 35. 20.115 (1) (gb) of the statutes, as affected by 1987 Wisconsin Act 27, section 133, and 1987 Wisconsin Act (this act), is amended to read:

20.115 (1) (gb) *Food regulation.* The amounts in the schedule for the regulation of food under chs. 93 and 97 to 99. All moneys received under ss. 93.09, 93.11, 97.17, 97.175, 97.20, 97.21, 97.22, 97.24, ~~97.26, 97.27, 97.28, 97.29, 97.30, 97.34, 97.40, 97.41, 98.145, 98.146, and 99.02, 99.20 and 99.30~~ for the regulation of food shall be credited to this appropriation, but any balance at the close of a biennium exceeding 20% of the previous fiscal year's expenditures under this appropriation shall lapse to the general fund.

SECTION 36. 20.115 (5) (j) of the statutes is amended to read:

20.115 (5) (j) (title) *State fair principal repayment, interest and rebates.* A sum sufficient from revenues earned under par. (h) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing state fair park facilities and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing state fair park facilities.

SECTION 37. 20.115 (7) (m) of the statutes is created to read:

20.115 (7) (m) *Federal funds.* All federal moneys received as authorized by the governor under s. 16.54 for programs under chs. 91 and 92.

SECTION 38. 20.115 (8) (j) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

20.115 (8) (j) *Stray voltage program.* The amounts in the schedule for the administration of s. 93.41 by the department of agriculture, trade and consumer protection. All moneys received under s. ss. 97.41 (1) and 196.857 (1) (b) shall be credited to this appropriation. This paragraph does not apply after August 31, 1991.

SECTION 38d. 20.143 (1) (bm) of the statutes is amended to read:

20.143 (1) (bm) *Aid to Forward Wisconsin, inc.* The amounts in the schedule for aids to Forward Wisconsin, inc., to be used for advertising promotion, marketing and promotional activities within the United States for economic development in of this state and for salary, travel and other expenses directly incurred

by Forward Wisconsin, inc., in its economic development promotion activities, subject to s. 16.501.

SECTION 38g. 20.143 (1) (c) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

20.143 (1) (c) *Wisconsin development fund, grants and loans.* Biennially, the amounts in the schedule for grants and loans under ss. 560.62, 560.625 and 560.63, except grants and loans in amounts greater than \$250,000.

SECTION 38r. 20.143 (1) (d) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

20.143 (1) (d) *Wisconsin development fund; major grants and loans.* Biennially, the amounts in the schedule for grants and loans under ss. 560.62, 560.625 and 560.63 in amounts greater than \$250,000 and for grants and loans under s. 560.66, ~~for grants under s. 560.69~~ and for loans under 1987 Wisconsin Act (this act), section 3016 (4m).

Vetoed in Part

SECTION 38u. 20.143 (1) (i) of the statutes, as affected by 1987 Wisconsin Act 27, is renumbered 20.115 (8) (ig).

SECTION 39. 20.155 (1) (L) of the statutes is created to read:

20.155 (1) (L) *Stray voltage program.* The amounts in the schedule for any activity of the public service commission under s. 196.857. All moneys received under s. 196.857 (1) (a) and (2m) for such activity shall be credited to this appropriation. This paragraph does not apply after August 31, 1991.

SECTION 40. 20.155 (1) (Lb) of the statutes is created to read:

20.155 (1) (Lb) *Gifts for stray voltage program.* All moneys received from gifts and grants for the purpose of the stray voltage program. This paragraph does not apply after August 31, 1991.

SECTION 40c. 20.195 (1) (u) of the statutes, as created by 1987 Wisconsin Act 119, is repealed.

SECTION 40e. 20.215 (1) (e) of the statutes is created to read:

20.215 (1) (e) *Cultural excellence awards.* The amounts in the schedule for cultural excellence awards under s. 44.65.

~~SECTION 40m. 20.215 (1) (f) of the statutes is created to read:~~

~~20.215 (1) (f) *Milwaukee community arts programs.* The amounts in the schedule for grants to Milwaukee area technical college under s. 44.53 (1) (j).~~

Vetoed in Part

SECTION 41. 20.225 (1) (d) of the statutes is amended to read:

20.225 (1) (d) *Milwaukee area technical college.* The amounts in the schedule ~~for aid to contract with Milwaukee area technical college to support public television in the Milwaukee area~~ under s. ~~38.125 (2) 39.11 (18).~~

SECTION 41g. 20.235 (1) (cg) of the statutes is created to read:

20.235 (1) (cg) *Nursing student loans.* The amounts in the schedule for nursing student loans under s. 39.39.

SECTION 41r. 20.235 (1) (gg) of the statutes is created to read:

20.235 (1) (gg) *Nursing student loan repayments.* All moneys received from the repayment of loans made under s. 39.39, to be used for loans under s. 39.39.

SECTION 42. 20.235 (2) (bd) of the statutes is created to read:

20.235 (2) (bd) *Purchase of defective student loans.* A sum sufficient for the repurchase of student loans made under s. 39.32 that have been sold by the higher educational aids board or the building commission and subsequently found to be defective.

SECTION 43. 20.245 (2) (j) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

20.245 (2) (j) (title) *Self-amortizing facilities; principal repayment, interest and rebates.* A sum sufficient from the revenues received under par. (g) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of facilities of the historical society related to the circus world museum at Baraboo and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities.

SECTION 44. 20.255 (1) (fm) of the statutes is renumbered 20.255 (2) (fm).

SECTION 45. 20.255 (1) (kw) of the statutes is created to read:

20.255 (1) (kw) *Fleet operations.* The amounts in the schedule to pay the costs associated with the operation, maintenance and replacement of state-owned motor vehicles. All moneys received by the department of public instruction from the department of public instruction for the use of state-owned motor vehicles shall be credited to this appropriation.

SECTION 45g. 20.255 (2) (ac) of the statutes is amended to read:

20.255 (2) (ac) *General equalization aids.* The amounts in the schedule for the payment of educational aids provided in subchs. II and VI of ch. 121, less the amounts received as applied receipts under par. (q).

Vetoed in Part

~~SECTION 45m. 20.255 (2) (ds) of the statutes is created to read:~~

~~20.255 (2) (ds) *Grants for tutoring programs.* The amounts in the schedule for grants for tutoring programs under s. 115.38. This paragraph does not apply after June 30, 1991.~~

SECTION 45r. 20.255 (2) (ec) of the statutes is created to read:

20.255 (2) (ec) *Aid to Milwaukee public schools.* The amounts in the schedule for 5-year-old kindergarten programs under s. 119.71, early childhood education programs under s. 119.72 and the mentor program under s. 119.74.

SECTION 45t. 20.255 (2) (f) of the statutes is created to read:

20.255 (2) (f) *Pupil minimum competency tests.* The amounts in the schedule to reimburse school districts for the cost of printing and scoring the pupil minimum competency tests under s. 118.30 (3) (c).

SECTION 45v. 20.255 (2) (q) of the statutes is created to read:

20.255 (2) (q) *General equalization aids; lottery proceeds.* From the lottery fund, all moneys received under s. 25.75 (3) (c) to be credited to the appropriation under par. (ac) for the payment of educational aids provided in subchs. II and VI of ch. 121.

SECTION 47. 20.285 (1) (gb) of the statutes is amended to read:

20.285 (1) (gb) (title) *Principal repayment, interest and rebates.* From the revenues credited under par. (h), a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of self-amortizing university facilities and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities.

~~SECTION 47m. 20.292 (1) (ds) of the statutes is created to read:~~

~~20.292 (1) (ds) *State replacement of vocational levy.* A sum sufficient to replace the vocational levy under s. 38.28 (8).~~

Vetoed in Part

SECTION 48g. 20.292 (1) (gm) (title) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

20.292 (1) (gm) (title) *Fire schools; state operations.*

SECTION 48L. 20.292 (1) (gr) of the statutes is created to read:

20.292 (1) (gr) *Fire schools; local assistance.* The amounts in the schedule for district fire fighter training programs under s. 38.12 (9). All moneys transferred from s. 20.445 (1) (L) to this appropriation shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation under s. 20.445 (1) (L).

SECTION 48p. 20.292 (1) (q) of the statutes is created to read:

20.292 (1) (q) *Ambulance attendant and service provider training; aid.* From the transportation fund, the amounts in the schedule for ambulance attendant and service provider training aid under s. 38.28 (7).

SECTION 48s. 20.292 (1) (r) of the statutes is created to read:

20.292 (1) (r) *Ambulance attendant and service provider training; state operations.* From the transportation fund, the amounts in the schedule for technical assistance and administrative support for ambulance

attendant and service provider training under s. 38.28 (7).

SECTION 49. 20.370 (1) (bq) of the statutes is repealed.

SECTION 50. 20.370 (1) (dq) of the statutes is amended to read:

20.370 (1) (dq) (title) *Water resources — Fox river management.* As a continuing appropriation, from the transportation fund, Biennially the amounts in the schedule for the management and operation of the Fox river locks and facilities and for expenses of the Fox river management commission under s. 30.93.

SECTION 52. 20.370 (1) (kc) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.370 (1) (kc) *Resource acquisition and development — principal repayment and interest.* From the general fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of state recreation facilities under s. 20.866 (2) (tp) and (tr) and, in financing land acquisition activities under s. 20.866 (2) (ts) and (tt) and in financing ice age trail development under s. 20.866 (2) (tw), but not including payments made under sub. (4) (jb).

SECTION 52dm. 20.370 (2) (dw) of the statutes is created to read:

20.370 (2) (dw) *Solid waste management — environmental repair; petroleum spills; administration.* From the petroleum storage environmental cleanup fund, the amounts in the schedule for the administration of s. 101.143.

Vetoed in Part SECTION 52e. 20.370 (2) (eg) of the statutes is amended to read:

20.370 (2) (eg) *Compensation for well contamination; municipal water supply grants — grant repayment.* All moneys received under ss. 144.027 (16) (d), (18m) and (19) and 144.028 (7) for the purpose of paying compensation under ss. 144.027 and 144.028.

SECTION 52g. 20.370 (2) (eh) of the statutes is created to read:

20.370 (2) (eh) *Compensation for well contamination — payments.* All moneys received from well compensation fees under ss. 94.681, 144.441 (7), 147.033 (3) and 168.12 (1s) and well compensation assessments under s. 144.029 for the purpose of paying compensation under ss. 144.027 and 144.028.

SECTION 52j. 20.370 (2) (hq) of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

Vetoed in Part SECTION 52r. 20.370 (4) (ab) of the statutes is created to read:

20.370 (4) (ab) *Resource aids — county parks.* The amounts in the schedule to pay aids to counties under s. 23.09 (27).

Vetoed in Part SECTION 53d. 20.370 (4) (bu) of the statutes, as affected by 1987 Wisconsin Act 27, is repealed and recreated to read:

~~20.370 (4) (bu) (title) *Recreation aids — waterways assistance.* As a continuing appropriation, the amounts in the schedule to provide financial assistance to waterways management units for eligible waterways protection, improvement or recreational development activities under s. 33.15.~~

Vetoed in Part

SECTION 53f. 20.370 (4) (by) of the statutes is amended to read:

20.370 (4) (by) *Recreation aids — all-terrain vehicle project aids.* As a continuing appropriation, the amounts in the schedule from moneys received from all-terrain vehicle registration to provide aid for local all-terrain vehicle projects. No moneys may be expended from this appropriation after June 30, 1989.

SECTION 53m. 20.370 (4) (bz) of the statutes is amended to read:

20.370 (4) (bz) *Recreation aids — all-terrain vehicle project aids; transportation fund.* From the transportation fund, as a continuing appropriation, an amount equal to the estimated all-terrain vehicle gas tax payment to provide for local all-terrain vehicle projects. The estimated all-terrain vehicle gas tax payment is calculated by multiplying the number of all-terrain vehicles registered for public use under s. 23.33 (2) (c) on the last day of February of the previous fiscal year by 25 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1). No moneys may be expended from this appropriation after June 30, 1989.

SECTION 53n. 20.370 (4) (ca) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.370 (4) (ca) *Environmental aids — point source; prior to bonding and small projects.* From the general fund, the amounts in the schedule to make payments to municipalities and school districts on agreements entered into under s. 144.21 (6) (a) and to make payments to municipalities and school districts on agreements entered into under s. 144.21 (6) (c) 1 for smaller projects for sewage treatment facilities and for agreements entered into under s. 144.21 (6) (c) 2.

SECTION 53r. 20.370 (4) (cb) of the statutes is amended to read:

20.370 (4) (cb) *Environmental aids — point source; pollution abatement grants; general fund.* As a continuing appropriation from the general fund, the amounts in the schedule for financial assistance under the point source water pollution abatement grant program for facility planning costs and other eligible costs under s. 144.24 which cannot be funded from bond revenues. Payments may be made from this appropriation for expenditures and for payments of encumbrances authorized for facility planning costs and other eligible costs under s. 144.24 which cannot be funded from bond revenues regardless of when the encumbrances were incurred. No moneys may be encumbered under this paragraph after June 30, 1989.

SECTION 53s. 20.370 (4) (cq) of the statutes is created to read:

20.370 (4) (cq) *Environmental aids — clean water fund revenue obligation funding.* As a continuing appropriation, all proceeds from revenue obligations issued under s. 144.241 (5) and deposited in the fund created under s. 18.57 (1), providing for reserves and for expenses of issuance and management of the revenue obligations, and the remainder to be transferred to the clean water fund for the purposes specified in s. 25.43 (3). Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.

SECTION 53t. 20.370 (4) (cr) of the statutes is created to read:

20.370 (4) (cr) *Environmental aids — clean water fund repayment of revenue obligations.* From the clean water fund, a sum sufficient to repay the fund created under s. 18.57 (1) the amount needed to retire revenue obligations issued under s. 144.241 (5).

SECTION 53v. 20.370 (4) (cs) of the statutes is created to read:

20.370 (4) (cs) *Environmental aids — clean water fund financial assistance.* From the clean water fund, a sum sufficient for the purposes, other than administration, of ss. 25.43 and 144.241.

~~SECTION 53w. 20.370 (4) (df) of the statutes is created to read:~~

~~20.370 (4) (df) *Environmental aids — local groundwater management.* The amounts in the schedule to fund grants to units of local government for local groundwater management projects under s. 160.58. No money may be expended from this appropriation after June 30, 1989.~~

SECTION 54bg. 20.370 (4) (fq) of the statutes is amended to read:

20.370 (4) (fq) *Enforcement aids — boating enforcement.* From the moneys received under s. 30.52 (3), ~~an amount not to exceed \$300,000 annually~~ the amounts in the schedule for the payment of state aids under s. 30.79, after first deducting the amounts appropriated under subs. (3) (ar) and (8) (dr).

SECTION 54bn. 20.370 (4) (fr) of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 54bo. 20.370 (4) (iv) of the statutes is created to read:

20.370 (4) (iv) *Aids administration — clean water fund program; state funds.* From the clean water fund, the amounts in the schedule for administration of s. 144.241.

SECTION 54bp. 20.370 (4) (ix) of the statutes is created to read:

20.370 (4) (ix) *Aids administration — clean water fund program; federal funds.* From the federal revolving loan fund account in the clean water fund, the amounts in the schedule for administration of s. 144.241.

~~SECTION 54br. 20.370 (4) (fb) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

~~20.370 (4) (jb) *Debt service — recreational boating bonds.* From the general fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in assisting municipalities in the acquisition, construction, development, enlargement or improvement of recreational boating facilities under s. 30.92, 1985 stats.~~

Vetoed in Part

SECTION 54cc. 20.370 (4) (jc) of the statutes is amended to read:

20.370 (4) (jc) (title) *Debt service — pollution abatement bonds.* From the general fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of point source water pollution abatement facilities and sewage collection facilities under ss. 144.21, 144.23 and 144.24 or incurred in transferring moneys from s. 20.866 (2) (tc) to the clean water fund for the purposes specified in s. 25.43 (3).

SECTION 54ce. 20.370 (4) (jq) of the statutes is created to read:

20.370 (4) (jq) *Debt service — clean water fund bonds.* From the clean water fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in transferring moneys from s. 20.866 (2) (tc) to the clean water fund for the purposes specified in s. 25.43 (3).

SECTION 54cm. 20.370 (4) (jr) of the statutes is created to read:

20.370 (4) (jr) *Debt service — clean water fund revenue obligation repayment.* From the fund created under s. 144.241 (5), all moneys received by the fund and not transferred under s. 144.241 (5) (c) to the clean water fund, for the purpose of the retirement of revenue obligations, providing for reserves and for operations relating to the management and retirement of revenue obligations issued under s. 144.241 (5). All moneys received are irrevocably appropriated in accordance with subch. II of ch. 18 and further established in resolutions authorizing the issuance of the revenue obligations and setting forth the distribution of funds to be received thereafter.

SECTION 54cp. 20.370 (4) (ka) of the statutes is created to read:

20.370 (4) (ka) *Environmental aids — clean water fund; general fund.* From the general fund, the amounts in the schedule to be paid into the clean water fund.

SECTION 54cq. 20.370 (8) (dr) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.370 (8) (dr) *Boat registration.* From the ~~moneys received under s. 30.52 (3)~~ boat account in the conservation fund, the amounts in the schedule for boat registration.

SECTION 54cr. 20.370 (8) (mk) of the statutes, as created by 1987 Wisconsin Act 27, is repealed and recreated to read:

Vetoed in Part

Vetoed in Part

20.370 (8) (mk) *General program operations — service funds.* All moneys received from other state agencies or organizational units to provide support services or related materials to those agencies or units.

SECTION 54d. 20.395 (3) (bq) of the statutes is amended to read:

20.395 (3) (bq) *Major highway development, state funds.* As a continuing appropriation, the amounts in the schedule for major development of state trunk and connecting highways and for the disadvantaged business demonstration and training program under s. 84.076.

SECTION 54e. 20.395 (3) (bq) of the statutes, as affected by 1987 Wisconsin Act (this act), is repealed and recreated to read:

20.395 (3) (bq) *Major highway development, state funds.* As a continuing appropriation, the amounts in the schedule for major development of state trunk and connecting highways.

SECTION 54eg. 20.395 (3) (bv) of the statutes is amended to read:

20.395 (3) (bv) *Major highway development, local funds.* All moneys received from any local unit of government or other source for major development of state trunk and connecting highways and the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 54egg. 20.395 (3) (bv) of the statutes, as affected by 1987 Wisconsin Act (this act), is repealed and recreated to read:

20.395 (3) (bv) *Major highway development, local funds.* All moneys received from any local unit of government or other source for major development of state trunk and connecting highways, for such purposes.

SECTION 54et. 20.395 (3) (bx) of the statutes is amended to read:

20.395 (3) (bx) *Major highway development, federal funds.* All moneys received from the federal government for major development of state trunk and connecting highways and the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 54etg. 20.395 (3) (bx) of the statutes, as affected by 1987 Wisconsin Act (this act), is repealed and recreated to read:

20.395 (3) (bx) *Major highway development, federal funds.* All moneys received from the federal government for major development of state trunk and connecting highways, for such purposes.

SECTION 54f. 20.395 (3) (cq) of the statutes is amended to read:

20.395 (3) (cq) *Existing highway improvement, state funds.* As a continuing appropriation, the amounts in the schedule for improvement of existing state trunk and connecting highways, except the national system of interstate and defense highways, ~~and~~ for payment to a local unit of government for a jurisdictional trans-

fer under s. 84.02 (8) and for the disadvantaged business demonstration and training program under s. 84.076.

SECTION 54fb. 20.395 (3) (cq) of the statutes, as affected by 1987 Wisconsin Act (this act), is repealed and recreated to read:

20.395 (3) (cq) *Existing highway improvement, state funds.* As a continuing appropriation, the amounts in the schedule for improvement of existing state trunk and connecting highways, except the national system of interstate and defense highways, and for payment to a local unit of government for a jurisdictional transfer under s. 84.02 (8).

SECTION 54fg. 20.395 (3) (cv) of the statutes is amended to read:

20.395 (3) (cv) *Existing highway improvement, local funds.* All moneys received from any local unit of government or other source for the information sign program under s. 86.195 ~~and~~, for improvement of existing state trunk and connecting highways, except the national system of interstate and defense highways, and for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 54fgg. 20.395 (3) (cv) of the statutes, as affected by 1987 Wisconsin Act (this act), is repealed and recreated to read:

20.395 (3) (cv) *Existing highway improvement, local funds.* All moneys received from any local unit of government or other source for the information sign program under s. 86.195 and for improvement of existing state trunk and connecting highways, except the national system of interstate and defense highways, for such purposes.

SECTION 54fr. 20.395 (3) (cx) of the statutes is amended to read:

20.395 (3) (cx) *Existing highway improvement, federal funds.* All moneys received from the federal government for improvement of existing state trunk and connecting highways, except the national system of interstate and defense highways, and for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 54frg. 20.395 (3) (cx) of the statutes, as affected by 1987 Wisconsin Act (this act), is repealed and recreated to read:

20.395 (3) (cx) *Existing highway improvement, federal funds.* All moneys received from the federal government for improvement of existing state trunk and connecting highways, except the national system of interstate and defense highways, for such purposes.

SECTION 54h. 20.395 (3) (dq) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.395 (3) (dq) *Improvement of state bridges, state funds.* As a continuing appropriation, the amounts in the schedule for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for neces-

sary approach work for such bridges ~~and~~, for replacement of such bridges with at-grade crossing improvements and for the disadvantaged business demonstration and training program under s. 84.076. This paragraph does not apply to bridges on the national system of interstate and defense highways.

SECTION 54m. 20.395 (3) (dq) of the statutes, as affected by 1987 Wisconsin Acts 27 and (this act), is repealed and recreated to read:

20.395 (3) (dq) *Improvement of state bridges, state funds*. As a continuing appropriation, the amounts in the schedule for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at-grade crossing improvements. This paragraph does not apply to bridges on the national system of interstate and defense highways.

SECTION 54mg. 20.395 (3) (dv) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.395 (3) (dv) *Improvement of state bridges, local funds*. All moneys received from any local unit of government or other source for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at-grade crossing improvements, and for the disadvantaged business demonstration and training program under s. 84.076, for such purposes. This paragraph does not apply to bridges on the national system of interstate and defense highways.

SECTION 54m. 20.395 (3) (dv) of the statutes, as affected by 1987 Wisconsin Acts 27 and (this act), is repealed and recreated to read:

20.395 (3) (dv) *Improvement of state bridges, local funds*. All moneys received from any local unit of government or other source for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at-grade crossing improvements, for such purposes. This paragraph does not apply to bridges on the national system of interstate and defense highways.

SECTION 54mm. 20.395 (3) (dx) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.395 (3) (dx) *Improvement of state bridges, federal funds*. All moneys received from the federal government for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at-grade crossing improvements and for the disadvantaged business demonstration

and training program under s. 84.076, for such purposes. This paragraph does not apply to bridges on the national system of interstate and defense highways.

SECTION 54mt. 20.395 (3) (dx) of the statutes, as affected by 1987 Wisconsin Acts 27 and (this act), is repealed and recreated to read:

20.395 (3) (dx) *Improvement of state bridges, federal funds*. All moneys received from the federal government for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at-grade crossing improvements, for such purposes. This paragraph does not apply to bridges on the national system of interstate and defense highways.

SECTION 54p. 20.395 (3) (fq) of the statutes is amended to read:

20.395 (3) (fq) *Special highway maintenance, state funds*. As a continuing appropriation, the amounts in the schedule for special maintenance activities under s. 84.07 on state trunk highways, roadside improvements under s. 84.04 and bridges under s. 84.10 and for the disadvantaged business demonstration and training program under s. 84.076.

SECTION 54r. 20.395 (3) (fq) of the statutes, as affected by 1987 Wisconsin Act (this act), is repealed and recreated to read:

20.395 (3) (fq) *Special highway maintenance, state funds*. As a continuing appropriation, the amounts in the schedule for special maintenance activities under s. 84.07 on state trunk highways, roadside improvements under s. 84.04 and bridges under s. 84.10.

SECTION 54rg. 20.395 (3) (fv) of the statutes is amended to read:

20.395 (3) (fv) *Special highway maintenance, local funds*. All moneys received from any local unit of government or other source for special maintenance activities under s. 84.07 on state trunk highways, roadside improvements under s. 84.04 and bridges under s. 84.10 and for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 54rgg. 20.395 (3) (fv) of the statutes, as affected by 1987 Wisconsin Act (this act), is repealed and recreated to read:

20.395 (3) (fv) *Special highway maintenance, local funds*. All moneys received from any local unit of government or other source for special maintenance activities under s. 84.07 on state trunk highways, roadside improvements under s. 84.04 and bridges under s. 84.10, for such purposes.

SECTION 54rm. 20.395 (3) (fx) of the statutes is amended to read:

20.395 (3) (fx) *Special highway maintenance, federal funds*. All moneys received from the federal government for special highway maintenance under s. 84.07

on state trunk highways, roadside improvements under s. 84.04 and bridges under s. 84.10 and for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 54rt. 20.395 (3) (fx) of the statutes, as affected by 1987 Wisconsin Act (this act), is repealed and recreated to read:

20.395 (3) (fx) *Special highway maintenance, federal funds.* All moneys received from the federal government for special highway maintenance under s. 84.07 on state trunk highways, roadside improvements under s. 84.04 and bridges under s. 84.10, for such purposes.

SECTION 54t. 20.395 (3) (hq) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.395 (3) (hq) *Highway traffic operations, state funds.* The amounts in the schedule for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10, 348.25, 348.26 and 348.27 and ch. 349 and for the disadvantaged business demonstration and training program under s. 84.076.

SECTION 54v. 20.395 (3) (hq) of the statutes, as affected by 1987 Wisconsin Acts 27 and (this act), is repealed and recreated to read:

20.395 (3) (hq) *Highway traffic operations, state funds.* The amounts in the schedule for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10, 348.25, 348.26 and 348.27 and ch. 349.

SECTION 54vg. 20.395 (3) (hv) of the statutes is amended to read:

20.395 (3) (hv) *Highway traffic operations, local funds.* All moneys received from any local unit of government or other sources for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10, 348.25, 348.26 and 348.27 and ch. 349 and for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 54vgg. 20.395 (3) (hv) of the statutes, as affected by 1987 Wisconsin Act (this act), is repealed and recreated to read:

20.395 (3) (hv) *Highway traffic operations, local funds.* All moneys received from any local unit of government or other sources for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10, 348.25, 348.26 and 348.27 and ch. 349, for such purposes.

SECTION 54vm. 20.395 (3) (hx) of the statutes is amended to read:

20.395 (3) (hx) *Highway traffic operations, federal funds.* All moneys received from the federal government for highway operations such as permit issuance,

pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10, 348.25, 348.26 and 348.27 and ch. 349 and for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 54vt. 20.395 (3) (hx) of the statutes, as affected by 1987 Wisconsin Act (this act), is repealed and recreated to read:

20.395 (3) (hx) *Highway traffic operations, federal funds.* All moneys received from the federal government for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10, 348.25, 348.26 and 348.27 and ch. 349, for such purposes.

SECTION 55. 20.395 (3) (ir) of the statutes is created to read:

20.395 (3) (ir) *Disadvantaged business mobilization assistance, state funds.* As a continuing appropriation, the amounts in the schedule for the disadvantaged business mobilization assistance program under s. 85.25.

SECTION 56. 20.435 (1) (a) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.435 (1) (a) *General program operations.* The amounts included in the schedule for general program operations, including health services regulation, administration and field services. Of the amounts appropriated under this paragraph, if the department has first expended all federal moneys available for provision, at alternate testing sites, of anonymous counseling services and laboratory testing services for the presence of an antibody to the virus that causes acquired immunodeficiency syndrome, the department may, in state fiscal year 1988-89, expend up to \$164,800 for the provision of these services.

SECTION 56m. 20.435 (1) (cc) of the statutes is created to read:

20.435 (1) (cc) *Cancer control.* The amounts in the schedule for cancer control grants under s. 146.027.

SECTION 58. 20.435 (1) (cm) of the statutes is created to read:

20.435 (1) (cm) *Immunization.* The amounts in the schedule for the provision of vaccine to immunize children under s. 140.05 (16) (a).

SECTION 58e. 20.435 (1) (ed) of the statutes is created to read:

20.435 (1) (ed) *Radon aids.* The amounts in the schedule for the provision of state aid for local radon services under s. 140.53 (4).

SECTION 58m. 20.435 (1) (ev) of the statutes is created to read:

20.435 (1) (ev) *Pregnancy outreach.* The amounts in the schedule for outreach to low-income pregnant women under s. 46.65.

SECTION 59d. 20.435 (1) (hg) of the statutes is created to read:

20.435 (1) (hg) *Assessments; office of health care information.* All moneys received from payments of assessments under s. 153.60 to fund the activities of the office of health care information and the board on health care information under ch. 153.

SECTION 59f. 20.435 (1) (hi) of the statutes is created to read:

20.435 (1) (hi) *User fees; office of health care information.* All moneys received from user fees imposed under s. 153.65 for the purpose of financing the costs of producing special data compilations or special reports under s. 153.65.

SECTION 59g. 20.435 (1) (hj) of the statutes is created to read:

20.435 (1) (hj) *Gifts and grants; office of health care information.* All moneys received as gifts, grants, bequests or devises, to carry out the purposes for which made.

SECTION 59hf. 20.435 (1) (km) of the statutes, as affected by 1987 Wisconsin Act (Assembly Bill 247), is amended to read:

20.435 (1) (km) *Internal services.* The amounts in the schedule for clerical licensing operations and other similar services as are required, except under s. 146.25 (1), (1m) and (3). All moneys received from services rendered by the internal services unit, except under s. 146.25 (1) (b) and (1m) (b), shall be credited to this appropriation.

SECTION 59hh. 20.435 (1) (kx) of the statutes, as affected by 1987 Wisconsin Act (Assembly Bill 247), is amended to read:

20.435 (1) (kx) *Interagency and intra-agency programs.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. (k), (kg) or (km), except fees under s. 146.25 (1) (b) and (1m) (b), for the administration of programs or projects for which received.

SECTION 59hj. 20.435 (1) (ky) of the statutes, as affected by 1987 Wisconsin Act (Assembly Bill 247), is amended to read:

20.435 (1) (ky) *Interagency and intra-agency aids.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. (k), (kg) or (km), except fees under s. 146.25 (1) (b) and (1m) (b), for aids to individuals and organizations.

SECTION 59hL. 20.435 (1) (kz) of the statutes, as affected by 1987 Wisconsin Act (Assembly Bill 247), is amended to read:

20.435 (1) (kz) *Interagency and intra-agency local assistance.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. (k), (kg) or (km), except fees under s. 146.25 (1), (1m) and (3), for local assistance.

SECTION 59L. 20.435 (1) (mr) of the statutes is created to read:

20.435 (1) (mr) *Federal funds; office of health care information.* All moneys received from the federal government, as authorized by the governor under s. 16.54, for the purposes of the office of health care information and the board on health care information under ch. 153.

SECTION 60. 20.435 (3) (ec) of the statutes is amended to read:

20.435 (3) (ec) (title) *Prison industries principal, interest and rebates.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, development, enlargement or improvement of equipment used in prison industries as authorized under s. 20.866 (2) (wa) if the moneys credited under par. (km) and appropriated under par. (ko) are insufficient, and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m) if the appropriation under par. (ko) is insufficient to make full payment of those amounts.

SECTION 61. 20.435 (3) (ko) of the statutes is amended to read:

20.435 (3) (ko) (title) *Prison industries principal repayment, interest and rebates.* A sum sufficient from the moneys credited under par. (km) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, development, enlargement or improvement of equipment used in prison industries as authorized under s. 20.866 (2) (wa) and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities.

SECTION 62. 20.435 (4) (b) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.435 (4) (b) *Community aids.* The amounts in the schedule for the provision or purchase of mental health services under ss. 51.42 and 51.437, for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4) and for shelter care under ss. 48.22 and 48.58, for reimbursement for the provision or purchase of social services under ss. 46.215 (1) and (2) and 46.22 (1), including foster care under ss. 49.19 (10), child care under s. 46.98 (2) (a) 1 and services under ss. 46.57, 46.87 and 46.985. Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Distributions to private nonprofit child care providers under s. 46.98 (2) (a) 2, to private nonprofit organizations under s. 46.57 (2) and to county aging units and private nonprofit organizations under s. 46.87 (3) (c) 4 and (4) may be made from this appropriation. Refunds received relating to payments made under s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under this

paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and social services may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation funds it recovers under ss. 49.52 (2) (b) and 51.423 (15) from prior year audit adjustments including those resulting from audits of services under s. 46.26 or 46.27. Except for amounts authorized to be carried forward under s. 46.45, all funds recovered under ss. 49.52 (2) (b) and 51.423 (15) and all funds allocated under ss. 46.57, 46.87 (3) (c) 4 and (4), 46.98 (2) (a) 2, 49.52 (1) (d) and 51.423 (2) and not spent or encumbered by counties, governing bodies of federally recognized American Indian tribes or nonprofit organizations by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may credit or deposit into this appropriation and may transfer between calendar years funds it transfers from the appropriation under sub. (1) (b) for the purposes specified under ss. 46.266 and 49.45 (6g).

SECTION 62m. 20.435 (4) (bd) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.435 (4) (bd) *Community options program.* The amounts in the schedule for assessments, case planning, services and county administration under s. 46.27. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer moneys between fiscal years. Except for moneys authorized for transfer under this appropriation or under s. 46.27 (7) (fm) or (g), all moneys under this appropriation that are allocated under s. 46.27 and are not spent or encumbered by counties by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 63k. 20.435 (8) (k) of the statutes, as affected by 1987 Wisconsin Act (Assembly Bill 247), is amended to read:

20.435 (8) (k) *Administrative and support services.* The amounts in the schedule for administrative and support services and products, except services under s. 146.25 (1), (1m) and (3). All moneys received as payment for administrative and support services and products, except fees under s. 146.25 (1) (b) and (1m) (b), shall be credited to this appropriation.

SECTION 63m. 20.435 (8) (kx) of the statutes, as affected by 1987 Wisconsin Act (Assembly Bill 247), is amended to read:

20.435 (8) (kx) *Interagency and intra-agency programs.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. (k), except fees under s. 146.25 (1) (b) and (1m) (b), for the administration of programs or projects for which received.

SECTION 63n. 20.435 (8) (ky) of the statutes, as affected by 1987 Wisconsin Act (Assembly Bill 247), is amended to read:

20.435 (8) (ky) *Interagency and intra-agency aids.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. (k), except fees under s. 146.25 (1) (b) and (1m) (b), for aids to individuals and organizations.

SECTION 65. 20.435 (8) (ma) of the statutes is created to read:

20.435 (8) (ma) *Federal project aids.* See sub. (9) (ma).

SECTION 66. 20.442 of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 66c. 20.445 (1) (e) of the statutes is created to read:

20.445 (1) (e) *Wisconsin job opportunity business subsidy program.* The amounts in the schedule for the Wisconsin job opportunity business subsidy program under s. 101.35. This paragraph does not apply after June 30, 1991.

SECTION 66g. 20.445 (1) (L) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.445 (1) (L) *Fire dues distribution.* All moneys received under ss. 101.573 (1) and 601.93, less the amounts transferred to par. (La) and s. 20.292 (1) (gm) and (gr), for distribution under s. 101.573. The amount transferred to par. (La) shall be the amount in the schedule under par. (La). The amount transferred to s. 20.292 (1) (gm) shall be the amount in the schedule under s. 20.292 (1) (gm). The amount transferred to s. 20.292 (1) (gr) shall be the amount in the schedule under s. 20.292 (1) (gr).

SECTION 66i. 20.445 (1) (v) of the statutes is created to read:

20.445 (1) (v) *Petroleum storage environmental remedial action; awards.* From the petroleum storage environmental cleanup fund, the amounts in the schedule to pay awards under s. 101.143.

SECTION 66k. 20.445 (1) (w) of the statutes is created to read:

20.445 (1) (w) *Petroleum storage environmental remedial action; administration.* From the petroleum storage environmental cleanup fund, the amounts in the schedule for the administration of s. 101.143.

SECTION 66m. 20.455 (1) (cm) of the statutes is created to read:

20.455 (1) (cm) *Special prosecutor cost reimbursement.* The amounts in the schedule for payments to counties for costs incurred under s. 165.95.

~~SECTION 67g. 20.455 (6) of the statutes is created to read:~~

~~20.455 (6) PROSECUTORS COUNCIL. (a) Services for prosecutors council. Biennially, the amounts in the schedule for services provided by the department to the prosecutors council.~~

**Vetoed
in Part**

Vetoed
in Part

SECTION 67m. 20.475 of the statutes is created to read:

20.475 **Prosecutors council.** There is appropriated to the prosecutors council for the following programs:

(1) **PROSECUTION SERVICES.** (a) *General program operations.* Biennially, the amounts in the schedule for the general program operations of the prosecutors council.

(b) *Salaries and expenses.* Biennially, the amounts in the schedule for salaries and expenses of district attorneys and state employes of the office of the district attorney.

SECTION 67r. 20.485 (2) (s) of the statutes is created to read:

20.485 (2) (s) *Veterans memorial grants.* From the transportation fund, as a continuing appropriation, the amounts in the schedule for the veterans memorial grant program under s. 45.04.

SECTION 67t. 20.490 (4) of the statutes is created to read:

20.490 (4) **DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE.** (g) *Disadvantaged business mobilization loan guarantee.* All moneys received as grants under s. 85.25 (3) for the purpose of guaranteeing mobilization loans to disadvantaged businesses as provided under s. 85.25.

SECTION 68. 20.505 (5) (kc) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

20.505 (5) (kc) *Principal repayment, interest and rebates.* All moneys transferred from par. (ka), to be transferred to the appropriation under s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of facilities housing state agencies and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities.

SECTION 68c. 20.512 (1) (b) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.512 (1) (b) *Day care services.* The amounts in the schedule to fund a pilot day care facility operated under s. 230.048 for children of state employes. No funds may be encumbered under this paragraph for the pilot day care facility in the city of Madison after June 30, 1988 1989.

Vetoed
in Part

SECTION 68g. 20.515 (1) (b) of the statutes is created to read:

20.515 (1) (b) *Reimbursement account plan; general program operations.* The amounts in the schedule for general program operations under subch. VII of ch. 40.

SECTION 68m. 20.515 (1) (w) of the statutes is amended to read:

20.515 (1) (w) *Administration.* From moneys credited to the public employe trust fund administra-

tion account under s. 40.04 (2), the amounts in the schedule for general program operations under subchs. I to VII of ch. 40.

Vetoed
in Part

SECTION 69d. 20.536 (1) (ka) of the statutes is created to read:

20.536 (1) (ka) *General program operations; clean water fund.* All moneys received for providing services to the department of natural resources in administering ss. 25.43 and 144.241, for general program operations.

SECTION 69r. 20.566 (1) (ha) of the statutes is amended to read:

20.566 (1) (ha) *Administration of liquor tax.* The amounts in the schedule for computer and audit costs incurred in administering the tax under s. 139.03 (2m) ~~or (2t)~~. All moneys received from the administration fee under s. 139.06 (1) (a) shall be credited to this appropriation.

SECTION 69rx. 20.566 (2) (c) of the statutes is created to read:

20.566 (2) (c) *Assessor education program.* The amounts in the schedule for the educational program under s. 73.08 (3), beginning in fiscal year 1992-93.

SECTION 70m. 20.566 (2) (h) of the statutes is amended to read:

20.566 (2) (h) *Reassessments.* The amounts in the schedule for the purposes of ss. 70.055; and 70.75 ~~and 73.08~~. All moneys received under ss. 70.055; and 70.75 ~~and 73.08~~ shall be credited to this appropriation.

SECTION 71. 20.625 (1) (c) of the statutes is created to read:

20.625 (1) (c) *Court interpreter fees.* The amounts in the schedule to pay interpreter fees under s. 885.37 (4) (a) 2.

SECTION 71m. 20.625 (1) (d) of the statutes is created to read:

20.625 (1) (d) *Multicounty prosecution, county reimbursement.* The amounts in the schedule to reimburse one county that has a population of not less than 125,000 and not more than 129,999 for extraordinary expenses incurred in a prosecution commenced in June 1987 under ss. 946.80 to 946.87 involving alleged violations in more than one county. No moneys may be expended from this appropriation on or after July 1, 1989.

SECTION 72. 20.680 (2) (a) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.680 (2) (a) *General program operations.* The amounts in the schedule to carry into effect the functions of the director of state courts and to pay fees under s. 885.37 (4) (a) 2.

SECTION 72g. 20.765 (1) (d) of the statutes is amended to read:

20.765 (1) (d) *Legislative documents.* A sum sufficient to pay legislative expenses for acquisition, production, retention, sales and distribution of legislative

documents authorized under ss. 13.17, 13.90 (1) (g), 13.92 (1) (e), 13.93 (3) and 35.78 (1) or the rules of the senate and assembly, except as provided in sub. (3) (em).

SECTION 72r. 20.765 (3) (em) of the statutes is created to read:

20.765 (3) (em) *Legislative computer and data processing system.* Biennially, the amounts in the schedule for the joint committee on legislative organization to provide staff support for operation of the legislative computer and data processing system funded under sub. (1) (d).

SECTION 73. 20.835 (2) (bm) of the statutes is repealed.

SECTION 75. 20.866 (1) (u) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under ss. 20.115 (5) (j), 20.225 (1) (c), 20.245 (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.285 (1) (d), (db) and (gb), 20.370 (1) (kc), (4) (jb), (jc) and (jd) and (jq) and (8) (Lb) and (Ls), 20.395 (6) (aq) and (ar), 20.435 (2) (ee), (3) (e), (ec) and (ko) and (5) (e), 20.455 (2) (cm), 20.465 (1) (d), 20.485 (1) (f) and (3) (t), 20.505 (5) (kc) and 20.867 (1) (a) and (b) and (3) (a), (b), (g), (h) and (i) and (q) for the payment of principal and interest on public debt acquired in accordance with ch. 18.

SECTION 75m. 20.866 (2) (t) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.866 (2) (t) *University of Wisconsin; self-amortizing facilities.* From the capital improvement fund, a sum sufficient for the board of regents of the university of Wisconsin system to acquire, construct, develop, enlarge or improve university self-amortizing educational facilities. The state may contract public debt in an amount not to exceed ~~\$121,066,600~~ \$122,066,600 for this purpose.

SECTION 75n. 20.866 (2) (tc) of the statutes is created to read:

20.866 (2) (tc) *Natural resources; clean water fund.* From the capital improvement fund, a sum sufficient to be transferred to the clean water fund for the purposes of s. 144.241. The state may contract public debt in an amount not to exceed \$1,000 for this purpose. Notwithstanding ss. 18.04 (6) (b) and (d) and 18.08 (1) (a), all moneys resulting from the contracting of public debt under this paragraph, including moneys which represent premium and accrued interest on bonds or notes issued, shall be transferred to the clean water fund immediately after the moneys are credited to the capital improvement fund.

SECTION 75p. 20.866 (2) (tn) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.866 (2) (tn) *Natural resources; pollution abatement and sewage collection facilities.* From the capital

improvement fund, a sum sufficient to the department of natural resources to acquire, construct, develop, enlarge or improve point source water pollution abatement facilities and sewage collection facilities under s. 144.24 including eligible engineering design costs. Payments may be made from this appropriation for capital improvement expenditures and for ~~payment of capital improvement encumbrances authorized under s. 144.24 regardless of when encumbrances were incurred before July 1, 1990, except for reimbursements made under s. 144.24 (9m) (a).~~ The state may contract public debt in an amount not to exceed ~~\$668,011,400~~ \$890,511,400 for this purpose.

~~SECTION 75r. 20.866 (2) (tp) of the statutes is amended to read:~~

~~20.866 (2) (tp) *Natural resources; recreation facilities.* From the capital improvement fund, a sum sufficient for the department of natural resources to acquire, construct, develop or enlarge state recreation facilities and to assist municipalities in the acquisition, construction, development, enlargement or improvement of recreational boating facilities under s. 30.92, 1985 stats. The state may contract public debt in an amount not to exceed ~~\$56,055,000~~ for this purpose. Of this amount, \$1,200,000 is allocated to assist municipalities in the acquisition, construction, development, enlargement or improvement of recreational boating facilities under s. 30.92, 1985 stats.~~

Vetoed in Part

SECTION 78. 20.866 (2) (ts) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.866 (2) (ts) *Natural resources; land acquisition.* From the capital improvement fund, a sum sufficient for the department of natural resources for outdoor recreation land acquisition activities and for acquiring, constructing, developing, enlarging and improving state recreation facilities and state forest lands. The state may contract public debt in an amount not to exceed ~~\$36,403,600~~ \$35,903,600 for this purpose.

SECTION 78m. 20.866 (2) (tw) of the statutes is created to read:

20.866 (2) (tw) *Natural resources; ice age trail.* From the capital improvement fund, as a part of the outdoor recreation land acquisition program, a sum sufficient for the department of natural resources for the development of the ice age trail under s. 23.17. The state may contract public debt in an amount not to exceed \$500,000 for this purpose. Moneys from this appropriation may be expended in each fiscal year only in an amount to match funds received under s. 20.370 (1) (gg) from gifts, grants or bequests or an amount equal to the fair market value of the land donated for the acquisition or development of the ice age trail at the ratio of 1 to 2.

SECTION 79. 20.867 (3) (d) of the statutes is created to read:

20.867 (3) (d) *Interest rebates on obligation proceeds; general fund.* A sum sufficient to make the payments determined by the building commission under

s. 13.488 (1) (m) on the proceeds of obligations paid into the general fund.

SECTION 80. 20.867 (3) (g) of the statutes is amended to read:

20.867 (3) (g) (title) *Principal repayment, interest and rebates; program revenues.* A sum sufficient from the appropriate program revenue accounts, a sum sufficient from program revenues and segregated funds to pay all principal and interest costs on self-amortizing borrowing issued under s. 20.866 (2) which is not initially allocable to the respective programs and to make any payments determined by the building commission under s. 13.488 (1) (m) on the proceeds of such borrowing.

SECTION 81. 20.867 (3) (h) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.867 (3) (h) (title) *Principal repayment, interest and rebates.* A sum sufficient to guarantee full payment of principal and interest costs for self-amortizing facilities enumerated under ss. 20.115 (5) (j), 20.245 (2) (j), 20.285 (1) (gb) and 20.370 (8) (Ls) if moneys available in those appropriations are insufficient to make full payment, and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m) if the appropriation under s. 20.115 (5) (j), 20.245 (2) (j) or 20.285 (1) (gb) is insufficient to make full payment of those amounts. All amounts advanced under the authority of this paragraph shall be repaid to the general fund whenever the balance of the appropriation for which the advance was made is sufficient to meet any portion of the amount advanced. The department of administration may take whatever action is deemed necessary including the making of transfers from other program revenue appropriations and corresponding appropriations from program receipts in segregated funds, to ensure recovery of the amounts advanced.

SECTION 82. 20.867 (3) (i) of the statutes is amended to read:

20.867 (3) (i) (title) *Principal repayment, interest and rebates.* A sum sufficient to pay principal and interest on public debt contracted under s. 20.866 (2) (ym) and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations contracted under s. 20.866 (2) (ym) for programs financed from program revenue or program revenue-service appropriations. All payments under this paragraph shall be repaid to the general fund from the revenues of departments and state agencies for which capital equipment is financed under s. 20.866 (2) (ym).

SECTION 83. 20.867 (3) (k) of the statutes is amended to read:

20.867 (3) (k) *Interest rebates on obligation proceeds; program revenues.* All moneys transferred from the appropriations under ss. 20.115 (5) (j), 20.245 (2) (j), 20.285 (1) (gb), 20.435 (3) (ko), 20.505 (5) (kc) and

20.867 (3) (g) and (i) to make the payments determined by the building commission under s. 13.488 (1) (m) on the proceeds of obligations specified in those paragraphs.

SECTION 84. 20.867 (3) (q) of the statutes is amended to read:

20.867 (3) (q) *Principal repayment and interest; segregated revenues.* From the appropriate segregated funds, a sum sufficient to pay all principal and interest costs on self-amortizing borrowing issued under s. 20.866 (2) which are not initially allocable to the respective programs.

SECTION 85. 20.867 (3) (r) of the statutes is amended to read:

20.867 (3) (r) *Interest rebates on obligation proceeds; conservation fund.* A sum sufficient to make the payments determined by the building commission under s. 13.488 (1) (m) on the proceeds of obligations paid into the conservation fund.

SECTION 86. 20.867 (3) (s) of the statutes is amended to read:

20.867 (3) (s) *Interest rebates on obligation proceeds; transportation fund.* A sum sufficient to make the payments determined by the building commission under s. 13.488 (1) (m) on the proceeds of obligations paid into the transportation fund.

SECTION 87. 20.867 (3) (t) of the statutes is amended to read:

20.867 (3) (t) *Interest rebates on obligation proceeds; veterans trust fund.* A sum sufficient to make the payments determined by the building commission under s. 13.488 (1) (m) on the proceeds of obligations paid into the veterans trust fund.

SECTION 88. 20.903 (2) (b) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.903 (2) (b) Notwithstanding sub. (1), liabilities may be created and moneys expended from the appropriations under ss. 20.255 (1) (kw), 20.395 (4) (er) and (es), 20.505 (1) (im), (ka), (kb), (kd) and (kg) and 20.855 (8) (k), (ka), (kb) and (kc) in an additional amount not exceeding the depreciated value of equipment for operations financed under ss. 20.255 (1) (kw), 20.395 (4) (er) and (es), 20.505 (1) (im), (ka), (kb), (kd) and (kg) and 20.855 (8) (k), (ka), (kb) and (kc). The secretary of administration may require such statements of assets and liabilities as he or she deems necessary before approving expenditure estimates in excess of the unexpended moneys in the appropriation account. For the purposes of this subsection only, the secretary shall consider as accrued accounts receivable on each June 30, the federal aid funds allotted and \$8,000,000 of the revenues from imposts which the department of transportation has obligated under s. 84.01 (20).

~~SECTION 88m. 20.905 (3) of the statutes is amended to read:~~ **Vetoed in Part**

Vetoed
in Part

~~20.905 (3) (c) OVERPAYMENTS AND UNDERPAYMENTS. Unless otherwise provided by law, state institutions and agencies, as defined in s. 227.01 (1) but also including the office of district attorney, may retain overpayments of fees, licenses, and similar charges when the overpayment is \$2 or less, unless such refund is specifically requested in writing. Underpayments of not more than \$2 may be waived when the administrative cost of collection would exceed the amount of underpayment.~~

SECTION 88p. 20.912 (3m) of the statutes is created to read:

20.912 (3m) CONFIDENTIALITY OF CANCELED CHECKS, SHARE DRAFTS AND OTHER DRAFTS. Information appearing in the register of canceled checks, share drafts and other drafts about a check, share draft or other draft canceled under sub. (1) is not available for inspection or copying under s. 19.35 (1) until 6 years after the date of issue or until the check, share draft or other draft is reissued under sub. (3), whichever is earlier.

SECTION 89. 20.913 (1) (b) of the statutes is amended to read:

20.913 (1) (b) *Excess tax payments.* Taxes collected in excess of lawful taxation, when claims therefor have been established as provided in ss. 71.10 (10) and (11), 71.11 (19), 71.12 (2), 72.24, 74.73, 76.13 (3), 76.38, 76.39, 78.19, 78.20, 78.75, ~~139.098~~, 139.12, 139.25 (1), 139.36, 139.39 (4) and 168.12 (2), (3) and (4).

SECTION 89m. 20.921 (1) (a) 5 of the statutes is created to read:

20.921 (1) (a) 5. Payment into an employee-funded reimbursement account maintained by an employee-funded reimbursement account provider under subch. VIII of ch. 40.

Vetoed
in Part

~~SECTION 89p. 20.923 (2) (j) of the statutes is created to read:~~

~~20.923 (2) (j) The annual salary of a district attorney shall be set under s. 978.12.~~

~~SECTION 89r. 20.923 (4) (a) 4m of the statutes is created to read:~~

~~20.923 (4) (a) 4m. Prosecutors council: executive secretary.~~

SECTION 90. 20.923 (4) (e) 5m of the statutes is repealed.

SECTION 91. 20.923 (4) (f) 5 of the statutes is repealed.

Vetoed
in Part

~~SECTION 91m. 20.923 (6) (intro.) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

~~20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the following positions may be set by the appointing authority, subject to restrictions otherwise set forth in the statutes and the compensation plan under s. 230.12, except where the salaries are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91:~~

SECTION 92. 20.923 (6) (bm) of the statutes is created to read:

20.923 (6) (bm) Investment board: all positions except blue collar and clerical positions.

~~SECTION 92c. 20.923 (6) (bg) of the statutes is created to read:~~

~~20.923 (6) (bg) Prosecutors council: deputy and assistant district attorneys and support staff.~~

~~SECTION 92m. 20.923 (6) (bm) of the statutes, as created by 1987 Wisconsin Act 27, is repealed.~~

SECTION 93. 20.923 (9) of the statutes is amended to read:

20.923 (9) EXECUTIVE ASSISTANTS. Salaries for executive assistants appointed under ss. 15.05 (3), and 15.06 (4m) ~~and 25.16 (3)~~ shall be set by the appointing authority. The salary may not exceed the maximum of the salary range 2 ranges below the salary range of the executive salary group to which the department or agency head is assigned. The position of administrative assistant to the lieutenant governor shall be treated as are executive assistants for pay purposes under this subsection.

~~SECTION 93c. 23.09 (27) of the statutes is created to read:~~

~~23.09 (27) AIDS TO POPULOUS COUNTIES FOR COUNTY RARE TREES. The department shall, from the appropriation under s. 20.370 (4) (at), make payments to counties having a population of 500,000 or more for planting or replacing trees damaged by storms. The payments may be used only to plant or replace trees in county parks.~~

SECTION 93d. 23.17 (2) of the statutes, as created by 1987 Wisconsin Act 98, is amended to read:

23.17 (2) DESIGNATION. The ice age national scenic trail, as provided for in 16 USC 1244 (a) (10), plus the lands adjacent to each side of that trail designated by the department, is designated a state scenic trail, to be known as the "Ice Age Trail".

SECTION 93m. 23.18 of the statutes is created to read:

23.18 Milwaukee river revitalization council. The Milwaukee river revitalization council shall do all of the following:

(1) Advise the department of natural resources, the governor and the legislature on matters relating to the environmental, recreational and economic revitalization of the Milwaukee river basin.

(2) Assist the department of natural resources to:
(a) Develop, provide and disseminate information on the environmental, recreational, economic and developmental interests of the Milwaukee river basin.

(b) Assist local governmental agencies during the planning and implementation of specific programs and activities.

(c) Develop proposals to maximize the use of available local, state, federal and private resources to further the revitalization of the Milwaukee river basin.

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

(d) Develop a Milwaukee river riverway plan that allows and encourages multiple recreational entrepreneurial and cultural activities to take place near the Milwaukee river.

(e) Establish a mechanism that allows the plan under par. (d) to be implemented in an aggressive and deliberate fashion.

SECTION 93np. 23.28 (1) of the statutes is amended to read:

23.28 (1) DESIGNATION. ~~Prior to July 1, 1987, the~~ The department, with the advice of the council, may designate any natural area with a high or critical level of importance on state-owned land under the department's management or control as a state natural area. The department, with the advice of the council, may designate any natural area with a high or critical level of importance on land other than state-owned land but under the department's management or control as a state natural area. The department, with the advice of the council, may designate a natural area with a high or critical level of importance on land under the management or control of another state agency, a federal, county, city, village, town or other public agency or a nonprofit organization as a state natural area if that area is protected by a voluntary, written stewardship agreement between the owner or manager and the department.

SECTION 93p. 23.293 of the statutes is created to read:

23.293 State ice age trail area dedication. (1) DEFINITIONS. In this section:

(a) "Dedicated ice age trail area" means land accepted and recorded for dedication under the ice age trail program under this section.

(b) "Dedication" means all of the following:

1. The transfer of land or a permanent interest in land to this state to be held in trust for the people of this state by the department in a manner which ensures the stewardship of the area.

2. The binding unilateral declaration by the state that land under the ownership of the state is to be held in trust for the people of this state by the department in a manner which ensures the stewardship of the area.

(c) "State ice age trail area" means the trail designated under s. 23.17 (2).

(d) "Stewardship" means the continuing obligation to provide the necessary maintenance, management, protection, husbandry and support.

(2) MAP. The department shall develop a map which designates the state ice age trail areas.

(3) STEWARDSHIP. The department is responsible for the stewardship of state ice age trail area lands.

(4) CONTRIBUTIONS AND GIFTS; STATE MATCH. The department may accept contributions and gifts for the ice age trail program. The department may convert gifts of land which it determines are not appropriate for the ice age trail program into cash. The department may convert other noncash contributions and

gifts into cash. These moneys shall be deposited in the general fund and credited to the appropriation under s. 20.370 (1) (gg). The value of all contributions and gifts shall be matched by an amount equal to 50% of that value released from the appropriation under s. 20.866 (2) (tw) to be used for land acquisition and development activities under s. 23.17.

(5) LAND DEDICATIONS; VALUATION; STATE MATCH. The department shall determine the value of land accepted for dedication under the ice age trail program. If the land dedication involves the transfer of the title in fee simple absolute or other arrangement for the transfer of all interest in the land to the state, the valuation shall be based on the fair market value of the land before the transfer. If the land dedication involves the transfer of a partial interest in land to the state, the valuation shall be based on the extent to which the fair market value of the land is diminished by that transfer and the associated articles of dedication. If the land dedication involves a sale of land to the department at less than the fair market value, the valuation of the dedication shall be based on the difference between the purchase price and the fair market value. An amount equal to 50% of the value of land accepted for dedication under the ice age trail program shall be released from the appropriation under s. 20.866 (2) (tw) to be used for ice age trail acquisition activities under s. 23.17. This subsection does not apply to dedications of land under the ownership of the state.

(6) LAND DEDICATIONS; ELIGIBILITY AND ACCEPTANCE. The department shall accept land except as provided by sub. (7), (8), (9), (10) or (12), within the state ice age trail area for dedication unless the long-term stewardship of the dedicated land cannot reasonably be assured.

(7) LAND DEDICATIONS; TRANSFER OF INTEREST. The department may not accept land for dedication under the ice age trail program unless all interest in the land or a partial interest in the land is transferred to the state to be held in trust for the people of this state by the department. This subsection does not apply to land under the ownership of the state.

(8) LAND DEDICATIONS; STATE LAND. Land under the ownership of the state and under the control or management of the department may be accepted for dedication under the ice age trail program. Land under the ownership of the state but under the management or control of another agency may be accepted for dedication under the ice age trail program if the appropriate agency transfers sufficient permanent and irrevocable authority over the management and control of that land to the department.

(9) LAND DEDICATIONS; PERMANENT AND IRREVOCABLE. Except as permitted under this subsection, the department may not accept land for dedication under the ice age trail program unless the land dedication is permanent and irrevocable. The department may not accept land for dedication under the ice age trail pro-

gram if the dedication or any provision in the articles of dedication include any reversionary right or any provision which extinguishes the dedication at a certain time or upon the development of certain conditions, except that the department may authorize a reversion or extinction if the land is withdrawn from the ice age trail program as provided under subs. (16) and (17). The department may not accept land for dedication under the ice age trail program if the articles of dedication allow for amendment or revision except as provided under subs. (14) and (15).

(10) LAND DEDICATIONS; PUBLIC TRUST. The department may not accept land for dedication under the ice age trail program unless the land dedication provides that the interest in land which is transferred to or held by the state is to be held in trust for the people of this state by the department.

(11) LAND DEDICATIONS; STEWARDSHIP. The department may enter into contracts or agreements with other agencies or persons to act as its agent and to ensure that stewardship is provided for a dedicated ice age trail area or to assume stewardship responsibility for a dedicated ice age trail area. In no case may the department abrogate its ultimate stewardship responsibility or its obligation as a trustee of the land.

(12) LAND DEDICATION; PARTIAL INTEREST; LAND OF OTHER STATE AGENCIES; NOTICE PRIOR TO SALE OR TRANSFER. The department may not accept land for dedication under the ice age trail program if the land dedication involves the transfer of a partial interest in the land to the state unless adequate provisions for notice are provided. Land under the ownership of the state but under the management and control of another state agency may not be accepted for dedication under the ice age trail program unless adequate provisions for notice are provided. At a minimum, adequate provisions for notice shall require 30 days' notice to the department before any sale, transfer or conveyance of the land or an interest in the land. The department may not regulate or prohibit the sale, transfer or conveyance of a dedicated ice age trail area or an interest in a dedicated ice age trail area but the department may ensure that the grantee, lessee or other party is informed of the dedication and understands that restrictions, conditions, obligations, covenants and other provisions in the dedication and articles of dedication run with the land and are binding on subsequent grantees, lessees and similar parties. No sale, transfer or conveyance of a dedicated ice age trail area may violate the dedication or the articles of dedication. The register of deeds shall notify the department if a dedicated ice age trail area is transferred by will or as part of an estate.

(13) ARTICLES OF DEDICATION; FORM. Articles of dedication are not in proper form unless they are prepared as a conservation easement under s. 700.40 or in another form acceptable to the department. Articles of dedication are not in proper form unless they run with the land and are binding on all subsequent purchasers or any other successor to an interest in the

land. Articles of dedication are not in proper form unless the articles qualify as an instrument which is valid and meets the requirements for recording under s. 706.04.

(14) ARTICLES OF DEDICATION; AMENDMENT; JUSTIFICATION. The articles of dedication may not be amended or revised unless the amendment or revision serves a valid public purpose, no prudent alternative exists and the amendment or revision would not significantly injure or damage the ice age trail.

(15) ARTICLES OF DEDICATION; AMENDMENT; PROCEDURE. The articles of dedication may not be amended or revised until and unless:

(a) *Agreement*. The department and any other party with a property interest in the dedicated ice age trail area agree to the proposed amendment or revision.

(b) *Findings*. The department issues written findings justifying the proposed amendment or revision under sub. (14).

(c) *Notice and hearing*. A public hearing is conducted in the county where the dedicated ice age trail area is located following publication of a class I notice, under ch. 985, which announces the hearing and summarizes the department's findings.

(d) *Standing committee approval*. The appropriate standing committee in each house of the legislature, as determined by each presiding officer, approves the proposed amendment or revision.

(e) *Approval by governor*. The governor approves the proposed amendment or revision.

(f) *Recording*. The amendment or revision is recorded in the office of the register of deeds.

(16) WITHDRAWAL; JUSTIFICATION. The department may not withdraw a state ice age trail area from the state ice age trail areas system unless:

(a) *Extinction of value*. The value which enabled the area to be considered a dedicated ice age trail area no longer exists or was destroyed or damaged to such an extent that the area has no importance or has a low level of importance as determined by the department.

(b) *Superseding public purpose*. The withdrawal serves a superseding and imperative public purpose and no prudent alternative exists.

(17) WITHDRAWAL; PROCEDURE. The department may not withdraw a dedicated ice age trail area from the state ice age trail areas system until and unless:

(a) *Findings*. The department issues written findings justifying the proposed withdrawal under sub. (16) (a) or (b).

(b) *Notice and hearing*. A public hearing is conducted in the county where the dedicated ice age trail area is located following publication of a class I notice, under ch. 985, which announces the hearing and summarizes the department's findings.

(c) *Standing committee approval*. The appropriate standing committee in each house of the legislature, as determined by each presiding officer, approves the proposed withdrawal.

(d) *Approval by governor.* The governor approves the proposed withdrawal.

(e) *Recording.* The withdrawal is recorded with the register of deeds.

(18) DEPARTMENT AUTHORITY. The department shall administer this section and shall encourage and facilitate the voluntary dedication of lands under the ice age trail program. The department may promulgate rules and establish procedures to aid in the administration and enforcement of this section. The department may provide legal advice and may prepare model articles of dedication to facilitate the dedication of lands under the ice age trail program.

(19) ENFORCEMENT. The department and its agents, the department of justice and peace officers, as defined under s. 939.22 (22), have jurisdiction on dedicated ice age trail areas.

(20) INJUNCTIVE RELIEF; RECOVERY OF COSTS. The department, or the department of justice on its own initiative or at the request of the department, may initiate an action seeking injunctive relief against any person violating the articles of dedication of a dedicated ice age trail area.

SECTION 93qb. 23.33 (1) (am) of the statutes is created to read:

23.33 (1) (am) “Alcohol beverages” has the meaning specified under s. 125.02 (1).

SECTION 93qd. 23.33 (1) (dm) of the statutes is created to read:

23.33 (1) (dm) “Approved public treatment facility” has the meaning specified under s. 51.45 (2) (c).

SECTION 93qf. 23.33 (1) (f) of the statutes is repealed.

SECTION 93qh. 23.33 (1) (i) of the statutes is repealed and recreated to read:

23.33 (1) (i) “Intoxicant” means any alcohol beverage, controlled substance or other drug or any combination thereof.

SECTION 93qj. 23.33 (1) (ic), (ig), (ir) and (iw) of the statutes are created to read:

23.33 (1) (ic) “Intoxicated operation of an all-terrain vehicle law” means sub. (4c) or a local ordinance in conformity therewith or, if the operation of an all-terrain vehicle is involved, s. 940.09 or 940.25.

(ig) “Law enforcement officer” has the meaning specified under s. 165.85 (2) (c) and includes a person appointed as a conservation warden by the department under s. 23.10 (1).

(ir) “Operation of an all-terrain vehicle” means controlling the speed or direction of an all-terrain vehicle.

(iw) “Operator” means a person who is engaged in the operation of an all-terrain vehicle, who is responsible for the operation of an all-terrain vehicle or who is supervising the operation of an all-terrain vehicle.

SECTION 93qL. 23.33 (1) (je), (jm) and (js) of the statutes are created to read:

23.33 (1) (je) “Purpose of authorized analysis” means for the purpose of determining or obtaining evidence of the presence, quantity or concentration of any intoxicant in a person’s blood, breath or urine.

(jm) “Refusal law” means sub. (4p) (e) or a local ordinance in conformity therewith.

(js) “Test facility” means a test facility or agency prepared to administer tests under s. 343.305 (1).

SECTION 93qn. 23.33 (3) (b) of the statutes is repealed.

SECTION 93qp. 23.33 (4c) to (4z) of the statutes are created to read:

23.33 (4c) INTOXICATED OPERATION OF AN ALL-TERRAIN VEHICLE. (a) *Operation.* 1. ‘Operating while under the influence of an intoxicant.’ No person may engage in the operation of an all-terrain vehicle while under the influence of an intoxicant to a degree which renders him or her incapable of safe all-terrain vehicle operation.

2. ‘Operating with alcohol concentrations at or above specified levels.’ No person may engage in the operation of an all-terrain vehicle while the person has a blood alcohol concentration of 0.1% or more by weight of alcohol in his or her blood. No person may engage in the operation of an all-terrain vehicle while the person has 0.1 grams or more of alcohol in 210 liters of his or her breath.

3. ‘Operating with alcohol concentrations at specified levels; below age 19.’ If a person has not attained the age of 19, the person may not engage in the operation of an all-terrain vehicle while he or she has a blood alcohol concentration of more than 0.0% but not more than 0.1% by weight of alcohol in his or her blood or more than 0.0 grams but not more than 0.1 grams of alcohol in 210 liters of his or her breath.

4. ‘Related charges.’ A person may be charged with and a prosecutor may proceed upon a complaint based upon a violation of subd. 1 or 2 or both for acts arising out of the same incident or occurrence. If the person is charged with violating both subds. 1 and 2, the offenses shall be joined. If the person is found guilty of both subds. 1 and 2 for acts arising out of the same incident or occurrence, there shall be a single conviction for purposes of sentencing and for purposes of counting convictions under sub. (13) (b) 2 and 3. Subdivisions 1 and 2 each require proof of a fact for conviction which the other does not require.

(b) *Causing injury.* 1. ‘Causing injury while under the influence of an intoxicant.’ No person while under the influence of an intoxicant to a degree which renders him or her incapable of safe all-terrain vehicle operation may cause injury to another person by the operation of an all-terrain vehicle.

2. ‘Causing injury with alcohol concentrations at or above specified levels.’ No person who has a blood alcohol concentration of 0.1% or more by weight of alcohol in his or her blood may cause injury to another person by the operation of an all-terrain vehi-

cle. No person who has 0.1 grams or more of alcohol in 210 liters of his or her breath may cause injury to another person by the operation of an all-terrain vehicle.

3. 'Related charges.' A person may be charged with and a prosecutor may proceed upon a complaint based upon a violation of subd. 1 or 2 or both for acts arising out of the same incident or occurrence. If the person is charged with violating both subds. 1 and 2 in the complaint, the crimes shall be joined under s. 971.12. If the person is found guilty of both subds. 1 and 2 for acts arising out of the same incident or occurrence, there shall be a single conviction for purposes of sentencing and for purposes of counting convictions under sub. (13) (b) 2 and 3. Subdivisions 1 and 2 each require proof of a fact for conviction which the other does not require.

4. 'Defenses.' In an action under subd. 1, the defendant has a defense if it appears by a preponderance of the evidence that the injury would have occurred even if the defendant was not under the influence of an intoxicant. In an action under subd. 2, the defendant has a defense if it appears by a preponderance of the evidence that the injury would have occurred even if the defendant did not have a blood alcohol concentration of 0.1% or more by weight of alcohol in his or her blood. In an action under subd. 2, the defendant has a defense if it appears by a preponderance of the evidence that the injury would have occurred even if he or she did not have 0.1 grams or more of alcohol in 210 liters of his or her breath.

(4g) PRELIMINARY BREATH SCREENING TEST. (a) *Requirement.* A person shall provide a sample of his or her breath for a preliminary breath screening test if a law enforcement officer has probable cause to believe that the person is violating or has violated the intoxicated operation of an all-terrain vehicle law and if, prior to an arrest, the law enforcement officer requested the person to provide this sample.

(b) *Use of test results.* A law enforcement officer may use the results of a preliminary breath screening test for the purpose of deciding whether or not to arrest a person for a violation of the intoxicated operation of an all-terrain vehicle law or for the purpose of deciding whether or not to request a chemical test under sub. (4p). Following the preliminary breath screening test, chemical tests may be required of the person under sub. (4p).

(c) *Admissibility.* The result of a preliminary breath screening test is not admissible in any action or proceeding except to show probable cause for an arrest, if the arrest is challenged, or to show that a chemical test was properly required of a person under sub. (4p).

(d) *Refusal.* There is no penalty for a violation of par. (a). Subsection (13) (a) and the general penalty provision under s. 939.61 do not apply to that violation.

(4j) APPLICABILITY OF THE INTOXICATED OPERATION OF AN ALL-TERRAIN VEHICLE LAW. In addition to being

applicable upon highways, the intoxicated operation of an all-terrain vehicle law is applicable upon all premises held out to the public for use of their all-terrain vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof.

(4L) IMPLIED CONSENT. Any person who engages in the operation of an all-terrain vehicle upon the public highways of this state, or in those areas enumerated in sub. (4j), is deemed to have given consent to provide one or more samples of his or her breath, blood or urine for the purpose of authorized analysis as required under sub. (4p). Any person who engages in the operation of an all-terrain vehicle within this state is deemed to have given consent to submit to one or more chemical tests of his or her breath, blood or urine for the purpose of authorized analysis as required under sub. (4p).

(4p) CHEMICAL TESTS. (a) *Requirement.* 1. 'Samples; submission to tests.' A person shall provide one or more samples of his or her breath, blood or urine for the purpose of authorized analysis if he or she is arrested for a violation of the intoxicated operation of an all-terrain vehicle law and if he or she is requested to provide the sample by a law enforcement officer. A person shall submit to one or more chemical tests of his or her breath, blood or urine for the purpose of authorized analysis if he or she is arrested for a violation of the intoxicated operation of an all-terrain vehicle law and if he or she is requested to submit to the test by a law enforcement officer.

2. 'Information.' A law enforcement officer requesting a person to provide a sample or to submit to a chemical test under subd. 1 shall inform the person of all of the following at the time of the request and prior to obtaining the sample or administering the test:

a. That he or she is deemed to have consented to tests under sub. (4L).

b. That a refusal to provide a sample or to submit to a chemical test constitutes a violation under par. (e) and is subject to the same penalties and procedures as a violation of sub. (4c) (a) 1.

c. That in addition to the designated chemical test under par. (b) 2, he or she may have an additional chemical test under par. (c) 1.

3. 'Unconscious person.' A person who is unconscious or otherwise not capable of withdrawing consent is presumed not to have withdrawn consent under this paragraph, and if a law enforcement officer has probable cause to believe that the person violated the intoxicated operation of an all-terrain vehicle law, one or more chemical tests may be administered to the person without a request under subd. 1 and without providing information under subd. 2.

(b) *Chemical tests.* 1. 'Test facility.' Upon the request of a law enforcement officer, a test facility shall administer a chemical test of breath, blood or urine for the purpose of authorized analysis. A test

facility shall be prepared to administer 2 of the 3 chemical tests of breath, blood or urine for the purpose of authorized analysis. The department may enter into agreements for the cooperative use of test facilities.

2. 'Designated chemical test.' A test facility shall designate one chemical test of breath, blood or urine which it is prepared to administer first for the purpose of authorized analysis.

3. 'Additional chemical test.' A test facility shall specify one chemical test of breath, blood or urine, other than the test designated under subd. 2, which it is prepared to administer for the purpose of authorized analysis as an additional chemical test.

4. 'Validity; procedure.' A chemical test of blood or urine conducted for the purpose of authorized analysis is valid as provided under s. 343.305 (10). The duties and responsibilities of the laboratory of hygiene, department of health and social services and department of transportation under s. 343.305 (10) apply to a chemical test of blood or urine conducted for the purpose of authorized analysis under this subsection. Blood may be withdrawn from a person arrested for a violation of the intoxicated operation of an all-terrain vehicle law only by a physician, registered nurse, medical technologist, physician's assistant or person acting under the direction of a physician and the person who withdraws the blood, the employer of that person and any hospital where blood is withdrawn have immunity from civil or criminal liability as provided under s. 895.53.

5. 'Report.' A test facility which administers a chemical test of breath, blood or urine for the purpose of authorized analysis under this subsection shall prepare a written report which shall include the findings of the chemical test, the identification of the law enforcement officer or the person who requested a chemical test and the identification of the person who provided the sample or submitted to the chemical test. The test facility shall transmit a copy of the report to the law enforcement officer and the person who provided the sample or submitted to the chemical test.

(c) *Additional and optional chemical tests.* 1. 'Additional chemical test.' If a person is arrested for a violation of the intoxicated operation of an all-terrain vehicle law or is the operator of an all-terrain vehicle involved in an accident resulting in great bodily harm to or the death of someone and if the person is requested to provide a sample or to submit to a test under par. (a) 1, the person may request the test facility to administer the additional chemical test specified under par. (b) 3 or, at his or her own expense, reasonable opportunity to have any qualified person administer a chemical test of his or her breath, blood or urine for the purpose of authorized analysis.

2. 'Optional test.' If a person is arrested for a violation of the intoxicated operation of an all-terrain vehicle law and if the person is not requested to provide a

sample or to submit to a test under par. (a) 1, the person may request the test facility to administer a chemical test of his or her breath or, at his or her own expense, reasonable opportunity to have any qualified person administer a chemical test of his or her breath, blood or urine for the purpose of authorized analysis. If a test facility is unable to perform a chemical test of breath, the person may request the test facility to administer the designated chemical test under par. (b) 2 or the additional chemical test under par. (b) 3.

3. 'Compliance with request.' A test facility shall comply with a request under this paragraph to administer any chemical test it is able to perform.

4. 'Inability to obtain chemical test.' The failure or inability of a person to obtain a chemical test at his or her own expense does not preclude the admission of evidence of the results of a chemical test required and administered under pars. (a) and (b).

(d) *Admissibility; effect of test results; other evidence.* The results of a chemical test required or administered under par. (a), (b) or (c) are admissible in any civil or criminal action or proceeding arising out of the acts committed by a person alleged to have violated the intoxicated operation of an all-terrain vehicle law on the issue of whether the person was under the influence of an intoxicant or the issue of whether the person had alcohol concentrations at or above specified levels. Results of these chemical tests shall be given the effect required under s. 885.235. This subsection does not limit the right of a law enforcement officer to obtain evidence by any other lawful means.

(e) *Refusal.* No person may refuse a lawful request to provide one or more samples of his or her breath, blood or urine or to submit to one or more chemical tests under par. (a). A person shall not be deemed to refuse to provide a sample or to submit to a chemical test if it is shown by a preponderance of the evidence that the refusal was due to a physical inability to provide the sample or to submit to the test due to a physical disability or disease unrelated to the use of an intoxicant. Issues in any action concerning violation of par. (a) or this paragraph are limited to:

1. Whether the law enforcement officer had probable cause to believe the person was violating or had violated the intoxicated operation of an all-terrain vehicle law.

2. Whether the person was lawfully placed under arrest for violating the intoxicated operation of an all-terrain vehicle law.

3. Whether the law enforcement officer requested the person to provide a sample or to submit to a chemical test and provided the information required under par. (a) 2 or whether the request and information was unnecessary under par. (a) 3.

4. Whether the person refused to provide a sample or to submit to a chemical test.

(4t) **REPORT ARREST TO DEPARTMENT.** If a law enforcement officer arrests a person for a violation of

the intoxicated operation of an all-terrain vehicle law or the refusal law, the law enforcement officer shall notify the department of the arrest as soon as practicable.

(4x) OFFICER'S ACTION AFTER ARREST FOR OPERATING AN ALL-TERRAIN VEHICLE WHILE UNDER INFLUENCE OF INTOXICANT. A person arrested for a violation of sub. (4c) (a) 1 or 2 or a local ordinance in conformity therewith or sub. (4c) (b) 1 or 2 may not be released until 12 hours have elapsed from the time of his or her arrest or unless a chemical test administered under sub. (4p) (a) 1 shows that there is 0.05% or less by weight of alcohol in the person's blood or 0.05 grams or less of alcohol in 210 liters of the person's breath, but the person may be released to his or her attorney, spouse, relative or other responsible adult at any time after arrest.

(4z) PUBLIC EDUCATION PROGRAM. (a) The department shall promulgate rules to provide for a public education program to:

1. Inform all-terrain vehicle operators of the prohibitions and penalties included in the intoxicated operation of an all-terrain vehicle law.

2. Provide for the development of signs briefly explaining the intoxicated operation of an all-terrain vehicle law.

(b) The department shall develop and issue an educational pamphlet on the intoxicated operation of an all-terrain vehicle law to be distributed, beginning in 1989, to persons issued all-terrain vehicle registration certificates.

SECTION 93qr. 23.33 (5) (d) of the statutes is amended to read:

23.33 (5) (d) *Safety certification program established.* The department shall establish or supervise the establishment of programs of instruction on all-terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle law, regulations, safety and related subjects. The department may charge or authorize an instruction fee.

SECTION 93qt. 23.33 (9) (b) of the statutes is amended to read:

23.33 (9) (b) *Trails and projects.* The department shall utilize at least 50% of the moneys received from all-terrain vehicle registrations for the purposes specified under s. 20.370 (1) (ms) and (4) (by) including all-terrain vehicle projects and related costs, including land and easement acquisitions, liability insurance, route and trail development and maintenance, all-terrain vehicle facilities such as toilets, parking areas, riding areas, shelters and improvements and for all-terrain vehicle project aids to towns, villages, cities, counties and federal agencies. Aid may be provided under this paragraph to towns, villages, cities and counties for up to 100% of the cost of placing signs developed under sub. (4z) (a) 2 which briefly explain the intoxicated operation of an all-terrain vehicle law along all-terrain vehicle trails. Aid may be provided for snowmobile routes and trails and off-the-road

motorcycle trails and facilities if these routes, trails and facilities are open for use by all-terrain vehicles.

SECTION 93qv. 23.33 (13) of the statutes is renumbered 23.33 (13) (a) and amended to read:

23.33 (13) (a) (title) *Generally.* Any Except as provided in pars. (b) to (e), any person who violates this section shall forfeit not more than \$250.

SECTION 93qx. 23.33 (13) (b) to (e) of the statutes are created to read:

23.33 (13) (b) *Penalties related to prohibited operation of an all-terrain vehicle; intoxicants; refusal.* 1. Except as provided under subds. 2 and 3, a person who violates sub. (4c) (a) 1 or 2 or (4p) (e) shall forfeit not less than \$150 nor more than \$300.

2. Except as provided under subd. 3, a person who violates sub. (4c) (a) 1 or 2 or (4p) (e) and who, within 5 years prior to the arrest for the current violation, was convicted previously under the intoxicated operation of an all-terrain vehicle law or the refusal law shall be fined not less than \$300 nor more than \$1,000 and shall be imprisoned not less than 5 days nor more than 6 months.

3. A person who violates sub. (4c) (a) 1 or 2 or (4p) (e) and who, within 5 years prior to the arrest for the current violation, was convicted 2 or more times previously under the intoxicated operation of an all-terrain vehicle law or refusal law shall be fined not less than \$600 nor more than \$2,000 and shall be imprisoned not less than 30 days nor more than one year in the county jail.

4. A person who violates sub. (4c) (a) 3 or (4p) (e) and who has not attained the age of 19 shall forfeit not more than \$50.

(c) *Penalties related to causing injury; intoxicants.* A person who violates sub. (4c) (b) shall be fined not less than \$300 nor more than \$2,000 and may be imprisoned not less than 30 days nor more than one year in the county jail.

(cm) *Sentence of detention.* The legislature intends that courts use the sentencing option under s. 973.03 (4) whenever appropriate for persons subject to par. (b) 2 or 3 or (c). The use of this option can result in significant cost savings for the state and local governments.

(d) *Calculation of previous convictions.* In determining the number of previous convictions under par. (b) 2 and 3, convictions arising out of the same incident or occurrence shall be counted as one previous conviction.

(dm) *Reporting convictions to the department.* Whenever a person is convicted of a violation of the intoxicated operation of an all-terrain vehicle law, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate of a court not having a clerk, shall forward to the department the record of such conviction. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense.

(e) *Alcohol or controlled substances; assessment.* In addition to any other penalty or order, a person who violates sub. (4c) (a) or (b) or (4p) (e) or who violates s. 940.09 or 940.25 if the violation involves the operation of an all-terrain vehicle, shall be ordered by the court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol or controlled substances. The assessment order shall comply with s. 343.30 (1q) (c) 1. a to c. Intentional failure to comply with an assessment ordered under this paragraph constitutes contempt of court, punishable under ch. 785.

SECTION 93rc. 23.54 (3) (i) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

23.54 (3) (i) Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and 814.635~~ ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

SECTION 93rd. 23.54 (3) (j) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

23.54 (3) (j) Notice that if the defendant makes a deposit and signs the stipulation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and 814.635~~ ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and stipulation, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effects of the stipulation.

SECTION 93re. 23.66 (2) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

23.66 (2) The person receiving the deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assess-

ment, a jail assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and 814.635~~ ch. 814, not to exceed the amount of the deposit which the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, share draft or other draft, the check, share draft or other draft or a microfilm copy of the check, share draft or other draft shall be considered a receipt. If the defendant makes the deposit by use of a credit card, the credit charge receipt shall be considered a receipt.

SECTION 93rf. 23.66 (4) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

23.66 (4) The basic amount of the deposit shall be determined in accordance with a deposit schedule which the judicial conference shall establish. Annually, the judicial conference shall review and may revise the schedule. In addition to the basic amount determined according to the schedule, the deposit shall include court costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and 814.635~~ ch. 814, any applicable penalty assessment, any applicable jail assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment.

SECTION 93rg. 23.67 (2) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

23.67 (2) The deposit and stipulation of no contest may be made at any time prior to the court appearance date. By signing the stipulation, the defendant is deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and 814.635~~ ch. 814, not to exceed the amount of the deposit.

SECTION 93rh. 23.67 (3) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

23.67 (3) The person receiving the deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be deemed to have submitted to a forfeiture, a penalty assessment, a jail assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus

costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and 814.635~~ ch. 814, not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as in s. 23.66.

SECTION 93ri. 23.75 (3) (b) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

23.75 (3) (b) If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus any applicable fees prescribed in ~~ss. 814.63 (1) and 814.635~~ ch. 814, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. If the court accepts the plea of no contest, the defendant may move within 90 days after the date set for appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If a party is relieved from the plea of no contest, the court or judge may order a written complaint to be filed and set the matter for trial. After trial the costs and fees shall be taxed as provided by law. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant's deposit returned.

SECTION 93rj. 23.75 (3) (c) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

23.75 (3) (c) If the defendant has made a deposit and stipulation of no contest, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus any applicable fees prescribed in ~~ss. 814.63 (1) and 814.635~~ ch. 814, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. After signing a stipulation of no contest, the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on the motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects thereof. If the defendant is relieved from the stipulation of no contest, the court may order a citation or

complaint to be filed and set the matter for trial. After trial the costs and fees shall be taxed as provided by law.

SECTION 95. 25.156 (2) of the statutes is amended to read:

25.156 (2) The ~~members of the investment~~ board shall employ an executive director, who shall serve outside the classified service, ~~at the pleasure of the members of the board. Such.~~ The executive director shall be qualified by training and prior experience to manage, administer and direct the investment of funds. The investment board shall fix the compensation of the executive director, and may award bonus compensation as authorized under sub. (6).

SECTION 96. 25.156 (6) of the statutes is created to read:

25.156 (6) The investment board may provide a plan of bonus compensation for the executive director and other employes of the board who are appointed in the unclassified service, whereby the employes may qualify for an annual bonus for meritorious performance. No such bonuses awarded by the board for any fiscal year may exceed a total of 10% of the total annualized salaries of all unclassified employes of the board at the beginning of the fiscal year. No bonus awarded by the board to any individual employe for any fiscal year may exceed a total of 25% of the annual salary of the employe at the beginning of the fiscal year. In awarding bonus compensation for a given period, the board shall consider the performance of funds similar to those for which it has managing authority and market indices for the same period. The board shall provide for a portion of the bonus compensation awarded under this subsection to be distributed to employes over a 3-year period conditioned upon continuation of employment to the time of distribution.

SECTION 97. 25.16 (2) and (3) of the statutes are amended to read:

25.16 (2) The executive director shall appoint the employes necessary to ~~perform the duties~~ carry out the functions of the investment board under, except that the investment board shall participate in the selection of investment directors. The executive director shall appoint all employes outside the classified service, except that the executive director shall appoint investment directors in the unclassified service. The members of the board shall participate in the selection of such directors. Such investment directors shall serve a probationary period of not less than 6 months nor more than 2 years as determined by the members of the board blue collar and clerical employes. Neither the executive director, any investment director nor any other employe of the board shall have any financial interest, either directly or indirectly, in any firm engaged in the sale or marketing of real estate or investments of any kind, nor shall any of them render investment advice to others for remuneration.

(3) The executive director may appoint an executive assistant who shall serve at the pleasure of the executive director outside the classified service. The executive assistant shall perform the duties prescribed by the executive director.

SECTION 98. 25.16 (7) of the statutes is created to read:

25.16 (7) The executive director shall fix the compensation of all employes appointed by the executive director, subject to restrictions set forth in the compensation plan under s. 230.12 or any applicable collective bargaining agreement in the case of employes in the classified service, but the investment board may provide for bonus compensation to employes in the unclassified service as authorized under s. 25.156 (6).

SECTION 98d. 25.17 (1) (aw) of the statutes is created to read:

25.17 (1) (aw) Clean water fund (s. 25.43);

SECTION 98m. 25.18 (1) (n) of the statutes is created to read:

25.18 (1) (n) Purchase or acquire, commit on a standby basis to purchase or acquire, sell, discount, assign, negotiate, or otherwise dispose of, or pledge, hypothecate or otherwise create a security interest in, loans as the investment board may determine, or portions or portfolios of participations in loans, made or purchased under s. 144.241, if the disposition provides a financial benefit to and does not contradict or weaken the purposes of the clean water fund. The disposition may be at the price and under the terms the investment board determines to be reasonable and may be at public or private sale.

SECTION 100. 25.40 (2) of the statutes, as affected by 1987 Wisconsin Act 27, section 559, is amended to read:

25.40 (2) Payments from the transportation fund, except for appropriations made by ss. 20.115 (1) (q), 20.255 (2) (r), 20.285 (1) (x), 20.292 (1) (q), (r), (u) and (v), 20.370 (1) (dq), (dr) and (mr), (2) (cq) and (4) (bt); and (bz); 20.399 (1) (r), 20.465 (1) (q), 20.505 (2) (q), 20.566 (1) (u) and (2) (q) and 20.855 (4) (q) and (s) or authorized by s. 25.17 shall be made only on the order of the secretary of transportation, from which order the secretary of administration shall draw a warrant in favor of the payee and charge the same to the transportation fund.

SECTION 101. 25.40 (2) of the statutes, as affected by 1987 Wisconsin Act 27, section 559g, and 1987 Wisconsin Act (this act), is repealed and recreated to read:

25.40 (2) Payments from the transportation fund, except for appropriations made by ss. 20.115 (1) (q), 20.255 (2) (r), 20.285 (1) (x), 20.292 (1) (q), (r), (u) and (v), 20.370 (1) (dr) and (mr), (2) (cq) and (4) (bt) and (bz), 20.399 (1) (r), 20.465 (1) (q), 20.505 (2) (q), 20.566 (1) (u) and (2) (q) and 20.855 (4) (q) and (s) or authorized by s. 25.17 shall be made only on the order of the secretary of transportation, from which order

the secretary of administration shall draw a warrant in favor of the payee and charge the same to the transportation fund.

SECTION 101m. 25.43 of the statutes is created to read:

25.43 Clean water fund. (1) There is established a separate nonlapsible trust fund designated as the clean water fund, to consist of:

(a) All capitalization grants provided by the federal government under 33 USC 1381 to 1387.

(b) All state funds appropriated or transferred to the clean water fund to meet the requirements for state deposits under 33 USC 1382.

(c) All other appropriations and transfers of state funds to the clean water fund.

(d) All gifts, grants and bequests to the clean water fund.

(e) All repayments of principal and payment of interest on loans made from the clean water fund and on obligations acquired by the investment board under s. 144.241 (19).

(f) All moneys received by the clean water fund from the proceeds of the sale of general or revenue obligation bonds under s. 20.866 (2) (tc) or 144.241 (5).

(g) All moneys received from the sale of loans made under s. 25.18 (1) (n).

(2) (a) There is established in the clean water fund a federal revolving loan fund account consisting of the capitalization grants under sub. (1) (a) and (b) and all repayments under sub. (1) (e) of capitalization grants under sub. (1) (a) and (b).

(b) There is established in the clean water fund a state revolving loan fund account consisting of all moneys in the fund not included in accounts under par. (a) or (c).

(c) The investment board may establish and change accounts in the clean water fund other than those under pars. (a) and (b). The investment board shall consult the department of natural resources before establishing or changing an account that is needed to administer the program under s. 144.241.

(3) The clean water fund may be used only for the purposes authorized under ss. 20.370 (4) (cr), (cs), (iv), (ix) and (jq) and 144.241.

SECTION 101r. 25.47 of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

25.47 Petroleum storage environmental cleanup fund. There is established a separate nonlapsible trust fund designated as the petroleum storage environmental cleanup fund, to consist of the fees imposed under s. 168.12 (1m) and the net recoveries under s. 101.143 (5) (c).

~~SECTION 102m. 25.48 (4) of the statutes is amended to read:~~

~~25.48 (4) The groundwater fees imposed under s. 144.441 (7).~~

Vetoed
in Part

SECTION 102s. 25.75 (3) (c) of the statutes, as created by 1987 Wisconsin Act 119, is repealed and recreated to read:

25.75 (3) (c) *Property tax relief.* The sum of all of the following amounts shall be deposited in the appropriation under s. 20.255 (2) (q):

1. In the fiscal year beginning July 1, 1988, and each fiscal year thereafter, the first \$50,000,000 of lottery proceeds received in the fiscal year.

2. In the fiscal year beginning July 1, 1988, and each fiscal year thereafter, after deducting the amount under subd. 1, one-half of the remaining lottery proceeds received in the fiscal year.

3. a. In the fiscal year beginning July 1, 1988, one-sixth of the lottery proceeds remaining after deducting the first \$50,000,000 received in fiscal year 1987-88.

b. In the fiscal year beginning July 1, 1989, an amount equal to the amount under subd. 3. a, plus one-sixth of the lottery proceeds remaining after deducting the first \$50,000,000 received in fiscal year 1988-89.

c. In the fiscal year beginning July 1, 1990, and each fiscal year thereafter, an amount equal to the 3-year average of one-half of the lottery proceeds remaining after deducting the first \$50,000,000 received in each of the 3 immediately prior fiscal years.

4. In the fiscal year beginning July 1, 1988, and each fiscal year thereafter, earnings attributable to the lottery proceeds distributed to the lottery fund under s. 25.14 (3).

SECTION 103. 27.01 (9) of the statutes, as affected by 1987 Wisconsin Act 27, is repealed and recreated to read:

27.01 (9) *WAIVER OF FEES; SPECIAL FEES.* The department may waive the fees under subs. (7) and (8) or may charge admission fees in addition to or instead of those fees. Fees or fee waivers may vary, based upon any of the following:

- (a) Certain classes of persons or groups.
- (b) Certain areas.
- (c) Certain types of visitation or times of the year.
- (d) Admission to special scheduled events or programs.
- (e) Admission based on a per person basis.

SECTION 104. 28.035 (3) (a) of the statutes is amended to read:

28.035 (3) (a) The written lease entered into between the Wisconsin state department of the American Legion and the department of natural resources dated June 15, 1944, which leases Camp American Legion for a period of 10 years commencing June 1, 1944, shall continue in full force for an additional 10 years, and may be renewed for additional 10-year periods thereafter, notwithstanding the expiration of the term expressed therein, so long as the Wisconsin state department of the American Legion or any of the American Legion posts organized under s. 188.08 maintains on such property structures which were constructed prior to May 31, 1956, at the expense of

the Wisconsin state department of the American Legion or any such post, for the purpose of the rehabilitation, restoration or recreation of veterans and their dependents of the Spanish-American war, the Philippine insurrection, the Mexican border service, World Wars I and II, the Korean conflict, the Vietnam era and Grenada or Lebanon or a Middle East crisis under s. 45.34.

~~SECTION 104am. 28.11 (8) (a) of the statutes is amended to read:~~

~~28.11 (8) (a) *Average payments.* As soon after April 20 of each year as feasible, the department shall pay to each town treasurer 20 40 cents per acre, based on the acreage of such lands as of the preceding June 30, as a grant out of the appropriation made by s. 20.370 (4) (ar) on each acre of county lands entered under this section.~~

Vetoed in Part

~~SECTION 104ab. 29.092 (7) (j) of the statutes is repealed.~~

Vetoed in Part

SECTION 104ac. 29.092 (7) (n) of the statutes is repealed.

SECTION 104ad. 29.092 (7) (i) of the statutes is amended to read:

29.092 (7) (i) *Commercial clam sheller license.* A resident or nonresident commercial clam sheller license is valid from January 1 or the date of issuance, whichever is later, until December 31.

SECTION 104ae. 29.103 (4) (e) of the statutes is repealed.

SECTION 104af. 29.107 (7) of the statutes is repealed.

~~SECTION 104ag. 29.16 (1) (title) of the statutes is repealed.~~

Vetoed in Part

~~SECTION 104at. 29.16 (1) of the statutes is renumbered 29.16.~~

~~SECTION 104ak. 29.16 (2) of the statutes is repealed.~~

SECTION 104ah. 29.245 (3) (b) of the statutes is amended to read:

29.245 (3) (b) (title) *Exceptions.* This subsection does not apply to:

- 1. To a peace officer on official business.
- 2. To an employe of the department on official business.
- 3. To a person authorized by the department to conduct a game census.

SECTION 104ai. 29.38 (3) (a) (intro.) and 3 of the statutes is amended to read:

29.38 (3) (a) (intro.) No person may engage in commercial clam shelling unless the person is a resident and at least one of the following applies:

3. The person is a resident who has not attained the age of 16 years, and the value of the clams taken, killed, collected or removed by that person does not exceed \$1,000 per year. The department may, by rule, require persons under this subdivision to obtain a commercial clam shelling permit, at no charge, with

the requirements for the permit to be determined by the department by rule.

SECTION 104j. 29.38 (3) (b) of the statutes is amended to read:

29.38 (3) (b) No person may engage in clam helping unless the person is a resident and a natural person and has been issued a clam helper license by the department.

SECTION 104n. 29.595 (title) of the statutes is repealed.

SECTION 104nc. 29.595 (1) of the statutes is renumbered 29.595 and amended to read:

29.595 (title) Bear causing damage. Upon complaint in writing by an owner or lessee of land to the department that ~~deer or~~ bear are causing damage thereon, the department shall inquire into the matter; and if upon investigation, or otherwise, it ~~shall appear~~ appears to the department that the facts stated in each such complaint are true, the department by its agents may capture or destroy such ~~deer or~~ bear, and dispose of the same as provided in s. 29.06.

SECTION 105. 29.599 (4) (a) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

29.599 (4) (a) *Costs reimbursed.* Except as provided under par. (c), the department shall pay each participating county or municipality up to 100% of the county's or municipality's actual costs that are directly attributable to providing additional law enforcement services during the spearfishing season. The department shall make state aid payments from the appropriation under s. 20.370 (4) (ga) by ~~June 30~~ July 31 of the calendar year in which the county or municipality files an application under sub. (2) (c).

SECTION 105aaa. 29.642 (title) of the statutes is amended to read:

29.642 (title) Incorrect information.

SECTION 105aab. 29.642 (1) (intro.) of the statutes is repealed and recreated to read:

29.642 (1) (intro.) Any person who provides incorrect information and thereby obtains an approval issued under this chapter to which the person is not entitled:

SECTION 105aac. 30.275 (2) of the statutes is amended to read:

30.275 (2) **DESIGNATION.** The Illinois Fox river and its watershed is and the Fox river, extending from Lake Winnebago to Green Bay, and its watershed are designated a scenic urban waterway waterways and shall receive special management as provided under this section.

SECTION 105aacm. 30.30 (3) (c) of the statutes is amended to read:

30.30 (3) (c) If the owners of the property on which the dock wall or shore protection wall is located fail to notify the board of harbor commissioners or the local legislative body within the 90-day period that the work will be commenced as specified in the resolution, the board of harbor commissioners or the local legis-

~~lative body shall request the city attorney, district attorney or corporation counsel for the commencement of an action in the circuit court in the county in which the property is located for determination of whether or not the improvement, alteration, repair or extension of the dock wall or shore protection wall is required and for the fixing of the time by the court within which time the work must be commenced and completed. The action shall be entitled in the name of the state and the municipality, and the attorney general shall participate on behalf of the state. The complaint shall recite the type of improvement, alteration, repair or extension which is required, the approximate cost thereof, the need for such work as related to the reasons stated in par. (b), and such other allegations as may be pertinent. The owners of the property within which the dock wall or shore protection wall is located shall be named defendants. They shall be permitted to plead as provided for in civil actions. The action shall be brought to trial in the circuit court as promptly as possible. If the circuit court determines that the work shall be performed, it shall make a finding to that effect and enter an order directing the owners of the property to commence the work and to complete it within a period of time fixed by the court in the order, or in the alternative provide that the municipality may complete the work and charge the cost thereof to the owners of the property. If the work is performed by the municipality, the cost shall be recovered from the owners of the property as special assessments for benefits to lands provided for in s. 66.60. Either party to the action may appeal from the determination of the circuit court and the appeal shall be given preference. Only such that portion of the cost of the work shall be assessed against the owners which is of benefit to their lands.~~

SECTION 105aad. 30.61 (6) (a) of the statutes is amended to read:

30.61 (6) (a) Except as provided under par. (b), any moored, anchored or drifting boat or any other fixed and floating structure outside designated mooring areas or beyond 150 200 feet from the shoreline is required to be lighted from sunset to sunrise by a white light visible all around the horizon.

SECTION 105aadb. 30.62 (2) (a) of the statutes is amended to read:

30.62 (2) (a) *Mufflers.* The engine of every motorboat propelled by an internal combustion engine and used on the waters of this state shall be equipped and maintained with a muffler which is so constructed and kept in constant operation that it prevents excessive or unusual noise at all times while the engine is in operation, underwater exhaust system or other noise suppression device.

SECTION 105aadd. 30.62 (2) (b) 1 of the statutes is renumbered 30.62 (2) (b) and amended to read:

30.62 (2) (b) No person may operate a motorboat powered by an engine ~~manufactured on or after Janu-~~

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

ary 1, 1975, and before January 1, 1978, on the waters of the this state in such a manner as to exceed a noise level of 86 measured on an "A" weighted decibel scale measured at a distance of not less than 25 meters from the motorboat from any point on the shoreline of the body of water on which the motorboat is being operated.

SECTION 105aadf. 30.62 (2) (b) 2 and 3 of the statutes are repealed.

SECTION 105aadg. 30.62 (2) (c) 1 of the statutes is renumbered 30.62 (2) (c) and amended to read:

30.62 (2) (c) No person may sell, resell, or offer for sale or resale any motorboat with an engine manufactured on or after January 1, 1975, and before January 1, 1978, for use on the waters of the state if the motorboat can has been so modified that it cannot be operated in such a manner as to exceed a noise level of 86 measured on an "A" weighted decibel scale measured at a distance of not less than 25 meters from the motorboat that it will comply with the noise level requirements under par. (b).

SECTION 105aadh. 30.62 (2) (c) 2 and 3 of the statutes are repealed.

SECTION 105aadm. 30.62 (2) (d) of the statutes is amended to read:

30.62 (2) (d) (title) *Maximum noise level for manufacture.* 1. No person may sell or manufacture and offer for sale any motorboat with an engine manufactured on or after January 1, 1982, unless the manufacturer of the motor certifies to the department that the motor was tested and found not to exceed the noise levels prescribed under par. (e) for use on the waters of this state if the motorboat cannot be operated in such a manner so as to comply with the noise level requirements under par. (b).

2. Testing The department may promulgate rules establishing testing procedures to determine noise levels shall comply with the exterior sound level measurement procedure for pleasure motorboats published by the society of automotive engineers for the enforcement of this section.

3. The department shall promulgate rules concerning the manner of certification and test procedures and may revise these rules as necessary to adjust to advances in technology.

SECTION 105aadp. 30.62 (2) (g) of the statutes is renumbered 30.62 (2) (g) (intro.) and amended to read:

30.62 (2) (g) (title) *Exemption for specific uses.* (intro.) This subsection does not apply to a any of the following:

1. A motorboat while competing in a race conducted under a permit from a town, village or city or from an authorized agency of the U.S. federal government, nor does it apply to a boat.

2. A motorboat designed and intended solely for racing, while the boat is operated incidentally to the testing or tuning of the boat motorboat and engine

for the race in an area designated by and operated under a permit specified under subd. 1.

SECTION 105aadr. 30.62 (2) (g) 3 to 5 of the statutes are created to read:

30.62 (2) (g) 3. A motorboat on an official trial for a speed record if conducted under a permit from a town, village or city.

4. The operation of a commercial or nonrecreational fishing boat, ferry or other vessel engaged in interstate or international commerce, other than a tugboat.

5. A motorboat while operated more than one mile from the shoreline on a body of water at least 50,000 acres in size.

Vetoed
in Part

SECTION 105aads. 30.62 (2) (h) of the statutes is amended to read:

30.62 (2) (h) *Exemption by rule.* The department may promulgate by rule exemptions from compliance with this subsection for certain activities for certain types of boats such as air boats, motorboats for specific uses and for specific areas of operation.

SECTION 105aae. 30.772 (2) (e) (intro.) of the statutes is amended to read:

30.772 (2) (e) (intro.) The mooring anchor is placed more than 150 feet from the ordinary high-water mark, or more than 200 feet from the ordinary high-water mark if sub. (3) (a) 5 applies, unless one of the following occurs:

SECTION 105aaf. 30.772 (3) (a) 5 of the statutes is created to read:

30.772 (3) (a) 5. The placement or use of moorings up to 200 feet from the ordinary high-water mark, subject to all of the requirements of this section and s. 30.773, if applicable.

SECTION 105aag. 30.772 (3) (am) of the statutes is created to read:

30.772 (3) (am) If the governing body of a municipality adopts an ordinance under par. (a) 5, any boat moored or anchored to a mooring placed within 200 feet of the ordinary high-water mark or within a designated mooring area is not required to be lighted, as provided in s. 30.61 (6) (a), regardless of whether the moored or anchored boat drifts beyond 200 feet from the ordinary high-water mark or outside of the designated mooring area, unless the local regulations require the boat to be so lighted.

SECTION 105aah. 30.772 (3) (c) of the statutes is amended to read:

30.772 (3) (c) A municipality shall submit local regulations proposed under this subsection to the department at least 30 days before the municipality votes to adopt the regulations. The department shall advise the municipality in writing of its approval or disapproval of each such regulation. No regulation disapproved by the department may be adopted by the municipality. Permits issued for moorings more than 150 feet from the ordinary high-water mark, or more than 200 feet from the ordinary high-water mark if par. (a) 5 applies, shall be submitted to the department

for approval unless the permit is for a mooring within a designated mooring area.

SECTION 105aai. 30.772 (3) (d) (intro.) of the statutes is amended to read:

30.772 (3) (d) (intro.) The governing body of a municipality may, by ordinance, require a permit authorizing the placement and use of a ~~mooring within an authorized mooring area~~ moorings, subject to all of the following:

SECTION 105aaj. 30.772 (4) of the statutes is amended to read:

30.772 (4) DEPARTMENT PERMITS. The department may issue a permit authorizing the placement or use of a mooring beyond 150 feet from the ordinary high-water mark if the municipality does not have an established permit procedure, or more than 200 feet from the ordinary high-water mark if sub. (3) (a) 5 applies. The department may place conditions or restrictions on any permit issued under this subsection.

Vetoed in Part

~~SECTION 105aak. 30.92 of the statutes is repealed.~~

Vetoed in Part

~~SECTION 105aam. 30.93 (8) of the statutes is created to read:~~

~~30.93 (8) LAMPREY CONTROL. The department shall, before October 1, 1988, alter the Rapide Croche dam and seal the Fox river lock and facility at the dam to stop lamprey from entering the part of the Fox river upstream from the Rapide Croche dam.~~

Vetoed in Part

~~SECTION 105aap. 30.94 of the statutes is created to read:~~

~~30.94 Aids to navigation in Lake Winnebago-Fox river system. The department shall place and remove all aids to navigation, as defined in s. 30.74 (2) (b), in the entire Lake Winnebago-Fox river system. The department shall seek the cooperation and assistance of the U.S. coast guard in the performance of its duties under this section. The department shall place aids to navigation that are equivalent to the aids placed by the U.S. coast guard in 1987. The department may contract with any person to place or remove the aids to navigation. The aids to navigation shall be placed as early in the year as feasible and be removed as late in the year as feasible.~~

SECTION 105ab. 32.185 of the statutes is amended to read:

32.185 Condemnor. "Condemnor", for the purposes of ss. 32.19 to 32.27, means any municipality, board, commission, public officer or corporation vested with the power of eminent domain which acquires property for public purposes either by negotiated purchase when authorized by statute to employ its powers of eminent domain or by the power of eminent domain. "Condemnor" also means a displacing agency. In this section, "displacing agency" means any state agency, political subdivision of the state or person carrying out a program or project with public financial assistance that causes a person to be a displaced person, as defined in s. 32.19 (2) (e).

SECTION 105ac. 32.19 (2) (b) of the statutes is amended to read:

32.19 (2) (b) "Comparable dwelling" means one which, when compared with the dwelling being taken, is substantially equal concerning all major characteristics and functionally equivalent with respect to: the number and size of rooms and closets, area of living space, type of construction, age, state of repair, size and utility of any garage or other outbuilding, type of neighborhood and accessibility to public services and places of employment. "Comparable dwelling" shall meet all of the standard building requirements and other code requirements of the local governmental body and shall also be decent, safe and sanitary and within the financial means of the displaced person, as defined by the department of industry, labor and human relations.

SECTION 105ad. 32.19 (2) (e) of the statutes is repealed and recreated to read:

32.19 (2) (e) 1. "Displaced person" means, except as provided under subd. 2, any person who moves from real property or who moves his or her personal property from real property:

a. As a direct result of a written notice of intent to acquire or the acquisition of the real property, in whole or in part or subsequent to the issuance of a jurisdictional offer under this subchapter, for public purposes; or

b. As a result of rehabilitation, demolition or other displacing activity, as determined by the department of industry, labor and human relations, if the person is a tenant-occupant of a dwelling, business or farm operation and the displacement is permanent.

2. "Displaced person" does not include:

a. Any person determined to be unlawfully occupying the property or to have occupied the property solely for the purpose of obtaining assistance under ss. 32.19 to 32.27; or

b. Any person, other than a person who is an occupant of the property at the time it is acquired, who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project for which it is being acquired.

~~SECTION 105adg. 32.19 (2m) of the statutes is amended to read:~~

~~32.19 (2m) INFORMATION ON PAYMENTS. Before initiating negotiations to acquire the property under s. 32.05 (2a), 32.06 (2a) or subch. II, or undertaking a program or project that may cause a person to be a displaced person, the condemnor shall provide displaced persons with copies of applicable pamphlets prepared under s. 32.26 (6).~~

Vetoed in Part

SECTION 105adr. 32.19 (3) (intro.) of the statutes is amended to read:

32.19 (3) RELOCATION PAYMENTS. (intro.) Any condemnor which proceeds with the acquisition of real and personal property for purposes of any project for

which the power of condemnation may be exercised, or undertakes a program or project that causes a person to be a displaced person, shall make fair and reasonable relocation payments to displaced persons, business concerns and farm operations under this section. Payments shall be made as follows:

SECTION 105ae. 32.19 (3) (a) of the statutes is amended to read:

32.19 (3) (a) *Moving expenses; actual.* The condemnor shall compensate a displaced person for his the actual and reasonable expenses in of moving himself, his the displaced person and his or her family, his business or his farm operation, including personal property; actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property; and actual reasonable expenses in searching for a replacement business or farm operation; and actual reasonable expenses necessary to reestablish a business or farm operation, not to exceed \$10,000, unless compensation for such expenses is included in the payment provided under sub. (4m).

SECTION 105af. 32.19 (3) (b) 1 of the statutes is amended to read:

32.19 (3) (b) 1. 'Dwellings.' Any displaced person who moves from a dwelling and who elects to accept the payments authorized by this paragraph in lieu of the payments authorized by par. (a) may receive a moving an expense and dislocation allowance, determined according to a schedule established by the condemnor not to exceed \$300 and dislocation allowance of \$200 department of industry, labor and human relations.

SECTION 105ag. 32.19 (3) (b) 2. (intro.) of the statutes is renumbered 32.19 (3) (b) 2 and amended to read:

32.19 (3) (b) 2. 'Business and farm operations.' Any displaced person who moves or discontinues his or her business or farm operation, is eligible under criteria established by the department of industry, labor and human relations by rule and who elects to accept payment authorized under this paragraph in lieu of the payment authorized under par. (a), may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation determined according to criteria established by the department of industry, labor and human relations by rule, except that such payment shall not be less than \$2,500 \$1,000 nor more than \$10,000. In the case of a business, no payment shall be made under this subsection unless the condemnor is satisfied that the business: \$20,000. A person whose sole business at the displacement dwelling is the rental of such property to others is not eligible for a payment under this subdivision.

SECTION 105ah. 32.19 (3) (b) 2. a and b of the statutes are repealed.

SECTION 105ai. 32.19 (3) (c) of the statutes is amended to read:

32.19 (3) (c) *Optional payment for businesses.* Any displaced person who moves his or her business, and elects to accept the payment authorized in par. (a), may, if otherwise qualified under par. (b) 2, elect to receive the payment authorized under par. (b) 2, minus whatever payment ~~he~~ the displaced person received under par. (a), if ~~he~~ the displaced person discontinues ~~his the~~ the business within 2 years of the date of receipt of payment under par. (a), provided that ~~he has suffered a substantial loss of existing patronage~~ the displaced person meets eligibility criteria established by the department of industry, labor and human relations by rule. In no event ~~shall~~ may the total combined payment be less than ~~\$2,500~~ \$1,000 nor more than ~~\$10,000~~ \$20,000.

SECTION 105aj. 32.19 (4) (a) 2. (intro.) of the statutes is renumbered 32.19 (4) (a) 2 and amended to read:

32.19 (4) (a) 2. The amount of increased interest expenses and other debt service costs incurred by the owner to finance the purchase of another property substantially similar to the property taken ~~provided that: a)~~ , if at the time of the taking the land acquired was subject to a bona fide mortgage or was held under a vendee's interest in a bona fide land contract; and b) such mortgage or land contract had been executed in good faith not less than 180 days prior to the initiation of ~~the attempt to purchase~~ negotiations for the acquisition of such property. The computation of the increased interest costs shall be ~~based upon and limited to:~~ determined according to rules promulgated by the department of industry, labor and human relations.

SECTION 105ak. 32.19 (4) (a) 2. a to d of the statutes are repealed.

SECTION 105aL. 32.19 (4) (ag) of the statutes is amended to read:

32.19 (4) (ag) *Limitation.* Payment under par. (a) shall be made only to a displaced person who purchases and occupies a decent, safe and sanitary replacement dwelling not later than one year after the date on which the person moves from the dwelling acquired for the project, or the date on which the person receives payment from the condemnor, whichever is later, except that the condemnor may extend the period for good cause. If the period is extended, payment under par. (a) shall be based on the costs of relocating the displaced person to a comparable replacement dwelling within one year of the date on which the person moves from the dwelling acquired for the project.

SECTION 105am. 32.19 (4) (b) (intro.) of the statutes is amended to read:

32.19 (4) (b) *Tenants and certain others.* (intro.) In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment to any individual or family displaced from any dwelling

which was actually and lawfully occupied by such individual or family for not less than 90 days prior to the initiation of ~~the attempt to purchase negotiations for the acquisition of such property or, if displacement is not a direct result of acquisition, such other event as determined by the department of industry, labor and human relations by rule.~~ For purposes of this paragraph, a nonprofit corporation organized under ch. 181 may, if otherwise eligible, be considered a displaced tenant. Subject to the limitations under par. (bm), such payment shall be either:

SECTION 105an. 32.19 (4) (b) 2. (intro.) and a of the statutes are consolidated, renumbered 32.19 (4) (b) 2 and amended to read:

32.19 (4) (b) 2. If the person elects to purchase a comparable dwelling: ~~a. The, the amount determined under subd. 1 plus expenses under par. (a) 3, if the amount determined under subd. 1 is \$4,000 or more; or.~~

SECTION 105ao. 32.19 (4) (b) 2. b of the statutes is repealed.

SECTION 105aom. 32.19 (4) (bm) 1 of the statutes is amended to read:

32.19 (4) (bm) 1. Payment under par. (b) shall be made only to a displaced person who rents, leases or purchases a decent, safe and sanitary replacement dwelling and occupies that dwelling not later than one year after the date on which the person moves from the displacement dwelling acquired for the project, except that the condemnor may extend the period for good cause.

SECTION 105ap. 32.19 (4) (bm) 2 of the statutes is repealed and recreated to read:

32.19 (4) (bm) 2. If a displaced person occupied the dwelling acquired for at least 90 days but not more than 180 days prior to the initiation of negotiations for the acquisition of the property, the payment under par. (b) may not exceed the amount the displaced person would receive if the displaced person was eligible for a payment under par. (a).

SECTION 105aq. 32.19 (4m) (a) 2 of the statutes is amended to read:

32.19 (4m) (a) 2. The amount, if any, which will compensate such owner displaced person for any increased interest ~~cost~~ and other debt service costs which such person is required to pay for financing the acquisition of any replacement property, if the property acquired was encumbered by a bona fide mortgage or land contract which was a valid lien on the property for at least one year prior to the initiation of negotiations for its acquisition. The amount under this subdivision shall be equal to the excess in the aggregate interest and other debt services cost of that amount of the principal of the mortgage on the replacement property which is equal to the unpaid balance of the mortgage on the acquired property, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on

~~demand deposit savings accounts in commercial banks in the general area where the replacement property is located determined according to rules promulgated by the department of industry, labor and human relations.~~

SECTION 105ar. 32.19 (4m) (b) (intro.) and 1 of the statutes are amended to read:

32.19 (4m) (b) *Tenant-occupied business or farm operation.* (intro.) In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment to any tenant displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to initiation of negotiations for the acquisition of the real property on which the business or farm operation lies or, if displacement is not a direct result of acquisition, such other event as determined by the department of industry, labor and human relations, and who actually rents or purchases a comparable replacement business or farm operation for the displaced business or farm operation within 2 years after the date the person vacates the acquired property. At the option of the tenant displaced person, such payment shall be either:

1. The amount, not to exceed \$30,000, which is necessary to lease or rent a comparable replacement business or farm operation for a period of 4 years. The payment shall be computed by determining the average monthly rent paid for the property from which the person was displaced for the 12 months prior to the initiation of negotiations or, if displacement is not a direct result of acquisition, such other event as determined by the department of industry, labor and human relations and the monthly rent of a comparable replacement business or farm operation, and multiplying the difference by 48; or

SECTION 105as. 32.19 (4m) (b) 2 of the statutes is repealed and recreated to read:

32.19 (4m) (b) 2. If the tenant displaced person elects to purchase a comparable replacement business or farm operation, the amount determined under subd. 1 plus expenses under par. (a) 3.

SECTION 105at. 32.20 of the statutes is amended to read:

32.20 Procedure for collection of itemized items of compensation. Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the ~~department of transportation or other public body, board, commission or utility, which is condemnor~~ carrying on the project through which condemnee's or claimant's claims arise. All such claims must be filed after the damages upon which they are based have fully materialized but in no event not later than 2 years after the condemnor takes physical possession of the entire property acquired or such other event as determined by the department of industry, labor and human relations by rule. If such claim is not allowed within 90 days after the filing thereof, the claimant ~~shall have~~

has a right of action against the condemnor, or in case no condemnation is involved against the department of transportation or public body, board, commission or utility, which is carrying on the project through which the claim arises. Such action shall be commenced in a court of record in the county wherein the damages occurred. In causes of action, involving any state commission, board or other agency, excluding counties, the sum recovered by the claimant shall be paid out of any funds appropriated to such condemning agency. Any judgment shall be appealable by either party and any amount recovered by the body against which the claim was filed, arising from costs, counterclaims, punitive damages or otherwise may be used as an offset to any amount owed by it to the claimant, or may be collected in the same manner and form as any other judgment.

SECTION 105au. 32.25 (1) of the statutes, as affected by 1987 Wisconsin Act 5, is amended to read:

32.25 (1) Notwithstanding any other provision of law, except as provided under s. 85.09 (4m), no condemnor may proceed with any property acquisition activities on any project activity which may involve acquisition of property and the displacement of persons, business concerns or farm operations until the condemnor has filed in writing a relocation payment plan and relocation assistance service plan and has had both plans approved in writing by the department of industry, labor and human relations.

SECTION 105av. 32.25 (2) (i) of the statutes is created to read:

32.25 (2) (i) Assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable dwelling.

SECTION 105aw. 32.26 (2) of the statutes is renumbered 32.26 (2) (a) and amended to read:

32.26 (2) (a) The department of industry, labor and human relations may shall promulgate such rules as are necessary to carry out its functions in regard to local standards for decent, safe and sanitary dwelling accommodations to implement and administer ss. 32.19 to 32.27.

SECTION 105ax. 32.26 (2) (b) of the statutes is created to read:

32.26 (2) (b) The department of industry, labor and human relations and the department of transportation shall establish interdepartmental liaison procedures for the purpose of cooperating and exchanging information to assist the department of industry, labor and human relations in promulgating rules under par. (a).

SECTION 105e. Chapter 33 (title) of the statutes is amended to read:

CHAPTER 33
PUBLIC INLAND LAKE
WATERWAYS PROTECTION
AND REHABILITATION, IMPROVEMENT
AND RECREATIONAL DEVELOPMENT

Vetoed
in Part

SECTION 105f. 33.001 of the statutes is amended to read:

~~33.001 Declaration of Intent. The legislature finds environmental values, wildlife, public rights in navigable waters, and the public welfare are threatened by the deterioration of public lakes waterways; that the protection and rehabilitation, improvement and recreational development of the public inland lakes waterways of this state are in the best interest of the citizens residents of this state; that the public health and welfare will be benefited thereby; that the current state effort to abate water pollution will not undo the enterprise and other correct or improve the deteriorated conditions of many lakes waterways; that lakes waterways form an important basis of the state's recreation industry and environmental heritage; that the increasing recreational usage of the waters of this state justifies state action to enhance and restore the potential of our inland lakes waterways to satisfy the needs of the citizenry residents; and that the positive public duty of this state as trustee of waters requires affirmative steps to protect and enhance this resource and protect environmental values. To this end, the legislature declares that it is necessary to embark upon a program of lake waterways protection and rehabilitation, improvement and recreational development, to authorize a conjunctive state and local program of lake waterways protection and rehabilitation, improvement and recreational development to fulfill the positive duty of the state as trustee of navigable waters, and to protect environmental values. The legislature finds that a state effort of research, analysis, planning and financing, and a local effort undertaken by lake rehabilitation and protection districts, waterways management units of planning and plan implementation and waterways protection, improvement and recreational development activities are necessary and desirable and that the local districts waterways management units should be formed by persons directly affected by the deteriorated condition of inland waters waterways and willing to assist financially, or through other means, in remedying lake waterways problems. The legislature further finds that state efforts are needed to aid and assist local efforts, to ensure that projects activities are undertaken only if they promote the public rights in navigable waters, environmental values, and the public welfare, and to administer a program of financial aid to support rehabilitation projects activities with benefits to all state citizens residents.~~

Vetoed
in Part

SECTION 105fm. 33.001 of the statutes, as affected by 1987 Wisconsin Acts ... (Assembly Bill 499) and ... (this act), is repealed and recreated to read:

~~33.001 Declaration of Intent. (1) The legislature finds environmental values, wildlife, public rights in navigable waters, and the public welfare are threatened by the deterioration of waterways; that the protection, improvement and recreational development of the waterways of this state are in the best interest of the residents of this state; that the public~~

Vetoed
in Part

health and welfare will be benefited thereby; that the current state effort to abate water pollution will not correct or improve the deteriorated conditions of many waterways; that current efforts to protect and improve the water quality of the lakes and rivers in the Yahara watershed, which receives intense urban, recreational and agricultural usage, are seriously handicapped by the fact that numerous governmental bodies have jurisdiction over the management of the Yahara watershed; that waterways form an important basis of the state's recreation industry and environmental heritage; that the increasing recreational usage of the waters of this state justifies state action to enhance and restore the potential of our waterways to satisfy the needs of the residents; and that the positive public duty of this state as trustee of waters requires affirmative steps to protect and enhance this resource and protect environmental values.

(2) In accordance with sub. (1), the legislature declares that it is necessary to embark upon a program of waterways protection, improvement and recreational development, to authorize a conjunctive state and local program of waterways protection, improvement and recreational development to fulfill the positive duty of the state as trustee of navigable waters, and to protect environmental values. The legislature finds that a state effort of research, analysis, planning and financing, and a local effort undertaken by waterways management units of planning, plan implementation and waterways protection, improvement and recreational development activities are necessary and desirable and that waterways management units should be formed by persons directly affected by the deteriorated condition of waterways and willing to assist financially, or through other means, in remedying waterways problems. The legislature further finds that state efforts are needed to aid and assist local efforts, to ensure that activities are undertaken only if they promote the public rights in navigable waters, environmental values and the public welfare, and to administer a program to support activities with benefits to all state residents.

SECTION 105g. 33.01 (1) of the statutes is repealed and recreated to read:

33.01 (1) "Activity" means a waterways protection, improvement or recreational development activity.

SECTION 105h. 33.01 (1g) of the statutes is created to read:

33.01 (1g) "Commission" means the Wisconsin waterways commission.

SECTION 105i. 33.01 (3m) of the statutes is created to read:

33.01 (3m) "Free-flowing river" means that portion of a river that is at least 30 miles in length and that flows in its natural course without impoundment by a dam.

SECTION 105j. 33.01 (5m) of the statutes is created to read:

33.01 (5m) "Nonprofit organization" means any of the following:

(a) "Nonprofit organization" as defined under s. 108.02 (19).

(b) A waterway association incorporated under ch. 181 that meets all of the following conditions:

1. Specifies in its articles of incorporation or bylaws a substantial purpose of supporting for the general public benefit the protection, improvement or recreational development of waterways.

2. Demonstrates to the satisfaction of the department that its past actions had the substantial purpose of supporting for the general public benefit the protection, improvement or recreational development of waterways.

3. Is open to full voting membership of individuals who reside at least one month of the year or who own real estate on, or within one mile of, a specific waterway or a geographically related group of waterways to which the association relates.

4. Has been in existence for at least one year.

5. Has at least 25 members.

6. Requires payment of an annual membership fee of not less than \$5 nor more than \$25.

SECTION 105k. 33.01 (6) of the statutes is repealed.

SECTION 105kp. 33.01 (7) of the statutes is repealed.

SECTION 105m. 33.01 (11) of the statutes is created to read:

33.01 (11) "Waterways" means public inland lakes, free-flowing rivers and outlying waters as defined in s. 29.01 (11).

SECTION 105ng. 33.01 (12) of the statutes is created to read:

33.01 (12) "Waterways management unit" means a municipality, a county, a town sanitary district, a district organized under this chapter, a nonprofit organization or any local governmental body or agency.

SECTION 105nh. 33.01 (12) of the statutes, as affected by 1987 Wisconsin Act ..., (this act) is repealed and recreated to read:

33.01 (12) "Waterways management unit" means a municipality, a county, a town sanitary district, a district organized under this chapter, the Yahara watershed management district created under this chapter, a nonprofit organization or any local governmental body or agency.

SECTION 105nq. 33.02 of the statutes is repealed and recreated to read:

33.02. Department powers and duties. The department shall take actions for the protection, improvement or recreational development of waterways. Actions may include any of the following:

(1) Developing and maintaining a program of monitoring a comprehensive network of representative waterways in order to identify water quality trends

Vetoed
in Part

Vetoed
in Part

and causes of changes in water quality. The department may support volunteer water quality monitoring actions as part of its monitoring program.

(2) Coordinating statewide public information and education efforts, either directly or by contract, which may include organization of conferences, compilation and dissemination of educational materials and financial and other assistance to waterways management units.

(3) Providing technical, interdisciplinary assistance to waterways management units in any phase of waterways protection, improvement or recreational development.

(4) Periodically evaluating and demonstrating innovative techniques for waterways protection, improvement or recreational development.

(5) Administering, or making recommendations on the use of, federal funds available for waterways protection, improvement or recreational development and for associated research activities.

(6) Recommending standards and guidelines for plans for activities, to ensure that activity efforts and expenditures by waterways management units yield maximum returns, that environmental values are protected and that improved waterways are protected from degradation to the maximum extent possible.

(7) Serving as a clearinghouse for scientific data on waterways and information on accepted and experimental techniques for the protection, improvement or recreational development of waterways.

SECTION 105p. Subchapter II of chapter 33 of the statutes is repealed.

SECTION 105q. Subchapter III (title) of chapter 33 of the statutes is amended to read:

**SUBCHAPTER III
LARGE WATERWAYS PROTECTION PROJECTS
AND REHABILITATION, IMPROVEMENT
AND RECREATIONAL DEVELOPMENT
ACTIVITIES**

SECTION 105r. 33.11 of the statutes is repealed.

SECTION 105s. 33.12 of the statutes is repealed.

SECTION 105t. 33.13 of the statutes is repealed and recreated to read:

33.13 Studies. The commission may conduct studies or cooperate with other persons in conducting studies, to aid in assessing the need for activities.

SECTION 105u. 33.14 of the statutes is repealed and recreated to read:

33.14 Feasibility studies. (1) The commission and waterways management units shall use feasibility studies to determine whether proposed activities are feasible from environmental, economic and engineering viewpoints. The department and the commission shall review each feasibility study to ensure that appropriate data has been collected and analyzed in detail to substantiate the recommendations made in the feasibility study.

Vetoed
in Part

(2) The commission may approve financial assistance under s. 33.15 for a feasibility study only upon the request of the affected waterways management unit. A feasibility study shall be of sufficient detail to allow the affected waterways management unit to decide if an activity should be supported.

(3) The commission shall consider all of the following factors in assigning priorities for feasibility studies:

(a) Estimated cost of the feasibility study.

(b) Available funds.

(c) Expression of support by the waterways management unit.

(d) Activities previously completed in the area.

(4) A decision by a waterways management unit to support an activity feasibility study shall be made by a resolution expressing support for a more detailed inquiry into the environmental, economic and engineering feasibility of an activity. Support of an activity feasibility study does not commit the affected waterways management unit to cost-sharing in the conduct of a proposed activity or the management or operation of an activity.

SECTION 105v. 33.15 of the statutes is repealed and recreated to read:

33.15 Financial assistance. (1) ADMINISTRATION. The department shall develop and administer, with the approval of the commission, a program of financial assistance for eligible activities undertaken by waterways management units.

(2) ELIGIBILITY. (a) Only an activity found to be feasible by the commission and supported by the affected waterways management unit and approved by the commission is eligible for financial assistance under this subchapter. The department shall provide financial assistance under this subchapter for every activity specified under par. (b) 1 or 2 that is approved by the commission. The department may provide financial assistance for an activity specified under par. (b) 3 to 9 that is approved by the commission.

(b) All of the following categories of activities are eligible for financial assistance under this subchapter:

1. Activities that provide public access to or between waterways or that physically develop places of public access.

2. Dredging of waterways, to the extent necessary to accommodate recreational boating traffic.

3. Nuisance weed control activities but only for the acquisition of capital equipment by waterways management units, either individually or jointly under s. 66.30.

4. The acquisition of conservation easements to protect the watershed of a waterway and any work in the watershed which will protect or enhance the opportunities for public enjoyment of the waterway.

5. Demonstration activities designed as innovative techniques to waterways protection, improvement or recreational development.

Vetoed
in Part

6. Baseline information gathering or monitoring activities undertaken for the purpose of data compilation or for planning or feasibility studies related to activities.

7. Planning, management or development activities, including feasibility studies, undertaken in the course of engaging in waterways protection, improvement or recreational development.

8. Public education activities.

9. Activities designed to assist waterways management units in organizing or improving their organization or operations.

(3) **PRIORITIES.** The commission shall consider all of the following factors in establishing priorities for activities:

- (a) Cost-effectiveness of the proposed activity.
- (b) Demand for boating facility activities.
- (c) The extent to which the proposed activity contributes to the protection, improvement or recreational development of an area.
- (d) The distance the proposed activity is from other activities.
- (e) Support for the proposed activity and commitment of funds for the activity by the waterways management unit.
- (g) Location of the proposed activity.
- (h) Whether the proposed activity may be used as a demonstration activity.

SECTION 105w. 33.16 of the statutes, as affected by 1987 Wisconsin Act 27, is repealed and recreated to read:

33.16 Standards for financial assistance. The commission shall use the following standards in determining whether to approve financial assistance under this subchapter for activities specified under s. 33.15 (2) (b) 1 and 2 and in determining the amount of the financial assistance, and the department shall use the following standards in determining whether to provide financial assistance under this subchapter for activities specified under s. 33.15 (2) (b) 3 to 9 and in determining the amount of financial assistance:

- (1) To the greatest extent possible, financial assistance shall be used to match other public or private funding sources.
- (2) The department may cost-share with a waterways management unit at a rate of up to 50% of the feasibility study, planning, construction costs, management and operation costs or any combination of these items, of an activity.
- (3) The department may pay an additional 10% of the costs of construction of an activity related to recreational boating if the waterways management unit conducts a boating safety enforcement and education program approved by the department.
- (4) No more than 10% of the state funds available for financial assistance for activities under this subchapter may be expended for feasibility and other

Vetoed
in Part

studies per fiscal year. No more than one percent of the state funds available for financial assistance for activities under this subchapter may be expended for any one feasibility or other study per fiscal year.

(5) No state funds under this subchapter may be used for the purchase of land or for the construction of activities commonly used to berth boats.

(6) Of the state funds available in any fiscal year for financial assistance for activities under this subchapter:

- (a) Forty percent shall be expended for activities respecting outlying waters, as defined under s. 29.01 (11).
- (b) Forty percent shall be expended for activities respecting public inland lakes.
- (c) Ten percent shall be expended for activities respecting free-flowing rivers.
- (d) Ten percent shall be expended for activities without regard to location.
- (e) The commission may designate financial assistance for activities that provide access between outlying waters and public inland lakes as financial assistance expended for activities respecting public inland lakes, outlying waters or free-flowing rivers or as financial assistance under a combination of those types of activities.
- (f) Any funds not obligated by the end of the 3rd quarter of the fiscal year for which they were allocated may be used by the department, with the approval of the commission, for purposes of providing financial assistance for other activities under this subchapter.

SECTION 105x. 33.17 of the statutes is repealed.

SECTION 105y. 33.18 of the statutes is renumbered 33.315.

SECTION 105ymg. 34.01 (2) of the statutes is renumbered 34.01 (2) (intro.) and amended to read:

34.01 (2) (intro.) “Loss” means any of the following:

- (a) Any loss of public moneys, which have been deposited in a designated public depository in accordance with this chapter, resulting from the failure of any public depository to repay to any public depositor the full amount of its deposit because the commissioner of credit unions, administrator of federal credit unions, commissioner of banking, comptroller of currency, federal home loan bank board or commissioner of savings and loan has taken possession of the public depository or because the public depository has, with the consent and approval of the commissioner of credit unions, administrator of federal credit unions, commissioner of banking or commissioner of savings and loan, adopted a stabilization and readjustment plan or has sold a part or all of its assets to another credit union, bank or savings and loan association which has agreed to pay a part or all of the deposit liability on a deferred payment basis or because the depository is prevented from paying out old deposits because of rules of the commissioner of credit unions,

administrator of federal credit unions, commissioner of banking, comptroller of the currency, federal home loan bank board or commissioner of savings and loan.

SECTION 105yr. 34.01 (2) (b) of the statutes is created to read:

34.01 (2) (b) With respect to public moneys deposited in the local government pooled-investment fund, in addition to a loss as described in par. (a), the public depositor's proportionate share ~~on the date of default of any loss of principal invested or reinvested in a security by the investment board under s. 25.50 (6) resulting from the failure of the obligor of the security to repay the principal to the investment board when due.~~

Vetoed in Part

Vetoed in Part

SECTION 105yt. 35.84 (figure) line 56 of the statutes is created to read:

35.84 (figure) 56. Each library of a law school accredited by the American Bar Association not otherwise provided for in this section.

- Column A Statutes, Hard Covers; s. 35.18..... 2
- Column B Statutes, Soft Covers; s. 35.18..... 8
- Column D Bound Session Laws; s. 35.15..... 10
- Column E Blue Books; s. 35.24 (1)..... 1
- Column F Administrative Code and Register; s. 35.93; s. 227.025 1
- Column J Opinions of Attorney General; s. 35.28; s. 165.015 (1) 1
- Column K Supreme Court Reports; s. 35.28; s. 751.11 1

Vetoed in Part

~~SECTION 105yv. 35.84 (figure) line 70 of the statutes is renumbered 35.84 (figure) line 44.~~

~~SECTION 105y. 35.90 of the statutes is amended to read:~~

~~35.90 Inventories by other state officers. Every state officer other than a district attorney, maintaining a permanent office at the city of Madison, shall make and file annually with the department an inventory of all public printing of the 2nd and 3rd classes and all maps and charts on hand for distribution on July 1. Said The department shall require the return to it of all such printing as has become, in its opinion, of no further use to the office reporting the same. The department may suspend requisitions for public printing by departments which fail to submit inventories in compliance with this section.~~

SECTION 106. 36.25 (24) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

36.25 (24) EMPLOYE-OWNED BUSINESSES PROGRAM. Through the university of Wisconsin small business development center, in cooperation with the department of development under s. 560.07 (2m), the board of vocational, technical and adult education; and the university of Wisconsin-extension and the community development finance authority under s. 233.04 (2) (e), the board shall create, as needed, educational programs to provide training in the management of employe-owned businesses and shall provide technical assistance to employe-owned businesses in matters

affecting their management and business operations, including assistance with governmental relations and assistance in obtaining management, technical and financial assistance.

SECTION 106m. 36.25 (26) of the statutes is created to read:

36.25 (26) DAY CARE CENTERS. A center may establish a day care center and may use funds received from the appropriation under s. 20.285 (1) (a) to operate it.

SECTION 107. 36.27 (2) (cm) of the statutes is amended to read:

36.27 (2) (cm) Any person continuously employed full time ~~by a private business located in this state, who was relocated to this state for business employment purposes by his or her current employer or who moved to this state for business employment purposes~~ and accepted his or her current employment before applying for admission to an institution or center and before moving, and the spouse and dependents of any such person, is are entitled to the exemption under par. (a) if the student demonstrates an intent to establish and maintain a permanent home in Wisconsin according to the criteria under par. (e). In this paragraph, "dependents" has the meaning given in 26 USC 152 (a).

Vetoed in Part

Vetoed in Part

SECTION 107m. 36.27 (4) of the statutes is created to read:

36.27 (4) TUITION AWARD PROGRAM. ~~Beginning in the 1988-89 academic year, the board may annually exempt from nonresident tuition, but not from incidental or other fees, up to 200 students enrolled at the university of Wisconsin-Parkside as juniors or seniors in programs identified by that institution as having surplus capacity.~~

Vetoed in Part

SECTION 107r. 38.12 (9) of the statutes is created to read:

38.12 (9) FIRE FIGHTER TRAINING PROGRAMS. The district board shall make available to members of volunteer and paid fire departments maintained by cities, villages and towns located in the district a fire fighter training program approved by the board and funded under s. 20.292 (1) (gr). No district board may charge a fee for training provided under this subsection.

SECTION 108. 38.125 (1) of the statutes is renumbered 38.125.

SECTION 109. 38.125 (2) of the statutes is repealed.

~~SECTION 109d. 38.16 (1) of the statutes is amended to read:~~

Vetoed in Part

~~38.16 (1) Annually by October 31, or within 10 days after receipt of the equalized valuations from the department of revenue, whichever is later, the district board may levy a tax, not exceeding 1.5 mills on the full value of the taxable property of the district, for the purpose of making capital improvements, acquiring equipment and operating and maintaining the schools of the district. The tax may not exceed 1.5 mills on the full value of the taxable property of the district in 1988 and 1.0 mill on the full value of the taxable property of~~

**Vetoed
in Part**

~~the district in 1989 and in each year thereafter, except that the mill limitation is not applicable to taxes levied for the purpose of paying principal and interest on valid bonds or notes now or hereafter outstanding as provided in s. 67.035. The district board secretary shall file with the clerk of each city, village and town, any part of which is located in the district, a certified statement showing the amount of the levy and the proportionate amount of the tax to be spread upon the tax rolls for collection in each city, village and town. Such proportion shall be ascertained on the basis of the ratio of full value of the taxable property of that part of the city, village or town located in the district to the full value of all taxable property in the district, as certified to the district board secretary by the department of revenue. Upon receipt of the certified statement from the district board secretary, the clerk of each city, village and town shall spread the amounts thereof upon the tax rolls for collection. When the taxes are collected, such amounts shall be paid by the treasurer of each city, village and town to the district board treasurer.~~

SECTION 109m. 38.27 (1) (e) of the statutes is created to read:

38.27 (1) (e) Educational programs that would not otherwise be established or maintained because of limitations in district fiscal capacity.

SECTION 109n. 38.27 (2) (b) of the statutes is amended to read:

38.27 (2) (b) The board shall review the applications submitted under par. (a) according to procedures and criteria established by the board. Prior to awarding a grant for the purpose of sub. (1) (e), the board shall consider the principle of comparable budgetary support for similar programs and ensure that the program being considered for a grant is efficient and cost-effective. The board shall notify the district board whether the district board's application has been approved and, if approved, of the amount and the conditions of the grant to be awarded.

SECTION 109p. 38.27 (2) (c) of the statutes is amended to read:

38.27 (2) (c) Amounts awarded under par. (b) shall be paid from the appropriation under s. 20.292 (1) (dc) and may be paid to the district board in instalments. Amounts awarded for the purposes of sub. (1) (a) to (d) shall range from 25% to 75% of the total project cost. The board shall require the district board to provide the remaining percentage share of total project cost.

SECTION 109r. 38.27 (2) (d) of the statutes is amended to read:

38.27 (2) (d) Amounts awarded for the purpose of sub. (1) (e) may be awarded on a continuing basis, pending the availability of funds. Amounts awarded to support the establishment of new programs under sub. (1) (a) and (b) may be awarded for a period of up to 3 years, pending the availability of funds. With

multiple-year awards, the board shall in each year award a decreasing percentage of each year's total project cost.

SECTION 109s. 38.27 (2) (e) of the statutes is created to read:

38.27 (2) (e) Funds received under this section for the purpose of sub. (1) (a), (b), (c) or (d) may not be used to supplant funds otherwise available for such purposes.

SECTION 109u. 38.28 (1m) (a) 1 of the statutes is amended to read:

38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a vocational, technical and adult education district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all expenditures funded by or reimbursed with federal revenues, all receipts under s. 38.14 (3), all receipts under sub. (7), all receipts from grants awarded under s. 38.27, all fees collected under s. 38.24 and driver education and chauffeur training aids.

SECTION 109v. 38.28 (7) of the statutes is created to read:

38.28 (7) From the appropriation under s. 20.292 (1) (q), the board shall annually pay to each district an amount equal to the fee established under s. 38.24 (1) (b) for the number of credits necessary for the training required under s. 146.50 (9) and (10), multiplied by the sum of the number of ambulance attendants and ambulance service providers participating in the training required under s. 146.50 (9) and the number of ambulance attendants participating in the training required under s. 146.50 (10) that are enrolled in the district. If the amount in the appropriation under s. 20.292 (1) (q) in any fiscal year is insufficient to fully fund the payments to districts under this subsection, the payments shall be prorated.

~~SECTION 110m. 38.28 (8) of the statutes is created to read:~~

~~38.28 (8) (a) From the appropriation under s. 20.292 (1) (db), the board shall pay to each district in the 1989-90 school year and in each school year thereafter, an amount equal to the product of the equalized value of the district in the calendar year ending in that school year, excluding the value increment of any tax incremental district located in the district, as certified by the department of revenue, multiplied by 0.5 mill. (b) In par. (a), "value increment" has the meaning given in s. 66.46 (2) (m).~~

SECTION 113. 39.11 (18) of the statutes is created to read:

39.11 (18) Use the funds appropriated under s. 20.225 (1) (d) to contract with Milwaukee area technical college for television facilities access or programs of statewide interest produced by the technical college, or both.

**Vetoed
in Part**

SECTION 113m. 39.39 of the statutes is created to read:

39.39 Nursing student stipend loans. (1) (a) In the 1988-89 fiscal year, the board shall establish a stipend loan program for resident students, including registered nurses, who are:

1. Enrolled in the 2nd year in a program leading to an associate degree in nursing in a vocational, technical and adult education school.

2. Enrolled as juniors in a program leading to a bachelor's degree in nursing in this state.

3. Enrolled as 3rd year students in a program leading to a diploma in nursing in this state.

Vetoed in Part

(b) Beginning in the 1989-90 fiscal year, the board shall extend the stipend loan program under par. (a) to resident students, including registered nurses, who are:

1. Enrolled as seniors in a program leading to a bachelor's degree in nursing in this state.

Vetoed in Part

2. Enrolled in a program leading to a master's degree in nursing in this state.

(2) The board shall:

(a) Make stipend loans from the appropriations under s. 20.235 (1) (cg) and (gg).

(b) Promulgate rules to administer this section, including rules establishing loan amounts and the criteria and procedures for loan forgiveness and for selecting loan recipients. Loan recipients shall be selected on the basis of financial need, as determined by the board, using the needs analysis methodology used under s. 39.435. A loan to a student under sub. (1) (a) 1 may not exceed \$2,000. A loan to a student under sub. (1) (a) 2 or (b) may not exceed \$2,500 each year. No student may receive more than a total of \$5,000 in loans under this section.

Vetoed in Part

(3) (a) The board shall forgive 20% of the loan principal for each year the recipient works in a hospital located in this state as a nurse during the first 5 years after graduation.

(b) The board shall forgive 25% of the loan principal for each year the recipient works in a nursing home located in this state as a nurse during the first 4 years after graduation.

(c) The amount of a loan that is not forgiven under par. (a) or (b) shall accrue interest at a rate of 10% per year, retroactive to the last day the recipient was enrolled in a nursing degree program under sub. (1) or to the last day the recipient was employed as a nurse in a hospital or nursing home located in this state, whichever is later. Unpaid interest as of December 31 of each year shall be capitalized and added to the outstanding principal owed.

(4) The educational institution in which a student receiving a loan under this section is enrolled shall notify the board of any change in the student's status.

(5) The board may not make a loan under this section after June 30, 1993.

SECTION 114. 40.02 (17) (c) of the statutes is amended to read:

40.02 (17) (c) An executive participating employe holding a position designated under s. 19.42 (10) (k) or 20.923 (4), (8) or (9) may not receive creditable service for service in that position on and after the first day of the 4th month commencing after the executive participating employe attains the age of 62 years.

SECTION 114b. 40.02 (17) (e) of the statutes, as created by 1987 Wisconsin Act ... (Assembly Bill 619), is amended to read:

Vetoed in Part

40.02 (17) (e) Each executive participating employe whose creditable service terminates on or after the effective date of this paragraph ... [revisor inserts date] who was previously in a position designated under s. 20.923 (4), (8) or (9), but did not receive creditable service because of age restrictions, may receive creditable service equal to the period of executive service not credited if the participant pays to the department a lump sum payment equal to 5.5% of one-twelfth of the employe's highest earnings in a single annual earnings period multiplied by the number of months of creditable service granted under this paragraph, except a participant who is a present or former elected official or an appointee of such an official may receive creditable service equal to the period of executive service not credited if the participant pays to the department a lump sum payment equal to the present value of the creditable service requested, in accordance with rates actuarially determined to be sufficient to fund the full cost of the increased benefits which will result from granting the creditable service. That amount shall be credited and treated as an employe required contribution for all purposes of the Wisconsin retirement system.

SECTION 114c. 40.02 (17) (g) of the statutes is created to read:

Vetoed in Part

40.02 (17) (g) Notwithstanding any other law or rule, any participating employe whose service includes Wisconsin teaching service performed for which required contributions were made under the applicable statutes and rules of the former state teachers retirement system and for which the participating employe received no creditable service because the number of days of teaching service in a fiscal year was fewer than 120, shall receive creditable service in the ratio that the total number of teaching days credited during the fiscal year bears to 165 days.

SECTION 114g. 40.02 (26g) of the statutes is created to read:

40.02 (26g) "Employee-funded reimbursement account plan" means a plan in accordance with section 125 of the internal revenue code, as defined in s. 71.02, under which an employe may direct an employer to place part of the employe's gross compensation in an account to pay for certain future expenses of the employe under section 125 of the internal revenue code.

SECTION 114h. 40.02 (26r) of the statutes is created to read:

40.02 (26r) "Employee-funded reimbursement account plan provider" means a person who provides administrative services related to employee-funded reimbursement account plans.

SECTION 115. 40.02 (30) of the statutes, as affected by 1987 Wisconsin Acts (Assembly Bill 619) and (Assembly Bill 795), is repealed and recreated to read:

40.02 (30) "Executive participating employe" means a participating employe in a position designated under s. 19.42 (10) (k) or 20.923 (4), (4m), (8) or (9) during the time of employment. All service credited prior to the effective date of this subsection [revisor inserts date], as executive service as defined under s. 40.02 (31), 1985 stats., shall continue to be treated as executive service as defined under s. 40.02 (31), 1985 stats., but no other service rendered prior to the effective date of this subsection [revisor inserts date], may be changed to executive service as defined under s. 40.02 (31), 1985 stats.

SECTION 116. 40.02 (31) of the statutes is amended to read:

40.02 (31) "Executive service" means creditable service in a position designated under s. 19.42 (10) (k) or 20.923 (4), (8) or (9) as an executive participating employe which accrues on or after the participating employe qualifies as an executive participating employe and, for a participating employe who qualifies as an executive participating employe prior to February 16, 1978, all creditable service in a position designated under s. 19.42 (10) (k) or 20.923 (4), (8) or (9) prior to the date on which the executive participating employe qualified and all creditable service accruing prior to July 1, 1973, for service in a position the duties of which are substantially included in a position designated under s. 19.42 (10) (k) or 20.923 (4), (8) or (9).

SECTION 116m. 40.02 (48) (a) of the statutes is amended to read:

40.02 (48) (a) "Protective occupation participant" is deemed to include any participant whose name is certified to the fund as provided in s. 40.06 (1) (d) and who is a conservation warden, conservation patrol boat captain, conservation patrol boat engineer, conservation pilot, conservation patrol officer, forest fire control assistant, member of the state patrol, state motor vehicle inspector (if hired prior to January 1, 1968), police officer, fire fighter, sheriff, undersheriff, deputy sheriff, county traffic police officer, state forest ranger, fire watcher employed by the Wisconsin veterans home, state correctional-psychiatric officer, excise tax investigator employed by the department of revenue, special criminal investigation agent in the department of justice, assistant or deputy fire marshal, or person employed under s. 61.66 (1).

SECTION 116mg. 40.02 (48) (c) of the statutes is amended to read:

40.02 (48) (c) In s. 40.65, "protective occupation participant" means a participating employe who is a police officer, fire fighter, a person determined by a participating employer under sub. (48) (intro.) to be a protective occupation participant, county undersheriff, deputy sheriff, county traffic police officer, conservation warden, state forest ranger, field conservation employe of the department of natural resources who is subject to call for forest fire control or warden duty, member of the state traffic patrol, university of Wisconsin full-time police officer, guard or any other employe whose principal duties are supervision and discipline of inmates at a state penal institution, excise tax investigator employed by the department of revenue, person employed under s. 61.66 (1), or a special criminal investigation agent employed by the department of justice.

SECTION 117. 40.02 (54) (e) of the statutes is amended to read:

40.02 (54) (e) The community development finance authority created under ch. 233, 1985 stats., before the effective date of this paragraph [revisor inserts date].

~~SECTION 117g. 40.05 (2) (bc) of the statutes is created to read:~~

Vetoed in Part

~~40.05 (2) (bc) The employer contribution rate determined under par. (b) in respect to teachers shall be adjusted to reflect the cost of granting creditable service under s. 40.02 (17) (g). The employer contribution rate as redetermined under this paragraph is effective on the first day of the 2nd calendar year beginning after the effective date of this paragraph ... [revisor inserts date], and shall be sufficient to amortize the prior service liability of the employer over the remainder of the 40-year amortization period under par. (b).~~

~~SECTION 117h. 40.62 (2) of the statutes is amended to read:~~

Vetoed in Part

~~40.62 (2) Sick leave accumulation shall be determined in accordance with ss. 13.121 (4) and 36.30, 230.35 (2), 757.02 (5) and 978.12 (3) and subch. V of ch. 111 and the rules of the department.~~

SECTION 117m. Subchapter VIII of chapter 40 of the statutes is created to read:

CHAPTER 40
SUBCHAPTER VIII

EMPLOYEE-FUNDED REIMBURSEMENT ACCOUNTS

40.85 Employee-funded reimbursement account plan.

(1) The board shall select and contract with employee-funded reimbursement account plan providers to be used by state agencies.

(2) The board shall do all of the following:

(a) Determine the requirements for and the qualifications of the employe-funded reimbursement account plan providers.

(b) Approve the terms and conditions of the proposed contracts for administrative and related services.

(c) Determine the procedure for the selection of the employe-funded reimbursement account plan providers in accordance with s. 16.705.

(d) Approve the terms and conditions of model agreements which shall be used by each state employe to establish an employe-funded reimbursement account.

(e) Require as a condition of the contractual agreements entered into under this section that approved employe-funded reimbursement account plan providers may provide service to state agencies only as approved by the board.

40.86 Covered expenses. An employe-funded reimbursement account plan may provide reimbursement to an employe, to the extent permitted under section 125 of the internal revenue code, as defined in s. 71.02, for only the following expenses actually incurred and paid by an employe:

(1) Dependent care assistance for a person who is dependent on the employe.

(2) The employe's share of premiums for any group insurance benefit plan provided by the department under subchs. IV and VI.

(3) Medical expenses which are not covered under a health insurance contract.

40.87 Treatment of compensation. Any part of gross compensation that an employer places in a reimbursement account under an employe-funded reimbursement account plan established under this subchapter which would have been treated as current earnings or wages if paid immediately to the employe shall be treated as current earnings or wages for purposes of any retirement, deferred compensation plan or group insurance benefit plan provided by the department.

SECTION 118d. 43.15 (1) (a) of the statutes is amended to read:

43.15 (1) (a) Contain at least one public library established under s. 43.52 in a city which, at the time of the system's establishment, has a population of more than 30,000. Any contractual arrangement existing on December 17, 1971, among a number of units of government whose territory consists of at least 3,500 square miles, and under which a multi-jurisdictional library service program is operated, which meets the requirements of this section other than the requirement for a city having a population of 30,000 or more shall be deemed to meet such requirement if it provides in the system plan for access by contract to the resources and services of a public library in a city having a population of 30,000 or more which is participating in a system.

SECTION 118p. 44.015 (5) of the statutes is created to read:

44.015 (5) By rule, establish fees to recover costs under s. 44.02 (24).

SECTION 118r. 44.02 (24) of the statutes is created to read:

44.02 (24) Promulgate by rule procedures, standards and forms necessary to certify, and shall certify, expenditures for preservation or rehabilitation of non-depreciable historic property for the purposes of s. 71.09 (12q). These standards shall be substantially similar to the standards used by the secretary of the interior to certify rehabilitations under 26 USC 48 (g) (2) (C).

~~SECTION 118c. 44.53 (1) (j) of the statutes is created to read:~~

~~44.53 (1) (j) From the appropriation under s. 20.215 (1) (f), annually award a grant to Milwaukee area technical college to provide support for community arts programs.~~

SECTION 119. 44.565 (2) (c) of the statutes is created to read:

44.565 (2) (c) The board shall set aside at least 5% of the funds for grants under par. (a) for grants to minority arts organizations.

SECTION 119m. 44.565 (2) (d) and (e) of the statutes are created to read:

44.565 (2) (d) The board shall set aside at least 20% of the funds for grants under par. (a) for grants to arts organizations and local arts agencies that have operating budgets of less than \$100,000.

(e) Notwithstanding par. (b), a grant under par. (c) or (d) may match up to 100% of the sum of the arts organization's or local arts agency's income from contributions and earned income for the previous fiscal year, except that a grant under par. (d) shall be not less than \$3,000 and not more than \$10,000.

SECTION 120. 44.565 (3) and (4) of the statutes are created to read:

44.565 (3) If the amount in the appropriation under s. 20.215 (1) (d) in any fiscal year is insufficient to fund all grants under this section, the board shall award grants on a prorated basis.

(4) The board shall promulgate rules to implement and administer this section.

SECTION 120g. 44.65 of the statutes is created to read:

44.65 Cultural excellence awards. (1) From the appropriation under s. 20.215 (1) (e), the board shall make cultural excellence awards to outstanding Wisconsin arts organizations for operations, capital programs, education or promotion of the arts from nominations made by the governor. The award shall be made without regard to whether the recipient is receiving other state or federal support. The recipient shall match the amount of the award through money or in-kind services.

(2) Notwithstanding sub. (1), in the 1988-89 fiscal year the board shall award the amount in the appropriation under s. 20.215 (1) (e) to a professional repertory theater company described under s. 125.51 (4) (k) 1 if the company matches the amount awarded through money or in-kind services.

SECTION 121. 45.01 of the statutes is amended to read:

Vetoed in Part

Vetoed in Part

45.01 G.A.R. memorial hall; space for. The department of administration shall provide suitable rooms in the capitol and properly prepare them for the purpose of a memorial hall, designated as the G.A.R. memorial hall, dedicated to the men and women of Wisconsin who served in the armed forces of the United States in the civil war of 1861 to 1865 or in any subsequent wars, as enumerated in s. 45.35 (5) (a) to (g), or in Grenada or Lebanon or a Middle East crisis under s. 45.34, and the department of veterans affairs shall operate and conduct such memorial hall.

SECTION 121m. 45.04 of the statutes is created to read:

45.04 Veterans memorial grants. (1) **DEFINITIONS.** In this section:

(a) "Department" means the department of veterans affairs.

(b) "In-kind contributions" includes but is not limited to donations of appliances, buildings, creations, equipment, fixtures, furniture, materials, structures, supplies and utilities, and work performed in the construction of a memorial.

(c) "Memorial" means a building, structure, statue or creation used to keep alive the remembrance of a veteran, veterans group or an event related to a veteran, but does not include a museum.

(d) "Secretary" means the secretary of the department.

(2) **GRANT PROGRAM.** From the appropriation under s. 20.485 (2) (s), the secretary shall award to eligible applicants grants to support the construction of not more than 2 memorials in this state to honor state veterans who served in the U.S. armed forces. One memorial may be constructed to honor state veterans who served during the Korean conflict, June 27, 1950, to January 31, 1955, and one to honor state veterans who served during the Vietnam era, August 5, 1964, to June 30, 1975.

(3) **NOTICE; APPLICATION PROCESS.** The secretary shall publicize the grant program under this section and the availability of grants. Eligible persons may apply for grants in accordance with the rules promulgated under sub. (6). The secretary shall develop and make available grant application forms.

(4) **COUNCIL OF COMMANDERS REVIEW.** The department shall provide the council of commanders with a copy of each application for a grant. The council may review the applications and submit its recommendations to the department.

(5) **GRANTS.** A grant may not exceed \$300,000 per memorial. No person may receive a grant under this section unless the person is able to provide at least \$1 for construction of the memorial for each \$2 granted by the state. An initial payment of part of the grant, not to exceed \$50,000, may be provided to an eligible person before the person obtains the required matching funds if the department is satisfied that the person is able to obtain those matching funds within a rea-

sonable time. The eligible person's share of the cost of constructing the memorial may be in the form of money or in-kind contributions of equivalent value, or both. If the funds granted by the state plus the matching funds obtained by the grantee exceed the cost of construction of the memorial, any excess state grant shall be returned by the grantee to the department. The department shall return any excess state grant to the transportation fund. No grant may be provided unless the person provides evidence of the ability to provide continuing care and maintenance of the memorial. No funds may be granted for administrative expenses of the grantee.

(6) **RULES.** The department shall promulgate rules specifying all of the following:

(a) The persons eligible for grants.

(b) The application process.

(c) The council of commanders review process.

(d) The costs related to memorial construction that may be covered under a grant.

(e) The amount of matching funds required of eligible persons.

(f) The type of in-kind contributions that may be considered as part of the eligible person's matching funds.

(g) The grantee's responsibilities for the care and maintenance of the memorial after construction is completed.

(h) The type of evidence required to prove the person's ability to adequately care for and maintain the memorial.

(i) Any other information deemed necessary by the department.

SECTION 122. 45.16 of the statutes is amended to read:

45.16 Burial allowance. Each county veterans service officer shall cause to be interred in a decent and respectable manner in any cemetery in this state, other than those used exclusively for the burial of paupers, the body of any person who served in any war of the United States, in the Korean conflict, in the Vietnam era, under section 1 of executive order 10957, dated August 10, 1961, or had service which entitled the person to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965, or who served in Grenada or Lebanon or a Middle East crisis under s. 45.34 and who was discharged under honorable conditions therefrom after 90 days or more of active service, in the U.S. armed forces, or if having served less than 90 days was honorably discharged for disability incurred in line of duty and who was living in such county at the time of death, and who dies not leaving sufficient means to defray the necessary expenses of a decent burial, or under financial circumstances which would distress the person's family to pay the expenses of such burial, and the

body of a spouse or surviving spouse of any such person who dies not leaving such means or under the same financial circumstances and who was living in such county at the time of death, at an expense to the county of not more than \$300 in addition to the burial allowance payable under laws administered by the veterans administration.

SECTION 123. 45.28 (1) (b) of the statutes is amended to read:

45.28 (1) (b) In this section, "veteran" means any person who served on active duty under honorable conditions in the U.S. armed forces for 90 days or more for other than training purposes between August 5, 1964, and July 1, 1975, or who is eligible to receive education benefits from the veterans administration for active service in the U.S. armed forces between August 5, 1964, and July 1, 1975, or who served in Grenada ~~or~~, Lebanon ~~or~~ a Middle East crisis under s. 45.34 and whose selective service local board, if any, and home of record at time of entry into active service as shown on the report of separation from the U.S. armed forces were in this state, or who was a resident of this state at the time of entry into active duty, and who has not received a bonus from another state for such service.

SECTION 123m. 45.28 (1) (c) of the statutes is amended to read:

45.28 (1) (c) The amount of the grant shall be based on the student's financial need as determined by the department after disregarding any payment described under s. 45.85. The maximum grant per academic year shall not exceed \$400 for married veterans or veterans with dependents and \$200 for single veterans. The department shall distribute such grants to students eligible under this program and such grants may be renewable for up to 4 academic years.

SECTION 124. 45.34 of the statutes is renumbered 45.34 (1), and 45.34 (1) (c), as renumbered, is amended to read:

45.34 (1) (c) Was not entitled to receive a medal under ~~sub. (1) or (2) par. (a) or (b)~~ but submits other proof of service acceptable to the department.

SECTION 125. 45.34 (title) of the statutes is created to read:

45.34 (title) Lebanon and Grenada and Middle East crisis.

SECTION 126. 45.34 (2) of the statutes is created to read:

45.34 (2) MIDDLE EAST CRISIS. A person shall be considered to have served in a Middle East crisis if, because of active duty in the U.S. armed forces or forces incorporated as a part of U.S. armed forces, any of the following apply:

(a) The person was awarded the humanitarian service medal for participating in the attempt to rescue American hostages in Iran.

(b) The person was awarded the valor ribbon bar by the U.S. state department for having been a hos-

tage in Iran during the Iranian hostage crisis in 1980 and 1981.

(c) The person participated in the April 14, 1986, military action against Libya.

(d) The person served on the U.S.S. Stark on May 17, 1987.

SECTION 127. 45.35 (5) (intro.) of the statutes is amended to read:

45.35 (5) VETERAN DEFINED; BENEFIT. (intro.) "Veteran" as used in this chapter, except in s. 45.37 and unless otherwise modified, means any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces, except service on active duty for training purposes, which service was in Grenada ~~or~~, Lebanon ~~or~~ a Middle East crisis under s. 45.34 or which service entitled the veteran to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965, or any person who served for 90 days or more during a war-time period as enumerated under pars. (a) to (g) or under section 1 of executive order 10957 dated August 10, 1961, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service, who is either a resident of and living in this state at the time of making application or is deceased, and whose selective service local board, if any, and home of record at time of entry or reentry into active service as shown on the veteran's report of separation from the U.S. armed forces for a qualifying period were in this state or who was either a resident of this state at the time of entry or reentry into active duty or has been a resident of this state for at least 10 years next preceding the veteran's application or death. If the person had more than one qualifying term of service, at least one term of service must have been under honorable conditions or have been terminated by an honorable discharge for the purpose of establishing eligibility under this section and s. 45.37 (1a). Veterans who are otherwise eligible and who are serving on active duty in the U.S. armed forces need not be living in this state on date of application to qualify for benefits from the department. The benefits available to veterans shall also be made available to the unremarried surviving spouses and minor or dependent children of deceased veterans if such unremarried surviving spouses or minor or dependent children are residents of and living in this state at the time of making application. Any person whose service on active duty with the U.S. armed forces or in forces incorporated as part of the U.S. armed forces makes such person eligible for general veterans administration benefits shall be deemed to have served under honorable conditions for the purpose of this subsection and s. 45.37 (1a).

SECTION 127g. 45.351 (2) (a) of the statutes is amended to read:

45.351 (2) (a) The department may lend any veteran not more than \$4,000 to be used for the purchase of a business or business property or the repairing of or adding to his or her home or business property, the construction of a garage, the education of the veteran or his or her children or to provide essential economic assistance if the department determines, after disregarding any payment described under s. 45.85, that the veteran satisfies the need requirements established by the department by rule. The need requirements may include, but are not limited to, consideration of the veteran's resources and credit available upon manageable terms. The department may prescribe loan conditions, but the interest rate shall be 3% per year for loan applications received by the department before July 20, 1985, and the interest rate shall be 6% per year for loan applications received by the department on or after July 20, 1985, and the term shall not exceed 10 years. Loan expense may be charged to the veteran. The department may execute necessary instruments, collect interest and principal, compromise indebtedness, sue and be sued, post bonds and write off indebtedness which it deems uncollectible. Where any loan under this section is secured by a real estate mortgage, the department may exercise the rights of owners and mortgagees generally and the rights and powers set forth in s. 45.72. Interest and repaid principal shall be paid into the veterans trust fund. The department may lend not more than \$4,000 to any veteran's surviving spouse, whether remarried or not, or to the parent of any deceased veteran's children for the education of such minor or dependent children if such surviving spouse or parent is a resident of and living in this state on the date of application.

SECTION 127r. 45.351 (2) (b) 1. (intro.) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

45.351 (2) (b) 1. (intro.) No person may receive a loan under this section if the department determines, after disregarding any payment described under s. 45.85, that the person's annual income exceeds \$500 for each dependent in excess of 2 dependents plus whichever of the following applies:

SECTION 128. 45.351 (2) (b) 1. cm of the statutes is created to read:

45.351 (2) (b) 1. cm. For loans approved on or after July 1, 1988, \$25,000.

~~SECTION 128m. 45.351 (5) (b) of the statutes is amended to read:~~

~~45.351 (5) (b) "Income" means the amount of gross income a veteran and spouse are receiving for their regular work together with any income from other sources that may reasonably be expected to continue for the term of the loan, except as provided under s. 45.85.~~

SECTION 129. 45.37 (1a) of the statutes is amended to read:

45.37 (1a) DEFINITION OF VETERAN. "Veteran" as used in this section means any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces who was entitled to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965, or who served in Grenada or Lebanon or a Middle East crisis under s. 45.34 or any person who served for at least one day during a war period, as defined in s. 45.35 (5) (a) to (g) or under section 1 of executive order 10957, dated August 10, 1961, and who was officially reported missing in action, killed in action or who died in service, or who was discharged under honorable conditions therefrom after 90 days or more of active service, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected, or who died as a result of service-connected disability.

SECTION 130. 45.42 (1) of the statutes is amended to read:

45.42 (1) The department may compile a record of the burial places within the state of persons who served in the U.S. armed forces in time of war as defined in s. 45.35 (5) (a) to (g) or in Grenada or Lebanon or a Middle East crisis under s. 45.34, or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965. The record, so far as practicable, may indicate the name of each person; the service in which engaged; the appropriate designation of armed forces unit; the rank and period of service; the name and location of the cemetery or other place in which the body is interred; the location of the grave in the cemetery or other place; and the character of headstone or other marker, if any, at the grave.

SECTION 131. 45.42 (2) of the statutes is amended to read:

45.42 (2) The department may have blank forms prepared whereby the information required for the record may be transmitted to it and may distribute the forms to county veterans service officers. The county veterans service officer within whose county and cemetery or burial place is located in which are interred the bodies of persons who served in the U.S. armed forces in time of war as defined in s. 45.35 (5) (a) to (g) or in Grenada or Lebanon or a Middle East crisis under s. 45.34 or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965, shall submit the facts required for such record to the

Vetoed
in Part

department on the forms provided by it, if so requested by the department.

SECTION 132. 45.43 (1) (a) of the statutes is amended to read:

45.43 (1) (a) Except as provided under par. (b), the county board shall elect a county veterans' service officer who shall be a Wisconsin resident who served under honorable conditions in the armed forces of the United States in time of war as set forth in s. 45.35 (5) (a) to (g) or in Grenada ~~or~~ Lebanon or a Middle East crisis under s. 45.34.

SECTION 133. 45.43 (6) (b) of the statutes is amended to read:

45.43 (6) (b) Except as provided under par. (c), the county board may appoint assistant county veterans' service officers who shall be persons who served under honorable conditions in the U.S. armed forces ~~during a war period specified under s. 45.35 (5)~~ in time of war as set forth in s. 45.35 (5) (a) to (g) or in Grenada, Lebanon or a Middle East crisis under s. 45.34.

SECTION 133g. 45.71 (7) of the statutes is amended to read:

45.71 (7) "Funds" include cash on hand, liquid investments, and any asset the conversion of which to cash would not result in a substantial loss, except as provided under s. 45.85. The funds of a veteran include all funds owned by the veteran and his or her spouse, individually or jointly, unless the veteran and his spouse are permanently separated.

SECTION 133r. 45.71 (9) (intro.) and (b) of the statutes are amended to read:

45.71 (9) (intro.) "Income" means the amount of adjusted gross income a veteran is receiving for regular work together with any income from other sources that may reasonably be expected to be regular and dependable, except as provided under s. 45.85.

(b) Unless temporary in nature and except as provided under s. 45.85, pensions and disability compensation shall be considered income.

SECTION 134. 45.71 (16) (a) (intro.) of the statutes is amended to read:

45.71 (16) (a) (intro.) Any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who is entitled to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965, or who served in Grenada ~~or~~ Lebanon or a Middle East crisis under s. 45.34 or any person who served for 90 days or more during a war period as enumerated under subds. 1 to 9 or under section 1 of executive order 10957, dated August 10, 1961, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service-connected or died in service, or who served on active duty for more than 6 months during the period

between February 1, 1955, and August 4, 1964, and was honorably discharged, and who has been a resident of this state for at least 5 years next preceding an application or death or who was a resident of this state at the time of enlistment or induction into service and is either a resident of and living in this state at the time of making application or is deceased. If the person had more than one qualifying term of service, at least one term of service must have been under honorable conditions or have been terminated by an honorable discharge. Veterans who are otherwise eligible and who are serving on active duty in the U.S. armed forces need not be living in this state on date of application to qualify for a loan under this chapter. The following are designated as war periods:

SECTION 134m. 45.74 (intro.) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

45.74 Eligible persons; disqualifying factors. (intro.) Except as provided under s. 45.745 or 45.85, no person may receive a loan under this subchapter if the department or authorized lender determines that any of the following applies:

SECTION 135. 45.74 (1) of the statutes, as affected by 1987 Wisconsin Act 9, is renumbered 45.74 (1) (intro.) and amended to read:

45.74 (1) ANNUAL INCOME LIMITATION. (intro.) The annual income of the person or both the person and the person's spouse exceeds whichever of the following applies:

(a) The amount of \$27,000 for loan applications approved under s. 45.79 during the period of July 1, 1981 to April 7, 1987, and for loan applications approved under s. 45.80 on or after during the period of July 1, 1981, ~~or~~ to June 30, 1988.

(b) The amount of \$34,000 for loan applications approved under s. 45.79 on or after April 7, 1987, and for loan applications approved under s. 45.80 on or after July 1, 1988.

SECTION 135m. 45.745 (intro.) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

45.745 Loans to disabled veterans; qualifying factors. (intro.) A veteran who has secured a special housing grant under 38 USC 801 due to permanent and total service connected disability may receive a loan under this subchapter if the department or authorized lender determines, after disregarding any payment received under s. 45.85, that all of the following apply:

SECTION 136. 45.80 (1) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

45.80 (1) LOANS AUTHORIZED; LOAN AMOUNT LIMITED. The department may make loans to eligible veterans for qualified purposes in the manner provided under this section. No loan made under this section may exceed ~~\$6,500~~ \$8,000. Subject to such limitation the amount of each loan shall be fixed by the depart-

ment with due regard to the conditions and requirements of the applicant.

SECTION 136d. 45.85 of the statutes is created to read:

45.85 Disregard of agent orange litigation payment.

Notwithstanding any other provision of this chapter, the department or authorized lender shall not consider any payment received by a veteran or a veteran's dependent from the settlement approved by the U.S. district court in the case of In re "Agent Orange" Product Liability Litigation, 618 F. Supp. 623 (D.C.N.Y. 1985), as income or assets for purposes of determining eligibility for any of the following:

(1) Vietnam and post-Vietnam era veterans educational grants under s. 45.28.

Vetoed in Part ~~(2) Economic assistance under s. 45.351.~~

(3) Primary mortgage loans under s. 45.79.

(4) Secondary mortgage loans under s. 45.80.

SECTION 136f. 46.03 (18) (f) of the statutes, as affected by 1987 Wisconsin Act 3, is amended to read:

46.03 (18) (f) Notwithstanding par. (a), any person who submits to an assessment or driver safety plan under s. 23.33 (13) (e), 30.80 (6) (d), 343.16 (2) (a), 343.30 (1q) ~~or~~, 343.305 (10) ~~or~~ 350.11 (3) (d) shall pay a reasonable fee therefor to the appropriate county department under s. 51.42 or traffic safety school under s. 345.60. The fee for the driver safety plan may be reduced or waived if the person is unable to pay the complete fee, but no fee for assessment or attendance at a traffic safety school under s. 345.60 may be reduced or waived.

SECTION 136g. 46.033 (2) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

46.033 (2) The department shall promulgate rules establishing standards of competency, including examinations and training requirements, for income maintenance workers.

SECTION 136j. 46.033 (3) and (4) of the statutes, as created by 1987 Wisconsin Act 27, are repealed.

~~SECTION 136m. 46.08 of the statutes is created to read:~~

Vetoed in Part ~~46.08 Alternatives to revocation of probation or parole. If a probationer or parolee violates conditions of probation or parole, the department is encouraged to consider any possible options involving intensive supervision or electronic monitoring or both as an alternative to seeking revocation of probation or parole. If appropriate for a probationer, the department may seek to have the conditions of probation modified under s. 973.09 (3) (a).~~

SECTION 136s. 46.21 (2) (q) of the statutes is created to read:

46.21 (2) (q) May, together with a private or public organization, association or affiliation, organize, establish and participate in the governance of an entity to operate wholly or in part any health-related service, may participate in the financing of the entity

and may do whatever is necessary to effect the success of the entity.

SECTION 137g. 46.25 (7) of the statutes is renumbered 46.25 (7) (a) and amended to read:

46.25 (7) (a) ~~The~~ Before January 1, 1990, the department may represent the state or any individual in any action to establish paternity or to establish or enforce a support or maintenance obligation, including maintenance under s. 49.90 (1) (a) 2. The department may delegate its authority to represent the state or any individual in any action to establish paternity or to establish or enforce a support or maintenance obligation under this section to the district attorney, or corporation counsel when authorized by county board resolution, pursuant to a contract entered into under s. 59.07 (97). The department shall ensure that any such contract is for an amount reasonable and necessary to assure quality service. The department may, by such a contract, authorize a county to contract with any attorney, collection agency or other person to collect unpaid child support or maintenance. If a county fails to fully implement the programs under s. 59.07 (97), the department may implement them and may contract with any appropriate person to obtain necessary services. The department shall establish a formula for disbursing funds appropriated under s. 20.435 (4) (p) to carry out a contract under this subsection.

~~SECTION 137ga. 46.25 (7) (a) of the statutes, as affected by 1987 Wisconsin Act ... (this act), is repealed and recreated to read:~~

~~46.25 (7) (a) Before January 1, 1990, the department may represent the state or any individual in any action to establish paternity or to establish or enforce a support or maintenance obligation, including maintenance under s. 49.90 (1) (a) 2. The department may delegate its authority to represent the state or any individual in any action to establish paternity or to establish or enforce a support or maintenance obligation under this section to a support enforcement attorney pursuant to a contract entered into under s. 59.07 (97). The department shall ensure that any such contract is for an amount reasonable and necessary to assure quality service. The department may, by such a contract, authorize a county to contract with any attorney, collection agency or other person to collect unpaid child support or maintenance. If a county fails to fully implement the programs under s. 59.07 (97), the department may implement them and may contract with any appropriate person to obtain necessary services. The department shall establish a formula for disbursing funds appropriated under s. 20.435 (4) (p) to carry out a contract under this subsection.~~

Vetoed in Part

SECTION 137m. 46.25 (7) (b) of the statutes is created to read:

46.25 (7) (b) After December 31, 1989, the department may represent the state or any individual in any action to establish paternity or to establish or enforce

Vetoed
in Part

a support or maintenance obligation. The department may delegate its authority to represent the state or any individual in any action to establish paternity or to establish or enforce a support or maintenance obligation under this section to a support enforcement attorney pursuant to a contract entered into under s. 59.07 (97). The department shall ensure that any such contract is for an amount reasonable and necessary to assure quality service. The department may, by such a contract, authorize a county to contract with any attorney, collection agency or other person to collect unpaid child support or maintenance. If a county fails to fully implement the programs under s. 59.07 (97), the department may implement them and may contract with any appropriate person to obtain necessary services. The department shall establish a formula for disbursing funds appropriated under s. 20.435 (4) (p) to carry out a contract under this subsection.

SECTION 139. 46.26 (4) (d) 4 of the statutes is amended to read:

46.26 (4) (d) 4. Beginning January 1, ~~1987~~ 1989, and ending June 30, ~~1987~~ 1989, the per person daily cost assessment to counties shall be ~~\$93.59~~ \$94.09 for care in a juvenile correctional institution, ~~\$93.54~~ \$94.09 for care for children transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$94.52~~ the dollar amount set by the department by rule for maintaining a prisoner in an adult correctional institution, \$103.62 for care in a child caring institution, ~~\$64.62~~ \$67.17 for care in a group home for children, ~~\$20.08~~ \$46.33 for care in a foster home and ~~\$4.97~~ \$6.82 for departmental aftercare services.

SECTION 140. 46.266 (1) (a) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

46.266 (1) (a) ~~A~~ Except as provided in par. (am), a nursing home terminates use of a bed occupied by the individual as part of a plan submitted by the nursing home and approved by the department.

SECTION 141. 46.266 (1) (am) of the statutes is created to read:

46.266 (1) (am) If approved by the department, a nursing home may, in lieu of the requirement of par. (a), agree to receive a permanent limitation on the facility's payment under s. 49.45 (6m) for each person relocated under this section. The department shall promulgate rules to administer this paragraph.

SECTION 141m. 46.266 (1) (b) of the statutes is created to read:

46.266 (1) (b) The eligible individual is a resident of a nursing home that is found to be or is at risk of being found to be an institution for mental diseases, as defined under 42 CFR 435.1009.

SECTION 142. 46.266 (1) (c) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

46.266 (1) (c) The individual is aged ~~22~~ 21 to 64 and has a diagnosis of mental illness, except an individual under 22 years of age who was receiving services for his or her diagnosis immediately prior to reaching age 21 and continuously thereafter.

SECTION 144. 46.266 (3) of the statutes is created to read:

46.266 (3) If a person who is provided services under sub. (1) and who was relocated from a nursing home found to be an institution for mental diseases reenters, within 6 months following his or her first receipt of services under sub. (1), a nursing home that is found to be an institution for mental diseases, as defined under 42 CFR 435.1009, sub. (2) does not apply and funding under s. 49.45 (6g) (a) (intro.) and 1 shall be provided.

SECTION 144b. 46.27 (1) (bm) of the statutes is created to read:

46.27 (1) (bm) "Private nonprofit agency" means a nonprofit corporation, as defined in s. 181.02 (8), which provides comprehensive health care services to elderly persons and which participates in the On Lok replication initiative.

SECTION 144e. 46.27 (3m) of the statutes is created to read:

46.27 (3m) POWERS AND DUTIES OF A PRIVATE NON-PROFIT AGENCY. A private nonprofit agency with which the department contracts for service under sub. (1) (c) 5 shall have the powers and duties under this section of a county department designated under sub. (3) (b) to administer the program.

SECTION 144h. 46.27 (7) (am) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

46.27 (7) (am) From the appropriation under s. 20.435 (4) (bd), the department shall allocate funds to each county or private nonprofit agency with which the department contracts to pay assessment and case plan costs under sub. (6) not otherwise paid under s. 46.032 or 49.45. The department shall reimburse counties for the cost of assessing persons eligible for medical assistance under s. 49.46 or 49.47 as part of the administrative services of medical assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this paragraph to pay the cost of long-term community support services.

SECTION 144j. 46.27 (7m) of the statutes is created to read:

46.27 (7m) RIGHT TO HEARING. A person who is denied eligibility for services or whose services are reduced or terminated under this section may request a hearing from the department under s. 227.44, except that lack of adequate funding may not serve as the basis for a request under this subsection.

SECTION 144L. 46.27 (11) (c) 3 of the statutes is amended to read:

46.27 (11) (c) 3. Medical assistance reimbursement for services a county or a private nonprofit agency with which the department contracts provides under this subsection shall be made from the appropriations under s. 20.435 (1) (o) and (4) (b) and (bd).

SECTION 144p. 46.27 (11) (c) 5 of the statutes is created to read:

46.27 (11) (c) 5. The department may contract for services under this subsection with a county or a private nonprofit agency.

SECTION 144r. 46.277 (1m) (at) of the statutes is created to read:

46.277 (1m) (at) "Private nonprofit agency" has the meaning specified in s. 46.27 (1) (bm).

SECTION 144u. 46.277 (3m) of the statutes is created to read:

46.277 (3m) PARTICIPATION BY A PRIVATE NON-PROFIT AGENCY. A private nonprofit agency with which the department contracts for service under sub. (5) (c) shall have the powers and duties under this section of a county department, as specified in sub. (3) (a).

SECTION 144y. 46.277 (5) (c) of the statutes is created to read:

46.277 (5) (c) The department may contract for services under this section with a private nonprofit agency. Paragraphs (a) and (b) apply to funding received by a private nonprofit agency under this subsection.

SECTION 145. 46.40 (3) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

46.40 (3) SUPPORTIVE HOME CARE. For supportive home care services, the department shall allocate not more than \$7,267,800 for the last 6 months of 1987, not more than \$14,501,400 for 1988 and not more than ~~\$7,250,700~~ \$6,729,100 for the first 6 months of 1989.

Vetoed in Part

~~SECTION 145m. 46.40 (5m) of the statutes is created to read:~~

~~46.40 (5m) COMMUNITY SUPPORT PROGRAM ASSISTANCE. For assisting community support programs for the chronically mentally ill under s. 51.421 to meet standards for medical assistance certification, the department shall allocate not more than \$217,300 in fiscal year 1988-89.~~

SECTION 145s. 46.40 (6) (b) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

46.40 (6) (b) In addition to the amounts under par. (a), the department shall allocate for community-based programs for the developmentally disabled for 1988 not more than \$960,700 and for the first 6 months of 1989 not more than \$480,400 based on the number of individuals on the waiting list for services for the developmentally disabled in each county.

SECTION 145u. 46.40 (8m) of the statutes is created to read:

46.40 (8m) For grants to county departments under s. 46.23, 51.42 or 51.437 for programs to provide supported employment opportunities for severely disabled persons, the department shall allocate \$60,000 for fiscal year 1988-89.

SECTION 146. 46.40 (12) of the statutes is created to read:

46.40 (12) SERVICES TO PERSONS WITH EPILEPSY. For grants for services to persons with epilepsy under s.

46.57, the department shall allocate not more than \$75,000 for the first 6 months of 1989.

~~SECTION 146m. 46.40 (16) of the statutes is created to read:~~

~~46.40 (16) COMMUNITY-BASED MENTAL HEALTH SERVICES. To contribute to the cost of community-based mental health services as an alternative to inpatient care, as initially established under the pilot program under s. 49.45 (6), for county departments of counties which participated in calendar year 1987 in the program, the department shall allocate \$200,000 for the last 6 months of 1988 and \$200,000 for the first 6 months of 1989. The department shall determine the amount of and distribute the allocation for each county in proportion to the amounts of each county's expenditure in calendar year 1986 for community-based mental health services under s. 49.45 (6). The county department may retain any amounts that remain unexpended or unencumbered at the end of a calendar year to provide community-based mental health services during the next calendar year.~~

SECTION 147. 46.45 (3) (a) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

46.45 (3) (a) Except as provided in par. (b) at the request of a county, tribal governing body or private nonprofit organization, the department shall carry forward up to 3% of the total amount allocated to the county, tribal governing body or nonprofit organization for a calendar year, except for funds allocated for day care under ss. 46.98 (2) (a) 2 and 49.52 (1) (d) and funds allocated under s. 46.40 (11) ~~and (16)~~, for use by the county, tribal governing body or nonprofit organization in the following calendar year. The department may not carry forward more than 25% of the amount allocated to a county, tribal governing body or nonprofit organization under s. 46.40 (2), (3) ~~or~~ (5) to (10) ~~or~~ (12). All funds carried forward for a tribal governing body or nonprofit organization and all federal child welfare funds, under 42 USC 620 to 626, and federal alcohol, drug abuse and mental health block grant funds, under 42 USC 300x to 300x-9, carried forward for a county shall be used for the purpose for which the funds were originally allocated. Except as provided under par. (am), other funds carried forward may be used for any purpose under s. 20.435 (4) (b). If a county match was required by s. 49.52 (1) (d) or 51.423 (2) when funds carried forward were originally allocated, the county match requirement applies to the funds in the following calendar year.

~~SECTION 147m. 46.52 of the statutes is created to read:~~

~~46.52 Council on physical disabilities. (1) The council on physical disabilities shall do all of the following:~~

~~(a) Develop, approve and continue modification of a state plan, for services to physically disabled persons, that encompasses services from the entities specified under sub. (3).~~

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed
in Part

(b) Request reports or other information from the entities specified under sub. (3) concerning programs, funding, clients or services as they relate to physically disabled persons.

(c) Advise the department and make recommendations, including recommendations for legislation, to the entities specified under sub. (3) concerning funding, programs, policies and operations of those entities and other matters with respect to physically disabled persons.

(d) Encourage public understanding of the needs of and issues concerning physically disabled persons.

(e) Consider all questions and matters concerning physically disabled persons arising within the council or brought to the council for review.

(f) Submit annually to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report concerning the council's recommendations under par. (c).

(g) Meet at least 4 times annually.
(2) The council on physical disabilities may do all of the following:

(a) Report to the public concerning needs of physically disabled persons and issues that affect those persons.

(b) Promote programs related to the prevention of physical disability.

(c) Form committees for consideration of policies or programs for physically disabled persons.

(3) All of the following shall maintain liaison with and periodically report to the council on physical disabilities concerning progress in achieving objectives in the state plan developed under sub. (1) (a):

- (a) The secretary.
- (b) The state superintendent of public instruction.
- (c) The secretary of transportation.
- (d) The secretary of industry, labor and human relations.
- (e) The secretary of employment relations.
- (f) The secretary of development.
- (g) The commissioner of insurance.
- (h) The president of the university of Wisconsin system.
- (i) The president of the state board of vocational, technical and adult education.
- (j) The executive director of the board on aging and long term care.

SECTION 148. 46.57 of the statutes is created to read:

46.57 Grants for services to persons with epilepsy.

(1) DEFINITIONS. In this section:

(a) "Agency" means a private nonprofit organization or a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 which provides or proposes to provide direct services or indirect services to or on behalf of persons with epilepsy, their families or both.

(b) "Direct services" means services provided to a person with epilepsy or a member of the family of a

person with epilepsy and includes counseling, referral to other services, case management, daily living skills training, providing information and parent helper services.

(c) "Indirect services" means services provided to a person working with or on behalf of a person with epilepsy and includes service provider training, community education, prevention programs and advocacy.

(2) PURPOSE; ALLOCATION. (a) From the appropriations under s. 20.435 (4) (b) and (o), the department shall award grants to agencies to provide direct services or indirect services to or on behalf of persons with epilepsy, their families or both.

(b) The department may not allocate more than \$50,000 per year to any agency for the program under this section.

(3) CRITERIA FOR AWARDING GRANTS. In reviewing applications for grants, the department shall consider the following:

(a) The need for direct services and indirect services to persons with epilepsy and their families in the area in which the applicant provides services or proposes to provide services.

(b) Ways to ensure that both urban and rural areas receive services under the grant program.

(4) EVALUATION. (a) After each year that an agency operates a program funded under this section the agency shall provide the following information to the department:

- 1. The estimated number of persons with epilepsy that reside within the area served by the agency.
- 2. The number of persons with epilepsy and other persons and organizations who received services within the area served by the agency.

(b) The subunit of the department which is responsible for departmental program evaluation shall annually submit, to the governor and the chief clerk of each house of the legislature for distribution under s. 13.172 (3), a report evaluating the grant program under this section.

SECTION 148c. 46.63 of the statutes is created to read:

46.63 Outreach to low-income pregnant women.

(1) The department shall conduct an outreach program to make low-income pregnant women aware of the importance of early prenatal health care and of the availability of medical assistance benefits under ss. 49.45 to 49.47 and other types of funding for prenatal care, to refer women to prenatal care services in the community and to make follow-up contacts with women referred to prenatal care services.

(2) In addition to the amounts appropriated under s. 20.435 (1) (ev), the department shall allocate \$250,000 for fiscal year 1988-89 from moneys received under the maternal and child health services block grant program, 42 USC 701 to 709, for the outreach program under this section.

SECTION 148g. 46.81 (2) of the statutes, as created by 1987 Wisconsin Act 27, is renumbered 46.81 (2) (a).

SECTION 148h. 46.81 (2) (b) of the statutes is created to read:

46.81 (2) (b) In addition to the amounts allocated under par. (a), the department shall allocate \$175,000 for fiscal year 1988-89 to aging units to provide benefit specialist services to older persons. The department shall allocate the funds under this paragraph so that each aging unit receives a 28% increase in funding, except that the department shall allocate to an aging unit a larger increase if necessary to fund, under this paragraph plus par. (a), 15 hours per week of benefit specialist services.

Vetoed in Part

~~SECTION 148i. 46.855 of the statutes, as affected by 1987 Wisconsin Act 27, is renumbered 46.855 (1). SECTION 148kg. 46.855 (2) of the statutes is created to read:~~

~~46.855 (2) The department shall establish one central office serving the southeastern portion of this state and 3 regional offices serving the southwestern, northwestern and northeastern portions of the state, for the administration and provision of the services specified under sub. (1) (a) to (c).~~

SECTION 148p. 46.95 (2) (b) 3 of the statutes is amended to read:

46.95 (2) (b) 3. The need for domestic abuse services in the areas of the state served by each health systems agency designated under 42 USC 300L, as defined in s. 140.83 (1), 1985 stats.

SECTION 148qL. 46.97 (2) (b) 4 of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

46.97 (2) (b) 4. In addition to the amounts under subds. 1 to 3, no more than \$50,000 \$150,000 in each year to eligible applicants without restriction as to the location of the applicants.

SECTION 148qn. 46.97 (3m) of the statutes is created to read:

46.97 (3m) GRANT ELIGIBILITY. In awarding grants under this section, the department shall consider whether the community in which an eligible applicant provides services has a coordinated system of services for homeless individuals and families.

SECTION 148qnf. 48.06 (1) (am) 1 of the statutes is amended to read:

48.06 (1) (am) 1. All intake workers beginning employment after May 15, 1980, shall have the qualifications required to perform entry level social work in a county department and shall have successfully completed 30 hours of intake training approved or provided by the department prior to the completion of the first 6 months of employment in the position. The department shall monitor compliance with this subdivision according to rules promulgated by the department.

SECTION 148qng. 48.06 (1) (am) 2 of the statutes is renumbered 48.06 (1) (am) 3.

SECTION 148qnh. 48.06 (1) (am) 2 of the statutes is created to read:

48.06 (1) (am) 2. The department shall make training programs available annually that permit intake workers to satisfy the requirements specified under subd. 1.

SECTION 148qnr. 48.06 (2) (b) of the statutes is renumbered 48.06 (2) (b) 1 and amended to read:

48.06 (2) (b) 1. All intake workers beginning employment after May 15, 1980, shall have the qualifications required to perform entry level social work in a county department and shall have successfully completed 30 hours of intake training approved or provided by the department prior to the completion of the first 6 months of employment in the position. The department shall monitor compliance with this paragraph according to rules promulgated by the department.

SECTION 148qns. 48.06 (2) (b) 2 of the statutes is created to read:

48.06 (2) (b) 2. The department shall make training programs available annually that permit intake workers to satisfy the requirements specified under subd. 1.

~~SECTION 148rbg. 48.396 (1) of the statutes, as affected by 1987 Wisconsin Act 27, is renumbered 48.396 (1m) and amended to read:~~

~~48.396 (1m) Peace officers' records of children shall be kept separate from records of persons 18 or older and shall not be open to inspection or their contents disclosed except under sub. (5) or s. 48.293, by order of the court assigned to exercise jurisdiction under this chapter. If a child has a peace officer record because of an alleged violation of s. 940.225 and the child was not adjudicated delinquent on the basis of that alleged violation, the peace officer's record of the alleged violation shall be expunged. This subsection shall not apply to the representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news without revealing the identity of the child involved or to the confidential exchange of information between the police and officials of the school attended by the child or other law enforcement or social welfare agencies or to children 16 or older who are transferred to the criminal courts.~~

Vetoed in Part

~~SECTION 148rbh. 48.396 (1) of the statutes is created to read:~~

~~48.396 (1) In this section, "expunge" means to strike or obliterate from a record all references to a person's name and identity.~~

~~SECTION 148rbi. 48.396 (2m) of the statutes is created to read:~~

~~48.396 (2m) If a child has a court record under sub. (2) for an alleged violation of s. 940.225 and the child was not adjudicated delinquent on the basis of that alleged violation, the records of the court assigned to exercise jurisdiction under this chapter that relate to the alleged violation shall be expunged.~~

Vetoed in Part SECTION 148pk. 48.396 (5) (a) (intro.) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

48.396 (5) (a) (intro.) Any victim of a child's act may petition the court to order the disclosure of the records governed by sub. (4) (1m). The petition shall be in writing and shall describe as specifically as possible all of the following:

Vetoed in Part SECTION 148sq. 48.60 (3) of the statutes is renumbered 48.60 (3) (a) and amended to read:

48.60 (3) (a) Before issuing any license to a child welfare agency under this section, the department shall review the need for the additional placement resources that would be made available by the licensing or relicensing of any child welfare agency after August 5, 1973, providing care authorized under s. 48.61 (2).

(c) The department shall not make any placements to any child welfare agency where the departmental review required under this subsection has failed to indicate the need for such additional placement resources.

SECTION 148sr. 48.60 (3) (b) of the statutes is created to read:

48.60 (3) (b) In reviewing the need for additional placement resources under this subsection the department shall consider all of the following:

1. The economic impact that an expansion of a child welfare agency would have in the county in which the child welfare agency is located.
2. The number of children on the child welfare agency's waiting list. The residence of a child shall not affect the department's consideration of the waiting list in determining need under this subsection.

SECTION 148t. 48.65 (2) (intro.), (a) and (b) of the statutes are amended to read:

48.65 (2) (intro.) This section does not include any of the following:

- (a) A relative or guardian of a child who provides care and supervision for the child; ~~or,~~
- (b) A public or parochial school; ~~or,~~

SECTION 148w. 48.65 (2) (d) of the statutes is created to read:

48.65 (2) (d) A county, city, village, town, school district or library that provides programs primarily intended for recreational or social purposes.

SECTION 149c. 48.981 (8) (d) 2 of the statutes is amended to read:

48.981 (8) (d) 2. Each year the department shall make available training programs that permit intake workers and county department staff members and supervisors to satisfy the requirements under subd. 1 and s. 48.06 (1) (am) 2 3 and (2) (c).

Vetoed in Part SECTION 149m. 48.985 (1) (b) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

~~48.985 (1) (b) For runaway services, not more than \$458,600 in federal fiscal year 1988 and not more than \$452,600, \$568,100 in federal fiscal year 1989.~~

Vetoed in Part

SECTION 149r. 49.015 (1) (d) of the statutes, as affected by 1987 Wisconsin Act 27, is renumbered 49.015 (3) and amended to read:

49.015 (3) After December 31, 1986, a general relief agency may waive the requirement under ~~par. (b)~~ sub. (1) (b) or (2) (a) in a medical emergency or in case of unusual misfortune or hardship. Each waiver shall be reported to the department. The department may deny reimbursement under s. 49.035 for any case in which a waiver is inappropriately granted.

SECTION 150. 49.127 (2) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

49.127 (2) No person may misstate or conceal facts in a food stamp program application or report of income, assets or household circumstances with intent to secure or continue to receive food coupons stamp program benefits.

SECTION 151. 49.127 (2m) of the statutes is created to read:

49.127 (2m) No person may knowingly fail to report changes in income, assets or other facts as required under 7 USC 2015 (c) (1) or regulations issued under that provision.

SECTION 152. 49.128 of the statutes is created to read:

49.128 Food stamp demonstration project. (1) The department shall apply to the U.S. secretary of agriculture under 7 USC 2026 (b) (1) for a demonstration project in which recipients of supplemental security income under 42 USC 1381 to 1383c or state supplemental payments under s. 49.177 receive food stamp program benefits as cash payments instead of food coupons. If the demonstration project is approved, the department shall conduct the project.

(2) After the department is notified that the demonstration project under sub. (1) is approved ~~or denied~~, the department shall inform the U.S. secretary of agriculture that the state supplemental payments under s. 49.177 do not include an amount in lieu of food stamps, ~~regardless of whether the demonstration project under sub. (1) is approved.~~

Vetoed in Part

Vetoed in Part

SECTION 154. 49.19 (5) (am) 1. (intro.) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

49.19 (5) (am) 1. (intro.) Instead ~~Except as provided under subd. 1m, instead~~ of the disregards under par. (a) 4 and 4m, after disregarding the amounts specified under par. (a) 2 and 3, \$30 of earned income and an amount equal to one-sixth of the remaining earned income not disregarded shall be disregarded from the earned income of a person specified in par. (a) 2. These disregards do not apply to:

SECTION 155. 49.19 (5) (am) 1m of the statutes is created to read:

49.19 (5) (am) 1m. If a waiver under subd. 2 is granted, the department may select individuals to whom the disregards under par. (a) 4 and 4m apply, rather than the disregard under subd. 1, as a control group for all or part of the period during which the waiver is in effect.

SECTION 157i. 49.41 (1) of the statutes, as affected by 1987 Wisconsin Act 27, is renumbered 49.41 and amended to read:

49.41 (title) Assistance grants exempt from levy. ~~Except as provided in sub. (2), all~~ All grants of aid to families with dependent children, payments made for social services, and benefits under s. 49.177 or federal Title XVI, are exempt from every tax, and from execution, garnishment, attachment and every other process and shall be inalienable.

SECTION 157j. 49.41 (2) of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

SECTION 159. 49.45 (6g) (a) of the statutes, as created by 1987 Wisconsin Act 27, is renumbered 49.45 (6g) (a) (intro.) and amended to read:

49.45 (6g) (a) (intro.) Notwithstanding sub. (6m) (ag) and except as provided under par. (ar), if during the period beginning on July 1, 1987 and ending on June 30, 1989, the federal health care financing administration or the department finds a skilled nursing facility or intermediate care facility in this state that provides care to medical assistance recipients for which the facility receives reimbursement under sub. (6m) to be an institution for mental diseases, as defined under 42 CFR 435.1009, the department shall transfer or credit funds as specified in par. (ag) from the appropriation under s. 20.435 (1) (b) to the appropriation under s. 20.435 (4) (b) for distribution to a county department under s. 51.42 until June 30, 1989, under this section ~~at 60% of the daily medical assistance reimbursement rate under sub. (6m) of the facility, for the care of any person residing in the facility on the date of the finding whose care in the facility has been disallowed for federal financial participation. the following persons occupying beds in the facility found to be an institution for mental diseases:~~

SECTION 160. 49.45 (6g) (a) 1 to 3 of the statutes are created to read:

49.45 (6g) (a) 1. A person residing in the facility on the date of the finding whose care in the facility is disallowed for federal financial participation.

2. A person specified under s. 46.266 (3).

3. A person who is aged 21 to 64, who has a diagnosis of mental illness, who would meet the level of care requirements for medical assistance reimbursement in a skilled nursing facility or intermediate care facility but for a finding that the facility is an institution for mental diseases, and for whom services would be provided in place of a person specified in subd. 1 who discontinues services.

SECTION 161. 49.45 (6g) (ag) of the statutes is created to read:

49.45 (6g) (ag) Funds transferred or credited under par. (a) shall be all of the following:

1. Funds at 90% of the daily medical assistance reimbursement rate under sub. (6m) of the facility, unless the amount of \$6,544,100 plus the state share of the daily medical assistance reimbursement rate that is budgeted for this purpose and for relocations under s. 46.266 for state fiscal year 1988-89 under s. 20.435 (1) (b) is insufficient to reimburse all eligible costs, in which case the funds shall be prorated by the department.

2. Funds, calculated according to a method specified by the department, equivalent to the state share of the average daily medical assistance payment for noninstitutional medical services for residents of skilled nursing facilities or intermediate care facilities found to be institutions for mental diseases whose care has been disallowed for federal financial participation.

SECTION 162. 49.45 (6g) (ar) of the statutes is created to read:

49.45 (6g) (ar) The total number of beds in skilled nursing facilities or intermediate care facilities that are funded at any one time under pars. (a) and (ag) may not exceed the number of beds available for the persons specified in par. (a) 1, minus the number of beds reduced under s. 46.266 (1) for persons who are not persons specified under s. 46.266 (3).

SECTION 162m. 49.45 (6g) (d) of the statutes is created to read:

49.45 (6g) (d) No skilled nursing facility or intermediate care facility that has residents who are 21 to 64 years of age and have a diagnosis of mental illness may receive funds under this subsection unless the skilled nursing facility or intermediate care facility has received distinct part or separate licensure under s. 50.03 (1m).

SECTION 163. 49.45 (6j) of the statutes is created to read:

49.45 (6j) LIMITATION ON CERTAIN FACILITY COVERAGE. The department shall determine, under a method devised by the department, the average population during the period from January 1, 1987, to the last day of the first month beginning after the effective date of this subsection [revisor inserts date], of persons in each skilled nursing facility or an intermediate care facility who are mentally ill and are aged 21 to 64, except persons under 22 years of age who were receiving medical assistance services in the facility prior to reaching age 21 and continuously thereafter. Beginning July 1, 1988, the payment under sub. (6m) for services provided by a facility to persons who are mentally ill and are within the age limitations specified in this subsection may not exceed the payment for the average population of these persons in that facility, as determined by the department.

SECTION 164. 49.45 (6m) (ar) 1. a of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

49.45 (6m) (ar) 1. a. The department shall establish standards for payment of allowable direct care costs that are at least 110% of the median for direct care costs for facilities that do not primarily service the developmentally disabled and separate standards for payment of allowable direct care costs that are at least 110% of the median for direct care costs for facilities primarily serving the developmentally disabled. The standards shall be adjusted by the department for regional labor cost variations. The department may decrease the percentage established for the standards only if amounts available under par. (ag) (intro.) are insufficient to provide total payment under par. (am), less capital costs under subd. 5.

SECTION 165. 49.45 (6u) (intro.) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

49.45 (6u) FACILITY OPERATING DEFICIT REDUCTION. (intro.) Except as provided in par. (g), from the appropriation under s. 20.435 (1) (o), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a facility, as defined under sub. (6m) (a) 2, that is established under s. 49.14 (1) or that is owned and operated by a city or village, the department shall allocate \$3,715,000 in fiscal year 1987-88 and \$3,715,000 in fiscal year 1988-89 to these facilities and up to \$1,000,000 in fiscal year 1988-89, as determined by the department, and shall perform all of the following:

~~SECTION 166m. 49.45 (25) (d) of the statutes is created to read:~~

~~49.45 (25) (d) This subsection does not apply to case management services provided under sub. (15) of s. 49.46 (2) (a) 2 or through a community support program under s. 49.46 (2) (cm).~~

SECTION 168. 49.45 (27) of the statutes is created to read:

49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law may not receive medical assistance benefits except as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v).

SECTION 168i. 49.45 (29) of the statutes is created to read:

49.45 (29) HOSPICE REIMBURSEMENT. The department shall promulgate rules limiting aggregate payments made to a hospice under ss. 49.46 and 49.47.

SECTION 168m. 49.46 (2) (a) 4. a of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

49.46 (2) (a) 4. a. Inpatient hospital services other than services in an institution for mental diseases, including psychiatric and alcohol or other drug abuse treatment services, subject to the limitations under par. (i).

SECTION 168s. 49.46 (2) (a) 5 of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

49.46 (2) (a) 5. Hospice care, as provided under par. (g). This subdivision does not apply beginning on July 1, 1988, and ending on July 31, 1989.

SECTION 170g. 49.46 (2) (b) 6. e of the statutes is amended to read:

49.46 (2) (b) 6. e. Inpatient hospital, subject to the limitations under par. (i), skilled nursing facility and intermediate care facility services for patients of any institution for mental diseases who are under 21 years of age, are under 22 years of age and who were receiving these services immediately prior to reaching age 21, or are 65 years of age or older.

SECTION 170r. 49.46 (2) (b) 10 of the statutes is created to read:

49.46 (2) (b) 10. Hospice care as defined in 42 USC 1396d (o) (1). No person may receive benefits under this subdivision after July 31, 1989, unless that person receives benefits under this subdivision on July 31, 1989.

~~SECTION 170t. 49.46 (2) (cm) of the statutes is created to read:~~

~~49.46 (2) (cm) 1. From the appropriation under s. 20.435 (1) (o), the department shall pay the portion reimbursed by the federal government of the cost of mental health services, including case management services, provided by the staff of a community support program in a county in which all of the following conditions are satisfied:~~

~~a. The community support program meets the standards for certification under s. 49.45 (2) (a) 11.~~

~~b. The county provides the portion of the cost of those services not reimbursed by the federal government.~~

~~2. The department shall seek federal approval of medical assistance coverage of community support program services as provided in subd. 1. Subdivision 1 applies only after December 31, 1988, and only if federal approval is received.~~

SECTION 171. 49.46 (2) (dm) of the statutes, as created by 1987 Wisconsin Act 27, is repealed and recreated to read:

49.46 (2) (dm) Benefits under this section may not include payment for services to individuals aged 21 to 64 who are residents of an institution for mental diseases and who are otherwise eligible for medical assistance, except for individuals under 22 years of age who were receiving these services immediately prior to reaching age 21 and continuously thereafter and except for services to individuals who are on convalescent leave or are conditionally released from the institution for mental diseases. For purposes of this paragraph, the department shall define "convalescent leave" and "conditional release" by rule.

SECTION 171m. 49.46 (2) (g) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

49.46 (2) (g) The department shall pay for hospice care provided to a medical assistance beneficiary who resides in a skilled nursing facility or an intermediate care facility, is entitled to medicare part A benefits,

Vetoed in Part

Vetoed in Part

under 42 USC 1395c to 1395i-2, and is terminally ill. This paragraph does not apply beginning on July 1, 1988, and ending on July 31, 1989.

SECTION 172m. 49.46 (2) (i) of the statutes is created to read:

49.46 (2) (i) 1. The department may pay for inpatient hospital psychiatric care, including alcohol and other drug abuse services, under par. (a) 4. a or (b) 6. e only if that care is determined to be medically necessary prior to the admission or, for emergency admissions, within 24 hours after the admission by a medical peer review organization under a contract with the department after consulting with a provider designated by the department and certified under s. 49.45 (2) (a) 11. The department may not pay for continuing inpatient psychiatric care under par. (a) 4. a or (b) 6. e if the peer review organization determines, after consulting with the designated provider, based on a periodic review of the recipient's needs, that continued inpatient treatment is not medically necessary.

2. The department shall contract with a peer review organization and with certified providers to determine, under subd. 1, the medical necessity of inpatient psychiatric admissions and continuing inpatient psychiatric care at intervals determined by the department.

SECTION 178g. 49.47 (6) (a) 1 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

49.47 (6) (a) 1. All beneficiaries, for those services enumerated under s. 49.46 (2) (a) and (b) 3 and 6. a to d and h to j and, beginning on July 1, 1988, and ending on July 31, 1989, under s. 49.46 (2) (b) 10.

SECTION 178r. 49.47 (6) (a) 4 of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

49.47 (6) (a) 4. Beneficiaries described under s. 49.46 (2) (g), for hospice care. This subdivision does not apply beginning on July 1, 1988, and ending on July 31, 1989.

SECTION 179. 49.47 (6) (a) 5 of the statutes is created to read:

49.47 (6) (a) 5. Beneficiaries who are patients of a skilled nursing facility or intermediate care facility that is an institution for mental diseases, who are under 21 years of age, are under 22 years of age and were receiving these services immediately prior to reaching age 21, or are 65 years of age or older, for skilled nursing facility or intermediate care facility services, if prescribed by a physician.

SECTION 180. 49.47 (6) (c) 4 of the statutes, as created by 1987 Wisconsin Act 27, is repealed and recreated to read:

49.47 (6) (c) 4. Services to individuals aged 21 to 64 who are residents of an institution for mental diseases and who are otherwise eligible for medical assistance, except for individuals under 22 years of age who were receiving these services immediately prior to reaching

age 21 and continuously thereafter and except for services to individuals who are on convalescent leave or are conditionally released from the institution for mental diseases. For purposes of this subdivision, the department shall define "convalescent leave" and "conditional release" by rule.

~~SECTION 182g. 49.50 (7) (g) (intro.) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:~~

~~49.50 (7) (g) (intro.) As beginning on September 1, 1988, an individual who is a recipient of aid under s. 49.19 shall attend school to meet the participation requirements of the program under this subsection if all of the following apply.~~

SECTION 182r. 49.50 (7) (g) 3 of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

49.50 (7) (g) 3. The individual is ~~physically able to attend school and is not excused from attending school under s. 118.15 (3).~~

SECTION 183m. 49.50 (7) (g) 4 to 10 of the statutes are created to read:

49.50 (7) (g) 4. The individual is a parent or is residing with his or her natural or adoptive parent.

5. If the individual is the caretaker of a child, the child is at least 90 days old.

6. If child care services are necessary in order for the individual to attend school, child care licensed under s. 48.65, certified under s. 48.651 or established under s. 120.13 (14) is available for the child and transportation to and from child care is also available.

7. The individual is not prohibited from attending school while an expulsion under s. 119.25 or 120.13 (1) is pending.

8. If the individual was expelled from a school under s. 119.25 or 120.13 (1), there is another school available which the individual can attend.

9. If the individual is 16 to 19 years of age, the school district does not determine that the individual will fail to graduate from high school before reaching age 20.

10. The individual does not have good cause for failing to attend school, as defined by the department by rule.

SECTION 185g. 49.50 (7) (h) of the statutes, as created by 1987 Wisconsin Act 27, is renumbered 49.50 (7) (h) 1. (intro.) and amended to read:

~~49.50 (7) (h) 1. (intro.) An individual who fails to meet the requirements under par. (g) is subject to sanctions, as provided by the department by rule, if all of the following requirements are satisfied:~~

~~SECTION 185r. 49.50 (7) (h) 1. a to c of the statutes are created to read:~~

~~49.50 (7) (h) 1. a. The school offered the individual program or curriculum modifications, under s. 118.15 (1) (d), prior to the last unexcused absence on which the sanction is based.~~

Vetoed in Part

Vetoed in Part

Vetoed
in Part

b. If the individual is under 18 years of age, the school attendance officer, or the private school in which the individual was enrolled, notified the individual's parent or guardian of each unexcused absence on which the sanction is based, as evidenced by a copy of the written notice or the written record of a telephone call.

c. The county department under s. 46.215, 46.22 or 46.23 held a fact-finding meeting to determine whether all of the conditions under par. (g) apply to the individual.

SECTION 186. 49.50 (7) (h) 2 of the statutes is created to read:

49.50 (7) (h) 2. The first time an individual is sanctioned under subd. 1, if application of the sanction would result in the family receiving no payment, the department shall make a payment to meet only the needs of the individual's parent or parents who would otherwise be eligible for aid under s. 49.19, for up to 3 months.

SECTION 187. 49.50 (7) (hm) of the statutes is created to read:

49.50 (7) (hm) The department may require consent to the release of school attendance records, under s. 118.125 (2) (e), as a condition of eligibility for aid under s. 49.19.

SECTION 187m. 49.50 (7) (hr) of the statutes is created to read:

49.50 (7) (hr) If an individual required to attend school under par. (g) is enrolled in a public school, communications between the school district and the department or a county department under s. 46.215, 46.22 or 46.23 concerning the individual's school attendance may only be made by a school attendance officer, as defined under s. 118.16 (1) (a).

SECTION 188. 49.50 (7) (i) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

49.50 (7) (i) The department shall request a waiver from the secretary of the federal department of health and human services to permit the application of the school attendance requirement under par. (g). Paragraphs (e) 1, ~~and (g) and (h) to (hr)~~ do not apply unless the federal waiver is in effect. If a waiver is received, the department shall implement ~~par. (e) 1, (g) and (h)~~ par. (e) 1, (g) and (h) beginning with the fall 1987 school term, as defined under s. 115.001 (12), or on the date the waiver is effective, whichever is later.

SECTION 189m. 49.50 (7g) (em) of the statutes is created to read:

49.50 (7g) (em) The department shall contract with a local service agency, as defined in s. 101.35 (1) (d), to use all or part of the grant of an individual receiving aid for families with dependent children to supplement the wages of the individual, if his or her wages are subsidized under s. 101.35. The rules promulgated by the department establishing criteria for recipient participation do not apply to contracts under this paragraph. Contracts between the department and local service agencies shall use the most effective means of

implementing grant diversion under 42 USC 614. This paragraph does not apply after June 30, 1991.

~~SECTION 192m. 49.50 (7r) of the statutes is created to read:~~

~~49.50 (7r) CHILD CARE FOR EMPLOYMENT PROGRAM PARTICIPANTS. (a) Except as authorized in sub. (7) (e) 2, the department may not provide, or reimburse a person for, child care under sub. (7), (7c), (7j) or (7m) unless the child care provider is licensed under s. 48.65 or certified under s. 48.651.~~

~~(b) Except as provided under sub. (7) (g), the department may not require a person to participate in a program under sub. (7), (7c), (7j) or (7m) if the person is the caretaker of a child and child care services are necessary for the person to participate in the program unless child care licensed under s. 48.65 or certified under s. 48.651 is available for the child.~~

SECTION 195. 49.52 (1) (ag) 3 of the statutes is created to read:

49.52 (1) (ag) 3. For the first 6 months of 1989:

a. Divide the projected county workload change for the first 6 months of 1989, as determined by the department, by the projected statewide workload change for the first 6 months of 1989, as determined by the department.

b. Multiply the amount determined under subd. 3. a by 0.75.

c. Multiply the amount determined under subd. 3. b by 50% of the county base allocation for 1989.

d. If the county has a projected workload increase, add the amount determined under subd. 3. c to 50% of the county base allocation for 1989; and if the county has a projected workload decrease, subtract the amount determined under subd. 3. c from 50% of the county base allocation for 1989.

e. A county's reimbursement equals the amount determined under subd. 3. d or 95% of 50% of the county base allocation for 1989, whichever is greater.

SECTION 196b. 49.90 (1) (a) 2 of the statutes is amended to read:

49.90 (1) (a) 2. Except as provided under ~~sub. (11) and (13) (a)~~ subs. (11) and (13) (a), the parent of a dependent person under the age of 18 shall maintain a child of the dependent person so far as the parent is able and to the extent that the dependent person is unable to do so. ~~This~~ The requirement under this subdivision does not supplant any requirement under subd. 1 and applies regardless of whether a court has ordered maintenance by the parent of the dependent person or established a level of maintenance by the parent of the dependent person.

SECTION 196e. 49.90 (2) of the statutes is renumbered 49.90 (2) (a) 1 and amended to read:

49.90 (2) (a) 1. Upon failure of these relatives to provide maintenance the authorities or board shall submit to the district attorney a report of its findings. Upon receipt of the report the district attorney shall, within 60 days, apply to the circuit court for the

Vetoed
in Part

county in which the dependent person under sub. (1) (a) 1 or the child of a dependent person under sub. (1) (a) 2 resides for an order to compel such maintenance. Upon such an application the district attorney shall make a written report to the county department under s. 46.215 ~~or~~, 46.22 or 46.23, with a copy to the chairperson of the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department, and to the department of health and social services.

county in which the child resides for an order to compel the provision of maintenance. A county department under s. 46.215, 46.22 or 46.23, a county child support agency or the department may initiate an action to obtain maintenance of the child by the child's grandparent under sub. (1) (a) 2, regardless of whether the child receives public assistance.

(b) Paragraph (a) does not apply after December 31, 1989.

(2r) (a) An action under sub. (2) or (2g) for maintenance of a grandchild by a grandparent may be joined with an action to determine paternity under s. 767.45 (1) or an action for child support under s. 767.02 (1) (f) or (j) or 767.08, or both.

(b) Paragraph (a) does not apply after December 31, 1989.

SECTION 196n. 49.90 (3) of the statutes is renumbered 49.90 (3) (a) and amended to read:

49.90 (3) (a) At least 10 days prior to the hearing on said the application under sub. (2) or (2g), notice ~~thereof of the hearing~~ shall be served upon such relatives the grandparent or other relative who is alleged not to have provided maintenance, in the manner provided for the service of summons in courts of record.

SECTION 196r. 49.90 (3) (b) to (d) of the statutes are created to read:

49.90 (3) (b) Paragraph (a) does not apply after December 31, 1989.

(c) At least 10 days prior to the hearing on the application under sub. (2), notice of the hearing shall be served upon the relative who is alleged not to have provided maintenance, in the manner provided for the service of summons in courts of record.

(d) Paragraph (c) applies after December 31, 1989.

SECTION 196u. 49.90 (4) (a) 1, (10) and (11) (a) of the statutes are amended to read:

49.90 (4) (a) 1. The circuit court shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from these relatives, if they have sufficient ability ~~(considering their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age)~~, in the following order: First the husband or wife; then the father and the mother; and then the grandparents in the instances in which sub. (1) (a) 2 applies. The order shall specify a sum which will be sufficient for the support of the dependent person under sub. (1) (a) 1 or the maintenance of a child of a dependent person under sub. (1) (a) 2, to be paid weekly or monthly, during a period fixed by the order or until the further order of the court. If the court is satisfied that any such relative is unable wholly to maintain the dependent person or the child, but is able to contribute to the person's support or the child's maintenance, the court may direct 2 or more of the relatives to maintain the person or the child and prescribe the proportion each shall contribute. If the

Vetoed in Part

~~SECTION 196ea. 49.90 (2) (a) 1 of the statutes, as affected by 1987 Wisconsin Act ... (this act), is repealed and recreated to read:~~

~~49.90 (2) (a) 1. Upon failure of these relatives to provide maintenance the authorities or board shall submit to the support enforcement attorney a report of its findings. Upon receipt of the report the support enforcement attorney shall, within 60 days, apply to the circuit court for the county in which the dependent person under sub. (1) (a) 1 or the child of a dependent person under sub. (1) (a) 2 resides for an order to compel such maintenance. Upon such an application, the support enforcement attorney shall make a written report to the county department under s. 46.215, 46.22 or 46.23, with a copy to the chairperson of the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department, and to the department of health and social services.~~

~~SECTION 196h. 49.90 (2) (a) 2 and (b) of the statutes are created to read:~~

~~49.90 (2) (a) 2. Subdivision 1 does not apply after December 31, 1989.~~

~~(b) 1. Upon failure of these relatives to provide maintenance the authorities or board shall submit to the support enforcement attorney a report of its findings. Upon receipt of the report the support enforcement attorney shall, within 60 days, apply to the circuit court for the county in which the dependent person resides for an order to compel such maintenance. Upon such an application, the support enforcement attorney shall make a written report to the county department under s. 46.215, 46.22 or 46.23, with a copy to the chairperson of the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department, and to the department of health and social services.~~

Vetoed in Part

Vetoed in Part

Vetoed in Part

~~2. Subdivision 1 applies after December 31, 1989.~~

~~SECTION 196L. 49.90 (2g) and (2r) of the statutes are created to read:~~

~~49.90 (2g) (a) In addition to the remedy specified in sub. (2), upon failure of a grandparent to provide maintenance under sub. (1) (a) 2, another grandparent who is or may be required to provide maintenance under sub. (1) (a) 2, a child of a dependent minor or the child's parent may apply to the circuit court for the~~

court is satisfied that these relatives are unable together wholly to maintain the dependent person or the child, but are able to contribute to the person's support or the child's maintenance, the court shall direct a sum to be paid weekly or monthly by each relative in proportion to ability. Contributions directed by court order, if for less than full support, shall be paid to the department of ~~health and social services~~ and distributed as required by state and federal law. An order under this subdivision that relates to maintenance required under sub. (1) (a) 2 shall specifically assign responsibility for and direct the manner of payment of the child's health care expenses, subject to the limitations under subs. (1) (a) 2 and (11) (a). Upon application of any party affected by the order and upon like notice and procedure, the court may modify such an order. Obedience to such an order may be enforced by proceedings for contempt.

(10) If an action under this section relates to support or maintenance of a child, to the extent appropriate the court shall determine maintenance or support in the manner provided in which support is determined under s. 767.25.

(11) (a) The Except as provided in sub. (13) (b), the parent of a dependent person who is under the age of 18 and is alleged to be the father of a child is responsible for maintenance of that child only if the paternity of the child has been determined to be that of the dependent person as provided in subch. VIII of ch. 48 or under ss. 767.45 to 767.60. Subject to the limitations under sub. (1) (a), if a parent of the a dependent person is liable for the health care expenses of the dependent person's child under sub. (4) (a) 1, this liability extends to all expenses of the child's medical care and treatment, including those associated with the childbirth, regardless of whether they were incurred prior to the determination of paternity and regardless of whether the determination of paternity is made after the child's father attains 18 years of age, except that the period for which maintenance payment is ordered for the parent of a dependent person may not extend beyond the date on which the dependent person attains 18 years of age. The court may limit the liability of the dependent person's parent for the child's medical expenses if the expenses exceed 5% of the parent's federal adjusted gross income for the previous taxable year, if the parent files separately, or 5% of the sum of the parents' federal adjusted gross income for the previous taxable year, if the parents file jointly.

SECTION 196y. 49.90 (12) and (13) of the statutes are created to read:

49.90 (12) (a) The parent of a dependent person who maintains a child of the dependent person under sub. (1) (a) 2 may, after the dependent person attains the age of 18, apply to the circuit court for the county in which the child resides for an order to compel restitution by the dependent person of the amount of maintenance provided to the dependent person's child

by that parent. The circuit court shall in a summary way hear the allegations and proof of the parties and, after considering the financial resources and the future ability of the dependent person to pay, may by order specify a sum in payment of the restitution, to be paid weekly or monthly, during a period fixed by the order or until further order of the court. Upon application of any party affected by the order and following notice and an opportunity for presentation of allegations and proof by the parties, the court may modify the order. The parent of the dependent person may file a restitution order with the clerk of circuit court. Upon payment of the fee under s. 814.61 (5) (a), the clerk shall enter the order on the judgment docket under s. 806.10 in the same manner as for a judgment in a civil action. Thereafter, the parent of the dependent person may enforce the order against the dependent person in the same manner as for a judgment in a civil action.

(b) Paragraph (a) does not apply after December 31, 1989.

(13) (a) The parent of a dependent person who is the victim of a sexual assault under s. 940.225 (1) (a) for which a conviction is obtained and which results in the birth of a child before the dependent person attains the age of 18 is not responsible under sub. (1) (a) 2 for the maintenance of that child of the dependent person.

(b) If a dependent person is convicted at any time of causing a pregnancy under s. 940.225 (1) (a) which results in the birth of a child before the dependent person attains the age of 18, the parent of that dependent person is solely liable under the requirements of sub. (1) (a) 2 for the maintenance of the dependent person's child.

(c) If the parent of the dependent person specified in par. (a) provides maintenance to the dependent person's child and if par. (b) applies, the parent may apply to the circuit court for the county in which the child resides for an order to compel restitution by the parent specified in par. (b) of the amount of maintenance provided. The circuit court shall in a summary way hear the allegations and proof of the parties and, after considering the financial resources and future ability of the parent of the dependent person specified in par. (b) to pay, may by order specify a sum in payment of the restitution, to be paid weekly or monthly, during a period fixed by the order or until further order of the court. Upon application of any party affected by the order and following notice and an opportunity for presentation of allegations and proof by the parties, the court may modify the order. The parent specified in par. (a) may file a restitution order with the clerk of circuit court. Upon payment of a fee under s. 814.61 (5) (a), the clerk shall enter the order on the judgment docket under s. 806.10 in the same manner as for a judgment in a civil action. Thereafter, the parent specified in par. (a) may enforce the order against the parent specified in par. (b) in the same manner as for a judgment in a civil action.

(d) Paragraphs (a) to (c) do not apply after December 31, 1989.

SECTION 196z. 50.03 (1m) of the statutes is created to read:

50.03 (1m) **DISTINCT PART OR SEPARATE LICENSURE FOR INSTITUTIONS FOR MENTAL DISEASES.** Upon application to the department, the department may approve licensure of the operation of a nursing home or a distinct part of a nursing home as an institution for mental diseases, as defined under 42 CFR 435.1009. Conditions and procedures for application for, approval of, operation under and renewal of licensure under this subsection shall be established in rules promulgated by the department.

SECTION 197. 50.04 (3) (d) of the statutes is created to read:

50.04 (3) (d) *Survey of institutions for mental diseases.* Before July 1, 1988, the department shall conduct a survey to determine whether any nursing home that is licensed under this section is an institution for mental diseases, as defined under 42 CFR 435.1009. On or after July 1, 1988, the department shall make these determinations during inspections conducted under par. (a).

SECTION 198. 50.51 (1) (d) of the statutes is created to read:

50.51 (1) (d) If a person or establishment licensed under ch. 97 is incidentally engaged in an activity for which a permit is required under this section, the department may, by rule, exempt the person or establishment from the permit requirement under this section. Rules under this paragraph shall conform to a memorandum of understanding between the department and the department of agriculture, trade and consumer protection.

SECTION 198b. 50.53 (1) (b) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

50.53 (1) (b) For a tourist rooming house, \$70 \$40.

Vetoed in Part

~~SECTION 198bn. 51.20 (4) of the statutes is amended to read:~~

~~51.20 (4) **PUBLIC REPRESENTATION.** Except as provided in ss. 51.42 (3) (ar) 1 and 51.437 (4m) (f), the district attorney or, if designated by the county board of supervisors, the corporation counsel or other counsel shall represent the interests of the public in the conduct of all proceedings under this chapter, including the drafting of all necessary papers related to the action.~~

SECTION 198c. 51.30 (4) (b) 18 of the statutes is amended to read:

51.30 (4) (b) 18. To staff members of the protection and advocacy agency designated under s. 51.62 (2) or to staff members of the private, nonprofit corporation with which the agency has contracted under s. 51.62 (3) (a) 3, if any, for the purpose of protecting and advocating the rights of persons with developmental disabilities, as defined under s. 51.62 (1) (a), or mental

illness, as defined under s. 51.62 (1) (bm), except that if the patient has a guardian information concerning the patient obtainable by staff members of the agency or nonprofit corporation with which the agency has contracted is limited to the name, birth date and county of residence of the patient, information regarding whether the patient was voluntarily admitted, involuntarily committed or protectively placed and the date and place of admission, placement or commitment, and the name and address of any guardian of the patient and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's guardian in writing of the request and of the guardian's right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within 15 days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within 15 days after the notice is mailed, the staff member may not obtain the additional information.

~~SECTION 198d. 51.42 (3) (ar) 1 of the statutes is amended to read:~~

~~51.42 (3) (ar) 1. Enter into contracts to render services to or secure services from other agencies or resources including out-of-state agencies or resources. Notwithstanding ss. 59.07 (44), 59.456 and 59.47 978.05, any multicounty department of community programs may contract for professional legal services that are necessary to carry out the duties of the multicounty department of community programs if the corporation counsel of each county of the multicounty department of community programs has notified the multicounty department of community programs that he or she is unable to provide such those services in a timely manner.~~

Vetoed in Part

~~SECTION 198e. 51.437 (4m) (f) of the statutes is amended to read:~~

~~51.437 (4m) (f) Enter into contracts to provide or secure services from other agencies or resources including out-of-state agencies or resources. Notwithstanding ss. 59.07 (44), 59.456 and 59.47 978.05, any multicounty department of developmental disabilities services may contract for professional legal services that are necessary to carry out the duties of the multicounty department of developmental disabilities services if the corporation counsel of each county of the multicounty department of developmental disabilities services has notified the multicounty department of developmental disabilities services that he or she is unable to provide such those services in a timely manner.~~

SECTION 198g. 51.62 (1) (bm) of the statutes is created to read:

51.62 (1) (bm) "Mental illness" means mental disease to such extent that a person so afflicted requires care and treatment for his or her welfare, or the welfare of others, or of the community and is an inpatient

Vetted in Part
led cases under part (b) regarding the person to be released.

Vetted in Part
SECTION 1981b. 59.07 (3) (b) of the statutes is amended to read:

Vetted in Part
59.07 (3) (b). The board may delegate its power in regard to any claim, demand or cause of action not exceeding \$500 to the district attorney it assigned and matters or to the corporation counsel. If the district attorney or corporation counsel finds that payment of the claim to a claimant is justified, the district attorney or corporation counsel may order the claim paid. The claim shall be paid upon certification of the district attorney or corporation counsel and shall be annually reported to the board.

Vetted in Part
SECTION 1981b. 59.07 (64m) of the statutes is created to read:

Vetted in Part
59.07 (64m) REGULATION OF OBSCURITY. Enact an ordinance to prohibit conduct that is the same as that prohibited by s. 944.21. A county may bring an action for a violation of the ordinance regardless of whether the attorney general has determined under s. 165.25 (3m) that an action may be brought. The ordinance may provide for a forfeiture not to exceed \$10,000 for each violation.

Vetted in Part
SECTION 1981c. 59.07 (97) of the statutes is amended to read:

Vetted in Part
59.07 (97) CHILD AND SPOUSAL SUPPORT PRIORITY PROGRAM; MEDICAL SUPPORT PRIORITY PROGRAM. The county board shall contract with the department of health and social services to implement and administer the program and administer the program in accordance with the contract with the state department of health and social services. The district attorney, for general counsel support and enforcement attorneys, family court commissioner, clerk of court and all other county officials shall cooperate with the county and the department as necessary to provide the services required under the program. The county shall charge the fee established by the department under s. 46.25 for services provided under this subsection to persons not receiving assistance under s. 49.19 or 49.47.

Vetted in Part
SECTION 198x. 59.07 (140) of the statutes is amended to read:

Vetted in Part
59.07 (140) (title). WATERWAYS PROTECTION IMPROVEMENT AND RECREATIONAL DEVELOPMENT. MAY establish an inland lake protection and rehabilitation program and may create, develop and implement inland lake protection and rehabilitation projects similar to projects which an inland lake protection and rehabilitation district is authorized to create, develop and implement under subch. IV of ch. 33, or waterways protection, improvement or recreational development activities under subch. II of ch. 33. As

or resident in a facility rendering care or treatment or has been discharged from the facility for not more than 90 days.

SECTION 1981. 51.62 (1) (c) of the statutes is amended to read:

51.62 (1) (c) "Protection and advocacy agency" means an entity designated by the governor to implement a system to protect and advocate the rights of persons with developmental disabilities, as authorized under 42 USC 6012 or mental illness, as authorized under 42 USC 10801 to 10851.

SECTION 198k. 51.62 (2) (a) 2 and (b) 2. a and b of the statutes are amended to read:

51.62 (2) (a) 2. The council on developmental disabilities and the council on mental health.

3. An agency that provides treatment, services or habilitation to persons with developmental disabilities or mental illness.

(b) 2. a. The council on developmental disabilities and the council on mental health.

b. Major organizations, in the state, of persons with developmental disabilities or mental illness and families and representatives of these persons.

SECTION 198m. 51.62 (3) (a) 1 of the statutes is amended to read:

51.62 (3) (a) 1. Pursue legal, administrative and other appropriate remedies to ensure the protection of the rights of persons with developmental disabilities or mental illness and to provide information on and referral to programs and services addressing the needs of persons with developmental disabilities or mental illness.

SECTION 198p. 53.11 (5m) of the statutes is created to read:

Vetted in Part
53.11 (5m). Before a person is released on parole under this section, the department shall notify persons specified in s. 57.06 (1) (c) 3 who have supervised cards under s. 57.06 (1) (f) regarding the person to be released.

Vetted in Part
SECTION 198pb. 55.05 (1) (e) of the statutes is amended to read:

Vetted in Part
55.05 (1) (c). If requested by the court, the attorney or corporation counsel shall assist in conducting proceedings under this chapter.

Vetted in Part
SECTION 198t. 57.06 (1) (g) of the statutes, as amended by 1987 Wisconsin Act . (Separate Bill #), is amended to read:

Vetted in Part
57.06 (1) (g). Before a person is released on parole under this subsection, the department shall notify the municipal police department and the county sheriff for the area where the person will be residing. The notification requirement under this paragraph does not apply if a municipal department or county sheriff or the department with a written statement warrants the right to be notified. Before a person is released on parole under this subsection, the department shall also notify persons specified in part (c) 3 who have supervised

Vetoed in Part used in this subsection "activity", "lake rehabilitation", "program", "project" and "lake" have the meanings specified under s. 33.01 (1), (4), (6), (7) and (8), respectively.

Vetoed in Part SECTION 199bg. 59.071 (5) (b) of the statutes is amended to read:

59.071 (5) (b) The articles of incorporation shall be signed and acknowledged by persons designated by the county board or where counties join in the formation of the agency by the county boards of each those counties and shall include at least 3 of the following from each county: the county executive, if there is one; the chairperson of the county board; the chairperson of the county board finance committee, if there is one; the county corporation counsel or district attorney in counties having no corporation counsel; and the county auditor or county treasurer in counties having no county auditor, and only such those persons so signing and acknowledging the articles of incorporation shall for the purposes of ch. 181 be the incorporators of the agency. When counties join in the formation of the agency, the articles of incorporation shall be recorded in the office of the register of deeds of each county.

SECTION 199bh. 59.071 (5) (c) of the statutes is amended to read:

59.071 (5) (c) The articles of incorporation shall provide for 2 classes of directors, each class to consist of such number as is provided in the bylaws. The county executive, if there is one, the chairperson of the county board, the chairperson of the county board finance committee, if there is one, the county corporation counsel or district attorney in counties having no corporation counsel and the county auditor or county treasurer in counties having no county auditor, shall be members of the board of directors by virtue of their office and as representatives of the county in which they hold such the office and the county board of each county shall have the right to designate such additional county directors as the bylaws authorize. The county directors shall at all times constitute not less than a majority of the total authorized number of directors. Public directors shall be appointed by the county board and shall hold office at the pleasure of the county board.

SECTION 199bi. 59.072 of the statutes is created to read:

59.072 Employe ownership grants and loans. (1) In this section:

(a) "Employe group" means a group formed by or on behalf of employes or former employes of a business that is considering substantial layoffs or closing, if the group is formed to assume or attempt to assume control of the business and reorganize it as an employe-owned business.

(b) "Employe-owned business" has the meaning given in section 560.16 (1) (c) of the statutes.

(2) A county board of a county having a population of 500,000 or more may make grants or loans to an employe group for any of the following:

(a) Costs associated with financial, legal or organizational services associated with assuming control of a business and reorganizing it as an employe-owned business.

(b) Costs associated with buying stock or assets or pursuing other means to assume control of a business and reorganize it as an employe-owned business.

(3) A county board may not issue bonds or similar obligations, including bonds under s. 66.066, to finance grants or loans under this section.

(4) This section does not apply after December 31, 1990.

SECTION 199b). 59.12 of the statutes is amended to read:

59.12 County officers; terms. A county clerk, treasurer, sheriff, coroner, clerk of circuit court, district attorney, register of deeds and surveyor, who shall be a registered land surveyor, shall be elected in each county for full terms at the general election held in each even-numbered year. The regular term of office of each such officer shall commence on the first Monday of January next succeeding his or her election and shall continue 2 years and until his or her successor qualifies. In lieu of electing a surveyor in any county, the county board may, by resolution, designate that the duties under ss. 59.60 and 59.635 be performed by any registered land surveyor employed by the county. In any county containing one town only, the county board may, by resolution, designate any county office a part-time position, combine 2 or more county offices, and, if concurred in by the town board, combine the offices of county clerk and town clerk and any other county and town offices, provided that the offices combined are not incompatible and the combination is not expressly forbidden by law. If the town board so concurs, the election shall may be for the combined office and no separate election for the town office shall be held until after the county board has by resolution decided to abandon such the combination and the town board has concurred by resolution. In counties having a population of 500,000 or more, no county coroner or county surveyor shall may be elected. In any county in which a medical examiner system is instituted, no coroner shall may be elected.

Vetoed in Part

SECTION 199bn. 59.125 of the statutes is amended to read:

59.125 Eligibility for county office. No person is eligible to file nomination papers as a candidate for, have his or her name placed on a ballot for election to, or hold a county elective office who is not an elector of the county. No person is eligible to file nomination papers as a candidate for, have his or her name placed on a ballot for election to, or hold the office of county supervisor who is not an elector of the supervisory district from which he or she is chosen. No person is

Vetoed
in Part

eligible to hold the office of district attorney who is not licensed to practice law in this state.

SECTION 199bp. 59.13 (1) (f) of the statutes is repealed.

Vetoed
in Part

SECTION 199g. 59.20 (5) (b) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

59.20 (5) (b). For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 for the penalty assessment surcharge, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts authorized by s. 971.37 (1m) (c) 1 or required by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by s. 346.655 for the driver improvement surcharge, any amounts imposed under s. 144.029 for well contamination assessments, the amounts required by s. 29.997 for the natural resources assessment surcharge and the amount required by s. 29.998 for natural resources restitution payments, transmit to the state treasurer a statement of all moneys required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month, certified by personal affidavit endorsed upon or attached thereto, and at the same time pay to the state treasurer the amount thereof.

SECTION 199r. 59.395 (5) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

59.395 (5). Pay monthly to the county treasurer for the use of the state the state's percentage of the fees required to be paid on each civil action, criminal action and special proceeding filed during the preceding month and pay monthly to the county treasurer for the use of the state the percentage of court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts authorized by s. 971.37 (1m) (c) 1 or required by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by s. 346.655 for the driver improvement surcharge, any amounts imposed under s. 144.029 for well contamination assessments, the amounts required under s. 29.997 (1) (d) for the natural resources assessment surcharge and the amounts required under s. 29.998 (1) (d) for the natural resources restitution payments. The payments shall be made by the 15th day of the month following receipt thereof.

Vetoed
in Part

SECTION 199tc. 59.44 of the statutes is repealed.

SECTION 199td. 59.45 of the statutes is repealed.

SECTION 199te. 59.457 of the statutes is created to read:

Vetoed
in Part

59.457. Corporation counsel; attorney designee. In lieu of employing a corporation counsel under s. 59.07 (44) or in addition to employing a corporation counsel under s. 59.07 (44) or 59.455, a county board shall designate an attorney to perform the duties of a corporation counsel as the need arises. Two or more counties may jointly designate an attorney to perform the duties of a corporation counsel. If an attorney has been designated to perform the duties of a corporation counsel, that person may exercise any powers and perform any duties of the corporation counsel.

SECTION 199tf. 59.458 of the statutes is created to read:

59.458. Support enforcement attorneys. (1) Each county shall establish and maintain a support enforcement office consisting of support enforcement attorneys and office personnel. In counties having a population of less than 500,000, a county budget under s. 65.90 shall list the proposed appropriation under s. 65.90 (2) for the support enforcement office separate from any other office, department or activity. In counties having a population of 500,000 or more, a county budget shall treat a support enforcement office as a department, as defined in s. 59.84 (2) (a), separate from all other departments.

(2) Support enforcement attorneys shall institute, commence, appear in or perform other prescribed duties in actions or proceedings under ss. 46.25 (7), 59.07 (97), 767.075, 767.08, 767.45 and 767.65.

(3) If the place of trial is changed to another county in any action or proceeding under sub. (2), a support enforcement attorney shall continue to prosecute or defend the action or proceeding in the other county.

SECTION 199tg. 59.46 of the statutes is repealed.

SECTION 199th. 59.47 of the statutes is repealed.

SECTION 199ti. 59.475 of the statutes is repealed.

SECTION 199tj. 59.48 of the statutes is repealed.

SECTION 199tk. 59.485 of the statutes is repealed.

SECTION 199tl. 59.49 of the statutes is repealed.

SECTION 199tm. 59.68 (7) of the statutes is amended to read:

59.68 (7) A county may establish extensions of the jail, which need not be at the county seat, to serve as places of temporary confinement. No person may be detained in such an extension for more than 24 consecutive hours, except that a court may order that a person subject to imprisonment under ss. 23.33 (13) (b) 2 or 3 or (c) or 350.11 (3) (a) 2 or 3 or (b) be imprisoned for more than 24 consecutive hours in such an extension. Jail extensions shall be subject to plans and specifications approval by the department of health and social services and shall conform to other requirements imposed by law on jails, except that cells may be designed and used for multiple occupancy.

SECTION 200. 59.84 (3m) of the statutes is amended to read:

59.84 (3m) ACCOUNTING AND BUDGETING PROCEDURE. Every accounting and budgeting procedure applied under this section shall comply with generally

accepted accounting principles for government as promulgated by the national council on governmental accounting governmental accounting standards board or its successor bodies or other authoritative sources.

Vetoed in Part

SECTION 200d. 59.974 (2) of the statutes is amended to read:

59.974 (2) (title) AUTHORITY OR REQUIREMENT TO ENACT ORDINANCE. To effect the purposes of s. 144.266 and to promote the public health, safety and general welfare, a county may shall enact a construction site erosion control ordinance and may enact a storm water management zoning ordinance applicable to all of its unincorporated area. This ordinance. These ordinances may be enacted separately from ordinances enacted under s. 59.97.

Vetoed in Part

SECTION 200dc. 59.974 (8) of the statutes is amended to read:

59.974 (8) APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES. An ordinance enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state construction site erosion control and storm water management plan promulgated or a memorandum of understanding entered into under s. 144.266 (2).

Vetoed in Part

SECTION 200f. 60.23 (21) of the statutes is created to read:

60.23 (21) WATERWAYS PROTECTION, IMPROVEMENT AND RECREATIONAL DEVELOPMENT. May create, develop and implement waterways protection, improvement or recreational development activities under subch. III of ch. 33.

SECTION 200h. 60.24 (3) (zm) of the statutes is amended to read:

60.24 (3) (zm) Approve bonds furnished by contractors for public works under s. 779.14 (4) (1m).

SECTION 200j. 60.55 (2) (b) of the statutes is amended to read:

60.55 (2) (b) Charge property owners a fee for the cost of fire calls made protection provided to their property under sub. (1) (a) according to a written schedule established by the town board.

Vetoed in Part

SECTION 200m. 61.354 (2) of the statutes is amended to read:

61.354 (2) (title) AUTHORITY OR REQUIREMENT TO ENACT ORDINANCE. To effect the purposes of s. 144.266 and to promote the public health, safety and general welfare, a village may shall enact a construction site erosion control ordinance and may enact a storm water management zoning ordinance applicable to all of its incorporated area. This ordinance. These ordinances may be enacted separately from ordinances enacted under s. 61.35.

SECTION 200mg. 61.354 (7) of the statutes is amended to read:

Vetoed in Part

61.354 (7) APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES. An ordinance enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state construction site erosion control and storm water management plan promulgated or a memorandum of understanding entered into under s. 144.266 (2).

SECTION 200mg. 61.65 (1) (a) (intro.) of the statutes is amended to read:

61.65 (1) (a) (intro.) Each Except as provided under s. 61.66, each village with a population of 5,000 or more shall provide police protection services by one of the following methods:

SECTION 200mj. 61.65 (2) (a) (intro.) of the statutes is amended to read:

61.65 (2) (a) (intro.) Each Except as provided under s. 61.66, each village with a population of 5,500 or more shall provide fire protection services by one of the following methods:

SECTION 200mL. 61.66 of the statutes is created to read:

61.66 Combined protective services. (1) Notwithstanding s. 61.65 (1) (a), (2) (a) and (3g) (d) 2, any village with a population of less than 20,000 may provide police and fire protection services by any of the following:

(a) A department which is neither a police department under s. 61.65 (1) (a) nor a fire department under s. 61.65 (2) (a), which was created prior to January 1, 1987, and in which the same person may be required to perform police protection and fire protection duties without being required to perform police protection duties for more than 8 hours in each 24 hours except in emergency situations, as specified under s. 62.13 (7n).

(b) Persons in a police department or fire department who, alone or in combination with persons designated as police officers or fire fighters, may be required to perform police protection and fire protection duties without being required to perform police protection duties for more than 8 hours in each 24 hours except in emergency situations, as specified under s. 62.13 (7n), if those persons were required to perform those duties prior to January 1, 1987.

(2) The governing body of a village acting under sub. (1) may designate any person required to perform police protection and fire protection duties under sub. (1) as primarily a police officer or fire fighter for purposes of s. 891.45.

SECTION 200n. 62.22 (1e) of the statutes is created to read:

62.22 (1e) CERTAIN INDUSTRIAL SITES. The governing body of a 2nd class city which is adjacent to

Lake Michigan and which is located in a county with a population of less than 110,000, according to the most recent estimate by the department of administration, may acquire real property by gift outside the city boundaries for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for public purposes; and may sell and convey such property.

Vetoed in Part

~~SECTION 200p. 62.234 (2) of the statutes is amended to read:
62.234 (2) (title) AUTHORITY OR REQUIREMENT TO ENACT ORDINANCE. To effect the purposes of s. 144.266 and to promote the public health, safety and general welfare, a city may shall enact a construction site erosion control ordinance and may enact a storm water management zoning ordinance applicable to all of its incorporated area. These ordinances may be enacted separately from ordinances enacted under s. 62.23.~~

Vetoed in Part

~~SECTION 200pg. 62.234 (7) of the statutes is amended to read:
62.234 (7) APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES. An ordinance enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state construction site erosion control and storm water management plan promulgated or a memorandum of understanding entered into under s. 144.266 (2).~~

~~SECTION 200q. 63.03 (2) (L) of the statutes is repealed.~~

~~SECTION 200r. 63.03 (2) (m) of the statutes is repealed.~~

SECTION 200s. 66.011 of the statutes is created to read:

66.011 Towns may become villages or cities. (1) CONDITIONS. A town board may initiate the procedure for incorporating its town as a village or city under this section by adopting a resolution providing for a referendum by the electors of the town on the question of whether the town should become a village or city if on the date of adoption of the resolution all of the following conditions are satisfied:

- (a) The most recent federal census or a census taken under sub. (2) shows that the resident population of the town exceeds 10,000.
- (b) The town is contiguous to a 2nd class city with a resident population exceeding 65,000.
- (c) The most recent per capita equalized valuation figures available from the department of revenue show that the per capita equalized valuation for the town is equal to or greater than the average per capita equalized valuation for all cities and villages of the state.
- (d) The town board of the town is authorized to exercise village powers.

(e) The town contains at least 300 acres of land which has been zoned for industrial, commercial or public utility use.

(f) The town contains at least 100 acres of land actually used for industrial, commercial or public utility purposes.

(g) The common council or village board of each city or village contiguous to the town has adopted a resolution approving the incorporation of the town as a village or city.

(2) CENSUS. To determine the population of the territory to be incorporated under this section, a town board may adopt a resolution directing that a census be taken of the resident population of such territory as it may be on some day not more than 10 weeks prior to the date of a referendum to be held under this section, exhibiting the name of every head of a family and the name of every person who is a resident in good faith of such territory on such day, and the lot or quarter section of land on which that person resides, which shall be verified by the affidavit of the person taking the census affixed to the census.

(3) REFERENDUM RESOLUTION. The resolution of the town board required under sub. (1) shall do all of the following:

- (a) Certify that all of the conditions under sub. (1) are satisfied.
- (b) Contain a description of the territory to be incorporated sufficiently accurate to determine its location and a statement that a scale map reasonably showing the boundaries of such territory is on file with the town clerk.
- (c) If incorporation as a city is proposed, specify the number of members of the common council and the method of election; and if the members are to be elected from aldermanic districts, specify the numbers and boundaries of the districts.
- (d) Determine the polling place for each ward and, if subdivision of existing wards is required to enable creation of aldermanic districts, determine the numbers and boundaries of each ward of the proposed city in accordance with s. 5.15 (2) (b) and (4) (a).
- (e) Determine the date of the referendum, which may not be earlier than 6 weeks after the adoption of the resolution.

(4) NOTICE OF REFERENDUM. The town clerk shall publish a type C notice of a referendum under s. 10.01 (2) (c) which shall include a copy of the referendum resolution. The notice shall be published in a newspaper published in the town, if there is one, or in a newspaper designated in the resolution, once a week for 4 successive weeks, the first publication to be 4 weeks before the referendum. The town board shall give a notice of the referendum to the clerk of each city and village contiguous to the town by mailing to each clerk a copy of the referendum resolution by certified or registered mail. The town clerk shall publish a type E notice of the referendum under s. 10.01 (2) (e) on the 4th Tuesday before the referendum is held, and shall

publish type B, C and D notices under s. 10.01 (2) (b), (c) and (d) on the day before the referendum is held. Section 5.01 (1) applies in the event of failure to comply with the notice requirements of this paragraph.

(5) VOTING PROCEDURE. A referendum under this section shall be conducted in the same manner as elections for supervisors of the town board. The question appearing on the ballot shall be "Shall the Town of become a village?" or "Shall the Town of become a city?". Two squares shall appear below the question. To the left of one square shall appear the words "For a village" or "For a city", and to the left of the other square shall appear the words "Against a village" or "Against a city". The inspectors shall make a return to the clerk of the town.

(6) CERTIFICATE OF INCORPORATION. If a majority of the votes cast in a referendum under this section are in favor of a village or city, the town clerk shall certify that fact to the secretary of state, together with the results of the census if any, and 4 copies of a description of the legal boundaries of the town and 4 copies of a plat thereof, whereupon the secretary of state shall issue a certificate of incorporation and record that certificate in a book kept for that purpose. Two copies of the description and plat shall be forwarded by the secretary of state to the department of transportation and one copy to the department of revenue. The town clerk shall also transmit a copy of the certification and the resolution under sub. (1) to the county clerk.

(7) ACTION. No action to contest the validity of an incorporation under this section on any grounds may be commenced after 60 days from the date of issuance of the certificate of incorporation by the secretary of state under sub. (6). In any such action, the burden of proof as to all issues is upon the person bringing the action to show that the incorporation is not valid. An action contesting such an incorporation shall be accorded precedence in the circuit court over other matters not accorded similar precedence by law.

(8) VILLAGE OR CITY POWERS. Every village or city incorporated under this section shall be a body corporate and politic, with powers and privileges of a municipal corporation at common law and those conferred upon a village or city by statute.

(9) EXISTING ORDINANCES. Ordinances in force in the territory incorporated or any part thereof, insofar as not inconsistent with an applicable provision of these statutes, shall continue in force until amended or repealed.

(10) INTERIM OFFICERS. All officers of the town incorporated under this section as a village or city shall continue to exercise the powers and duties that they exercised prior to incorporation until the first meeting of the board of trustees or common council at which a quorum is present.

(11) FIRST VILLAGE OR CITY ELECTION. (a) Within 10 days after the date of the certificate of incorpora-

tion issued by the secretary of state, the town board shall fix a time for the first village or city election, determine the expiration dates of the terms of the officers to be elected and name at least 3 inspectors of election for each polling place. The time for the election shall be fixed no less than 40 days after the date of the certificate of incorporation issued by the secretary of state. If a primary is required for any office, the date fixed for the election shall be the date of the primary and the election shall be held on the date provided in s. 8.50 (2) (b). Nomination papers shall conform to ch. 8. Nomination papers may be circulated no earlier than the date of the certificate of incorporation issued by the secretary of state and may be filed no later than 5 p.m. 28 days before the date of the election.

(b) The town clerk shall publish a type A notice of the election under s. 10.01 (2) (a) no later than 35 days before the election, a type E notice of the election under s. 10.01 (2) (e) on the 4th Tuesday before the election and type B and D notices of the election under s. 10.01 (2) (b) and (d) on the day before the election. Notice shall be given by publication in the newspapers selected under sub. (4) and by posting notices in 3 public places in the village or city. Section 5.01 (1) applies in the event of failure to comply with the notice requirements of this paragraph.

(c) The election shall be conducted as prescribed by chs. 5 to 12. The inspectors shall make returns to the town board of canvassers which shall, within one week after the election, canvass the returns and certify the results. The clerk shall notify the officers-elect and issue certificates of election. If the first election is on the first Tuesday in April, the officers so elected shall commence and hold their offices as for a regular term, as shall also their appointees. Otherwise they shall take office within 3 days after certification of the results and hold their offices until their terms expire. The terms of their appointees shall expire as soon as successors qualify.

(12) SUNSET. This section does not apply after June 30, 1990.

SECTION 201. 66.03 (1) of the statutes is amended to read:

66.03 (1) DEFINITION. In this section, "municipality" includes town sanitary districts, school district districts, vocational, technical and adult education district, town, village districts, towns, villages and city cities.

SECTION 201d. 66.04 (2) (a) 1 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

66.04 (2) (a) 1. Time deposits in any credit union, bank, savings bank, trust company or savings and loan association which is authorized to transact business in this state if the time deposits mature in not more than ~~one year~~ 3 years.

SECTION 201h. 66.04 (2) (a) 4 of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

66.04 (2) (a) 4. Any security which matures or which may be tendered for purchase at the option of the holder within not more than 7 years of the date on which it is acquired, if that security is rated has a rating which is the highest or 2nd highest rating category assigned by Standard & Poor's corporation, Moody's investors service or other similar nationally recognized rating agency or if that security is senior to, or on a parity with, a security of the same issuer which has such a rating.

Vetoed in Part SECTION 201i. ~~66.051 (Intro.), (1), (2), (3) and (4) of the statutes are renumbered 66.051 (1) (Intro.), (a), (b) and (c) and (2), and 66.051 (2), as renumbered, is amended to read:~~

~~66.051 (2) Nothing Except as provided in sub. (3), nothing in this section shall may be construed to preclude cities and villages from prohibiting conduct which is the same as or similar to that prohibited by chs. 941 to 947.~~

~~SECTION 201m. 66.051 (2) of the statutes, as affected by 1987 Wisconsin Act ... (this act), is repealed and recreated to read:~~

~~66.051 (2) Except as provided in sub. (3), nothing in this section may be construed to preclude cities and villages from prohibiting conduct which is the same as or similar to that prohibited by chs. 941 to 948.~~

~~SECTION 201n. 66.051 (3) of the statutes is created to read:~~

~~66.051 (3) The board or council of a city, village or town may not, by ordinance, prohibit conduct which is the same as or similar to conduct prohibited by s. 944.21.~~

Vetoed in Part SECTION 201j. ~~66.092 of the statutes is created to read:~~

~~66.092 Municipal regulation of firearms. (1) In this section.~~

~~(a) "Firearm" means a rifle, shotgun or handgun as defined under s. 175.35 (1) or any component, ammunition or supply of a rifle, shotgun or handgun as defined under s. 175.35 (1).~~

~~(b) "Municipality" means a county, town, city or village.~~

~~(2) No municipality may prohibit the ownership of firearms, except that a municipality may prohibit the ownership of a firearm by any person under the age of 18 years.~~

SECTION 201k. 66.114 (2) (a) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

66.114 (2) (a) If the person so arrested and released fails to appear, personally or by an authorized attorney or agent, before the court at the time fixed for hearing of the case, then the bond and money deposited, or such portion thereof as the court may determine to be an adequate penalty, plus costs, including any applicable fees prescribed in ss. 814.63 (1) and (2)

and ~~814.635~~ ch. 814, may be declared forfeited by the court or may be ordered applied upon the payment of any penalty which may be imposed after an ex parte hearing together with the costs. In either event, the surplus, if any, shall be refunded to the person who made the deposit.

SECTION 201ka. 66.23 (7) of the statutes is amended to read:

66.23 (7) A per diem compensation not to exceed \$30 \$50 may be paid to commissioners. Commissioners shall be reimbursed for actual expenses incurred as commissioners in carrying out the work of the commission.

SECTION 201kb. 66.24 (3) of the statutes is amended to read:

66.24 (3) CONNECTIONS WITH SYSTEM. The commission may require any person or municipality in the district to provide for the discharge of its sewage into the district's collection and disposal system, or to connect any sanitary sewerage system with the district's disposal system wherever reasonable opportunity therefor is provided; may regulate the manner in which such connections are made; may require any person or municipality discharging sewage into the system to provide preliminary treatment therefor; may prohibit and impose a penalty for the discharge into the system of any substance which it determines will or may be harmful to the system or any persons operating it; and may, with the prior approval of the department, after hearing upon 30 days' notice to the municipality involved, require any municipality to discontinue the acquisition, improvement or operation of any facility for disposal of any wastes or material handled by the commission wherever and so far as adequate service is or will be provided by the commission. The commission shall have access to all sewerage records of any municipality in the district and shall require all such municipalities to submit plans of existing systems and proposed extensions of local services or systems. The commission or its employees may enter upon the land in any municipality within the district for the purpose of making surveys or examinations.

SECTION 201kd. 66.24 (9) of the statutes is created to read:

66.24 (9) EXTRATERRITORIAL SERVICE BY CONTRACT. A district may provide service to territory outside the district, including territory in a county not in that district, under s. 66.30, subject to ss. 66.20 to 66.26 and 66.902, except that s. 66.23 (1) does not require the appointment of a commissioner from that territory.

SECTION 201kf. 66.26 (1) of the statutes is amended to read:

66.26 (1) Territory outside the district which becomes annexed for municipal purposes to a city or village that was included in its entirety which, prior to the annexation, is located entirely within the original district shall may be added to the district upon receipt by the commission, and the regional planning com-

mission of the region within which the district or the greatest portion of the district is located, of official notice from the city or village that the municipal annexation has occurred, except that such territory shall be added under sub. (2) if, within 30 days after receipt of such notice, that regional planning commission files with the commission a written objection to any part of the annexation or the commission issues a written determination disapproving the addition of the territory under this subsection. Failure of the commission to disapprove the addition of the territory under this subsection is subject to review under ch. 227.

SECTION 201kh. 66.26 (4) of the statutes is created to read:

66.26 (4) Section 66.23 (1) does not require the appointment of a commissioner from territory annexed under this section if that territory, on the day before the annexation, has a population of less than 8.5% of the total population served by the district.

SECTION 201L. 66.33 (5) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

66.33 (5) Any municipality may participate in the state financial assistance program for water resources protection established under s. 144.21, 144.24, 144.241 or 144.25 and may enter into agreements with the department of natural resources for that purpose. Any county may participate in the state financial assistance program for soil and water resources protection established under s. 92.14 and may enter into agreements with the department of agriculture, trade and consumer protection for that purpose.

SECTION 201m. 66.43 (5) (a) 4. c. of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

66.43 (5) (a) 4. c. To issue bonds in its discretion to finance or refinance its activities under this section, including the payment of principal and interest upon any advances for surveys and plans, or to finance or refinance under this section project costs, as defined in s. 66.46 (2) (f) 1, incurred or estimated to be incurred, in a project area, as defined in sub. (4) (h) or directly in relation to blighted property, as defined in sub. (4) (bm), and may issue refunding bonds for the payment or retirement of such bonds previously issued by it, such or for the payment or retirement of bonds issued by the city to finance or refinance project costs, as defined in s. 66.46 (2) (f) 1, incurred or estimated to be incurred, in a project area, as defined in sub. (4) (h) or directly in relation to blighted property, as defined in sub. (4) (bm). Except as provided under s. 66.46 (9) (b) 6, such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the authority derived from or held in connection with its undertaking and carrying out of projects or activities under this section, provided that payment of such bonds, both as to prin-

~~cipal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any projects or activities of the authority under this section, and by a mortgage of any such projects or activities, or any part thereof. Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction of the state, city or of any public body other than the authority issuing the bonds, and shall not be subject to any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under this section are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempt from all taxes. Bonds issued under this section shall be authorized by resolution of the authority and may be issued in one or more series and shall bear such date, be payable upon demand or mature at such time, bear interest at such rate, be in such denomination, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be payable in such medium of payment, at such place, and be subject to such terms of redemption, with or without premium, be secured in such manner, and have such other characteristics, as is provided by the resolution, trust indenture or mortgage issued pursuant thereto. Bonds issued under this section shall be executed as provided in s. 67.08 (1) and may be registered under s. 67.09. The bonds may be sold or exchanged at public sale or by private negotiation with bond underwriters as the authority may provide. The bonds may be sold or exchanged at such price or prices as the authority shall determine. If sold or exchanged at public sale, the sale shall be held after a class 2 notice, under ch. 985, published prior to such sale in a newspaper having general circulation in the city and in such other medium of publication as the authority determines. Such bonds may be sold to the federal government at private sale, without publication of any notice, at not less than par, and, if less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the authority of not to exceed the interest cost to the authority of the portion of the bonds sold to the federal government. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this section shall be fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any bond issued under this section or the security therefor, any such bond reciting in substance that it has been issued by the authority in connection with a project or activity under this section shall be conclusively deemed to have been issued for such purpose and such project or activity shall be conclusively deemed to have been planned, located and carried out in accordance with this section.~~

Vetoed
in Part

Vetoed
in Part

9. Payment out of the proceeds of revenue bonds issued by the city as provided by s. 66.521 for a purpose specified in that section; or

SECTION 201M. 66.46(9) (a) 10 of the statutes is created to read:

66.46(9) (a) 10. Payment out of the proceeds of the sale of bonds or notes issued by a redevelopment authority under s. 66.431 (5) (g) 4, e

SECTION 201M. 66.46(9) (b) 6 of the statutes is created to read:

66.46(9) (b) 6. If project costs are paid out of the proceeds of the sale of bonds or notes issued by a redevelopment authority under par. (a) 10, or if a redevel-

opment authority issues its bonds under s. 66.431 (3) (a), the city may enter into a pass-through agreement with the redevelopment authority under which the city agrees to pay over to the redevelopment authority an amount of the tax increment received under sub. (6) (b) which is equal to but not more than the amount required to pay the principal of and interest on those

development authority bonds, notes or refunding bonds.

SECTION 201P. 66.521(1) (d) of the statutes is cre-

ated to read:

66.521(1) (d) 11. It is found and declared that the provision of services by charitable organizations is neces-

sary to retain existing industry in and attract new industry to this state and to protect the health, wel-

fare and safety of residents of this state.

SECTION 201B. 66.521(2) (am) of the statutes is created to read:

66.521(2) (am). "Charitable organization" means any organization described in 26 USC 501 (c) 3 and (c) 29.

SECTION 201B. 66.521(2) (k) 22. Expenses owned by a charitable organization, at least 99% of which are used in fur-

therance of the charitable organization's purposes.

SECTION 201B. 66.521(3) (b) 1m. To repay the whole or any part of any indebtedness of a charitable organization orga-

nized under s. 66.521 (3) (b) 1m, the whole or any part of any indebtedness of a charitable organization orga-

nized under s. 66.521 (3) (b) 1m, the whole or any part of any indebtedness of a charitable organization orga-

nized under s. 66.521 (3) (b) 1m, the whole or any part of any indebtedness of a charitable organization orga-

SECTION 201M. 66.46(12) (f) 1, b of the statutes is amended to read:

66.46(12) (f) 1, b. Financing costs, including, but not limited to, all tax paid by the city for any prop-

erty which is part of a project and all interest paid by the city to holders of evidence of indebtedness issued to pay for project costs and any premium paid over

the principal amount thereof because of the redemption of such obligations prior to maturity.

SECTION 201M. 66.46(9) (am) 2, c of the statute is created to read:

66.46(9) (am) 2, c. Financing costs and comparable items described in sub. (2) (f) 1, b or in incurred, earned or provided for by the city within 5 years after the tax increment district is created.

SECTION 201M. 66.46(6) (am) 2, d of the statutes is created to read:

66.46(6) (am) 2, d. Tax increments paid over to an authority by the city pursuant to a pass-through agreement under sub. (9) (b) 6 entered into within 5 years after the tax increment district is created.

SECTION 201M. 66.46(6) (c) 4 of the statutes, as amended by 1987 Wisconsin Act 27, is amended to

read:

66.46(6) (c) 4. Except as provided in sub. (9) (b) 6, all tax increments received with respect to a tax incre-

mental district shall, forthwith upon receipt by the city, be deposited into a special fund for such dis-

count. The city treasurer may deposit additional moneys into such fund pursuant to an appropriation by the common council. No moneys may be paid out of

such fund except to pay project costs with respect to such district, to reimburse the city for such payments,

to satisfy claims of holders of bonds or notes issued with respect to such district. Moneys paid out of the

fund to pay project costs with respect to a tax increment district before or after the district is terminated

under sub. (7) Subject to any agreement with bond holders, moneys in such fund may be temporarily

invested in the same manner as other city funds if any investment earnings are applied to reduce project

costs. After all project costs and all bonds and notes with respect to such district have been paid or the pay-

ment therefor provided for subject to any agreement with bondholders, if there remain in such fund any

moneys, they shall be paid over to the treasurer of each county, school district or other tax levying municipality or to the general fund of the city in which

amounts as defined in each respectively, having and appear for what portion of such moneys, if any, corporate-law matters not allocated to the city and which

portion thereof, if any, represents voluntary deposits of the city with bond

SECTION 201M. 66.46(12) (a) 8 and 9 of the statute is amended to read:

66.46(12) (a) 8. Payment out of the proceeds of the sale of tax increment bonds or notes issued by it under this subsection, as

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed
in Part

~~66.521 (3) (b) 2. To fund or refund the whole or any part of any revenue bonds theretofore issued by such any municipality, by the Wisconsin housing finance authority, the Wisconsin health and educational development authority or any county, including any premium payable with respect thereto and any interest accrued or to accrue thereon, or~~

~~SECTION 201 pL. 66.521 (3) (b) 3 of the statutes is amended to read:~~

~~66.521 (3) (b) 3. For any combination of the purposes under subd. 1 or to 2.~~

~~SECTION 201 pp. 66.521 (4) (c) of the statutes is amended to read:~~

~~66.521 (4) (c). The bonds may be executed and delivered at any time; be in such form and denominations, without limitation as to the denomination of any bond, any other law to the contrary notwithstanding, be registered under s. 67.09; be payable in one or more instalments and at such time, not exceeding 35 years from their date or, in the case of refunding bonds, 35 years from the date of the refunded bonds; be payable prior to maturity on such terms and conditions, be payable both with respect to principal and interest at such place in or out of this state; bear interest at such rate, either fixed or variable in accordance with such any formula or rate determining procedure set forth under sub. (6) (b); be evidenced in such manner and may contain other provisions not inconsistent with this section, as specified by the governing body~~

~~SECTION 201 pp. 66.521 (4m) (b) of the statutes is amended to read:~~

~~66.521 (4m) (b). Any revenue agreement which an eligible participant enters into with a municipality to finance a project shall require the eligible participant to submit to the department of development at the time of issuance of the refunding bonds or within 12 months after the project is completed or 2 years after a revenue bond is issued to finance the project, whichever is sooner, on a form prescribed under s. 560.034 (b), the net number of jobs eliminated, created or maintained on the project site and elsewhere in this state as a result of the project.~~

~~SECTION 201 pr. 66.521 (6) (b) of the statutes is amended to read:~~

~~66.521 (6) (b). The determination and findings of the governing body shall be embodied in the proceedings under which the proposed bonds are to be issued, but the foregoing amounts under par. (a) need not be expressed in dollars and cents in the revenue agreement and proceedings under which the bonds are authorized to be issued, but may be set forth in the form of a formula or procedure for making such determination. Prior to the issuance of the bonds authorized by this section the municipality shall enter into a revenue agreement providing for payment to the municipality or to the trustee for the account of the municipality of such amounts as, upon the basis of such determination and findings, will be sufficient to~~

Vetoed
in Part

~~pay the principal of, and interest on, the bonds issued to finance the project, to build up and maintain any reserves deemed advisable by the governing body, in connection therewith, and, unless the revenue agreement obligates the eligible participant to provide for the maintenance of and insurance on the project, to pay the costs of maintaining the project in good repair and keeping it properly insured.~~

~~SECTION 201 pr. 66.521 (7) (gm) of the statutes is created to read:~~

~~66.521 (7) (gm). The costs of refunding or prepaying, by redemption or purchase, bonds or, in the case of charitable organizations, other indebtedness, theretofore issued or incurred with respect to a project, including any premium payable with respect thereto and any interest accrued or to accrue thereon;~~

~~SECTION 201 pp. 66.521 (13) (b) 1, a and b of the statutes are amended to read:~~

~~66.521 (13) (b) 1. a. Pollution control facilities which have not been placed into service on the date of adoption of the initial resolution, or~~

~~b. Personal property which will either be substantially reconstructed, rehabilitated, rebuilt or repaired in connection with the financing or which represents less than 10% of the entire financing. Personal property shall be deemed owned only after 50% of the acquisition cost thereof has been paid and such property has been delivered and installed; or~~

~~SECTION 201 pp. 66.521 (13) (b) 1, c of the statutes is created to read:~~

~~66.521 (13) (b) 1. c. Facilities owned by a charitable organization at least 90% of which are used in furtherance of the charitable organization's purposes.~~

~~SECTION 201 pv. 66.521 (13) (b) 2, c and d of the statutes are amended to read:~~

~~66.521 (13) (b) 2, c. For acquiring improvements which will themselves be substantially improved or rehabilitated in connection with the project, which represent less than 25% of the entire financing, or the cost of which is less than 33% of the cost of the real property to which they are appurtenant which is also being acquired, or~~

~~d. As are incurred after the date of adoption of the initial resolution for constructing improvements, or~~

~~SECTION 201 pw. 66.52 (13) (b) 2, e of the statutes is created to read:~~

~~66.52 (13) (b) 2, e. For facilities owned by a charitable organization at least 90% of which are used in furtherance of the charitable organization's purposes.~~

~~SECTION 201 pwn. 66.755 of the statutes is created to read:~~

~~66.755 Facility user surcharge. The common council of any city may enact an ordinance imposing a surcharge on the privilege of furnishing any sports event for profit or entertainment event for profit in any facility owned by that city or by a nonprofit corporation created under ch. 232 and operated by that~~

Vetoed
in Part

Vetoed
in Part

city or by any nonprofit corporation if the event is available to the public. The surcharge shall be on the gross receipts from the charges collected for attending events at the facility and may not exceed 5% of the cost of admission to any event. In the ordinance under this section, the city may provide for the collection and enforcement of that surcharge and may provide that persons violating the ordinance may be required to forfeit not less than \$100 nor more than \$500.

SECTION 201r. 67.12 (12) (a) of the statutes is amended to read:

67.12 (12) (a) Any municipality may issue promissory notes as evidence of indebtedness for any public purpose, as defined in s. 67.04 (1) (b), for any general and current municipal expense, and to refinance any municipal obligations, including interest thereon. Each note, plus interest, shall be repaid within 10 years after the original date of the note, except that notes issued under s. 144.241 shall be repaid within 20 years after the date of completion of the treatment work project which they fund.

SECTION 201t. 70.03 of the statutes is amended to read:

70.03 Definition real property. The terms “real property”, “real estate” and “land”, when used in chs. 70 to 79, shall include not only the land itself but all buildings and improvements thereon, and all fixtures and rights and privileges appertaining thereto, except that for the purpose of ~~vacation time sharing properties~~ time-share property, as defined in s. 707.02 (32), real property does not include recurrent exclusive use and occupancy on a periodic basis or other rights, including, but not limited to, membership rights, vacation services and club memberships.

SECTION 202. 70.05 (1m) of the statutes is repealed.

SECTION 202c. 70.05 (5) (a) 3 of the statutes is created to read:

70.05 (5) (a) 3. “Major class of property” means any class which includes more than 5% of the full value of the taxation district.

SECTION 202g. 70.05 (5) (c) of the statutes is amended to read:

70.05 (5) (c) Annually beginning in ~~1982~~ 1992, the department of revenue shall determine the ratio of assessed value to full value of all taxable general property of each taxation district and of each major class of property under s. 70.32 (2) of each taxation district and publish its finding in the report required under s. 73.06 (5).

SECTION 202h. 70.05 (5) (f) and (g) of the statutes are created to read:

70.05 (5) (f) Beginning in 1992, if the department of revenue determines that the assessed value of the taxation district, including 1st class cities, has not been established so that the ratios of assessed value to full value of any 2 major classes of property under s. 70.32 (2) are within 10% of each other at least once during

the 4-year period consisting of the current year and the 3 preceding years, the department shall notify the clerk of the taxation district in writing on or before November 1 of the year of determination that the district’s assessment staff is required to participate in the program under s. 73.08 (3) during the next year.

(g) If, in the year after the year in which a taxation district’s assessment staff participates in the program under s. 73.08 (3), the department of revenue determines that the ratios of assessed value to full value of any 2 major classes of property under s. 70.32 (2) are not within 10% of each other, the department shall order special supervision under s. 70.75 (3) for that taxation district for the succeeding year’s assessment. That order shall be in writing and shall be mailed to the clerk of the taxation district on or before November 1 of the year of the determination.

SECTION 202k. 70.095 of the statutes is amended to read:

70.095 (title) Assessment roll; time-share property. For the purpose of ~~vacation time sharing condominiums, a condominium association~~ time-share property, as defined in s. ~~703.02 (1m)~~ 707.02 (32), a time-share instrument, as defined in s. 707.02 (28), shall provide ~~in its bylaws under s. 703.10~~ a method for allocating real property taxes among its members the time-share owners, as defined in s. 707.02 (31), and a method for giving notice of an assessment and the amount of property tax to ~~its members~~ the owners. Only one entry shall be made on the assessment roll for each building unit within the ~~condominium~~ time-share property, which entry shall consist of the cumulative real property value of all time-share ~~parcels for each building interests in the unit.~~

SECTION 202m. 70.11 (15m) of the statutes is created to read:

70.11 (15m) **SECONDARY CONTAINMENT STRUCTURES.** Secondary containment structures used to prevent leakage of liquid fertilizer or pesticides.

SECTION 203. 70.11 (21) (c) of the statutes is amended to read:

70.11 (21) (c) A prerequisite to exemption under this subsection is the filing of a statement on forms prescribed by the department of revenue with the department of revenue. This statement shall be filed not later than ~~February 1~~ January 15 of the year in which a new exemption is requested or in which a waste treatment facility that has been granted an exemption is retired, replaced, disposed of, moved to a new location or sold.

SECTION 204. 70.11 (21) (d) of the statutes is created to read:

70.11 (21) (d) The department of revenue shall allow an extension to February 15 of the due date for filing the report form required under par. (c) if a written application for an extension, stating the reason for the request, is filed with the department of revenue before January 15.

SECTION 205. 70.11 (21) (e) of the statutes is amended to read:

70.11 (21) (e) On or before March 1 of each year the department of revenue shall notify the owner and the local assessor of each taxation district wherein such property is located as to the taxability or nontaxability of such nonmanufacturing property.

SECTION 206. 70.11 (21) (f) of the statutes is created to read:

70.11 (21) (f) If property about which a statement has been filed under par. (c) is determined to be taxable, the owner may appeal that determination to the tax appeals commission under s. 73.01 (5) (a), except that assessments under s. 76.07 shall be appealed under s. 76.08.

SECTION 206c. 70.111 (3) of the statutes is amended to read:

70.111 (3) BOATS. Watercraft employed regularly in interstate traffic. Watercraft laid up for repairs. All pleasure watercraft used for recreational purposes. Commercial fishing boats.

SECTION 206e. 70.111 (22) of the statutes is created to read:

70.111 (22) RENTED PERSONAL PROPERTY. Personal property held for rental for periods of one month or less to multiple users for their temporary use, if the property is not rented with an operator, if the owner is not a subsidiary or affiliate of any other enterprise which is engaged in any business other than personal property rental, if the owner is classified in group number 739, industry number 7394 of the 1972 standard industrial classification manual published by the U.S. office of management and budget and if the property is equipment, including construction equipment but not including automotive and computer-related equipment, television sets, video recorders and players, cameras, photographic equipment, audiovisual equipment, photocopying equipment, sound equipment, public address systems and video tapes, party supplies, appliances, tools, dishes, silverware, tables, or banquet accessories.

SECTION 206m. 70.113 (2) (a) of the statutes is amended to read:

70.113 (2) (a) Towns, cities or villages shall be paid for forest lands as defined in s. 28.02 (1), state parks under s. 27.01 and other lands acquired under s. 23.09 (2) (d), 23.27, 23.29, 23.293, 23.31 or 29.571 (1) located within such municipality and acquired after June 30, 1969. Such payments shall be made from the appropriation under s. 20.370 (4) (ea) or (eq) and remitted by the department of natural resources in the amounts certified by the department of revenue according to par. (b).

SECTION 207. 70.119 (6) of the statutes is amended to read:

70.119 (6) ~~The~~ No later than November 15 annually, the department shall report to the cochairpersons of the committee the results of its negotiations ~~to the~~

~~committee at its December meeting and report~~ the total payments proposed to be made in the subsequent calendar year. Upon approval of the total payment by the committee, the department may make payments to individual municipalities ~~If the cochairpersons of the committee do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed total payments within 14 working days after the date of the department's report, the department may make the payments. If, within 14 working days after the date of the department's report, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed total payments, the department shall not make the payments without the approval of the committee.~~

SECTION 208. 70.25 of the statutes is amended to read:

70.25 Lands, described on rolls. In all assessments and tax rolls, and in all advertisements, certificates, papers, conveyances or proceedings for the assessment and collection of taxes, and proceedings founded thereon, ~~as well heretofore as hereafter, except in tax bills,~~ any descriptions of land which shall indicate the land intended with ordinary and reasonable certainty and which would be sufficient between grantor and grantee in an ordinary conveyance shall be sufficient; nor shall any description of land according to the United States survey be deemed insufficient by reason of the omission of the word quarter or the figures or signs representing it in connection with the words or initial letters indicating any legal subdivision of lands according to government survey. Where a more complete description may not be practicable and the deed or a mortgage describing any piece of real property is recorded in the office of the register of deeds for the county, an abbreviated description including the volume and page where recorded, and the section, village or city where the property is situated, shall be sufficient. Where a more complete description may not be practicable, and the piece of property is described in any certificate, order or judgment of a court of record in the county, an abbreviated description including the volume and page of the court record where recorded, and the section, village or city where the property is situated, shall be sufficient.

SECTION 208g. 70.395 (2) (d) (intro.) of the statutes is amended to read:

70.395 (2) (d) (intro.) Annually on the first Monday in January, except as provided in subd. 5. b and c, the department of administration shall distribute, upon certification by the board:

SECTION 208r. 70.395 (2) (d) 5. c of the statutes is created to read:

70.395 (2) (d) 5. c. To each Native American community, county, city, town and village that contains at least 15% of a minable ore body in respect to which construction has begun at a metalliferous mining site

Vetoed
in Part

but in respect to which extraction has not begun, \$100,000 as a one-time payment. Those payments shall be made on or before the date 30 days after the beginning of construction.

SECTION 208t. 70.395 (2) (dg) of the statutes is amended to read:

70.395 (2) (dg) Each person constructing a metalliferous mining site shall ~~annually~~ pay to the department of revenue for deposit in the investment and local impact fund, as a construction fee, an amount sufficient to make the construction period payments under par. (d) 5. ~~a and b~~ in respect to that site. Any person paying a construction fee under this paragraph may credit against taxes due under s. 70.375 an amount equal to the payments that the taxpayer has made under this paragraph, provided that the credit does not reduce the taxpayer's liability under s. 70.375 below the amount needed to make the first-dollar payments as defined under sub. (1) (a) 2 for that year in respect to the taxpayer's mine. Any amount not creditable because of that limitation in any year may be carried forward.

SECTION 208v. 70.47 (7) (ab) of the statutes is amended to read:

70.47 (7) (ab) For the purpose of this section, the ~~condominium association managing entity~~, as defined in s. ~~703.02 (1m)~~ 707.02 (15), or its designees, may be considered the taxpayer as an agent ~~of the vacation time shared period titleholder for the time-share owner~~, as defined in s. 707.02 (31), and may file one objection and make one appearance before the board of review concerning all objections relating to a particular real property improvement and the land associated with it. ~~An individual titleholder~~ A time-share owner may file one objection and make one appearance before the board of review concerning the assessment of the building unit in which he or she owns a time share.

SECTION 210. 70.511 (2) (b) of the statutes is amended to read:

70.511 (2) (b) If the reviewing authority reduces the value of the property in question, or determines that manufacturing property is exempt, the taxpayer may file a claim for refund of taxes resulting from the reduction in value or determination that the property is exempt. The claim for refund shall be filed with the clerk of the municipality on or before November 1. The claim shall be payable to the taxpayer from the municipality no later than January of the succeeding year. Interest on the claim at the rate of 0.8% per month shall be paid to the taxpayer when the claim is paid or shall be credited against the taxpayer's next property tax bill. If the taxpayer requests a postponement of proceedings before the reviewing authority, interest on the claim shall permanently stop accruing at the date of the request. If the hearing is postponed at the request of the taxpayer, the reviewing authority shall hold a hearing on the claim within 30 days after the postponement is requested unless the taxpayer

agrees to a longer delay. If the reviewing authority postpones the hearing without a request by the taxpayer, interest on the claim shall continue to accrue. In the case of manufacturing assessments made on or before December 31, 1982, by the department of revenue under s. 70.995, the state shall pay the interest on the refund from the appropriation under s. 20.855 (4) (a), except that no interest may be paid if the reviewing authority determines under s. 70.995 (8) (a) that the value of the property was reduced because the taxpayer supplied false or incomplete information. If the assessment reduction or determination of exemption involves a manufacturing property assessed under s. 70.995 or affects the municipality's equalized values, the clerk of the municipality may charge each taxing district for which taxes were collected from the taxpayer that district's proportionate share of the claim for refund. For purposes of this paragraph, the department of revenue shall have the sole discretion to determine the effect of the assessment reduction or determination of exemption on the municipality's equalized values. Each taxing district so charged shall pay the municipality no later than January 31 of the year succeeding the taxing district's next property tax levy.

SECTION 211. 70.53 of the statutes is amended to read:

70.53 Statement of assessment and exemptions. Upon the correction of the assessment roll as provided in s. 70.52, the clerks shall prepare and, on or before the 2nd Monday in June, transmit to the department of revenue a detailed statement of the aggregate of each of the several items of taxable property specified in s. 70.30, a detailed statement of each of the several classes of taxable real estate, entering land and improvements separately, as prescribed in s. 70.32 (2), the aggregate of all taxable property by elementary and high school district and by vocational, technical and adult education district, and a detailed statement of the aggregate of each of the several items of exempt real property as specified by the department of revenue, entering land and improvements separately, and shall make available to the department of revenue at its request a copy of the corrected assessment roll from which the detailed statement is prepared. Failure to comply subjects the taxation district to the penalty provisions under s. 73.03 (6). The department of revenue shall review and correct the statement ~~and provide corrected copies to the county clerk with respect to the towns, cities and villages within each county~~. Every county clerk shall, at the expense of the county, annually procure and furnish to each town, city and village clerk blanks for such statements, the form of which shall be prescribed by the department of revenue.

SECTION 212m. 70.57 (1) of the statutes is amended to read:

70.57 (1) The department of revenue before August 15 of each year shall complete the valuation of the property of each county and taxation district of the state. From all the sources of information accessible

to it the department shall determine and assess by class the value of all property subject to general property taxation in each county and taxation district. If the department is satisfied that the assessment by a county assessor under s. 70.99 is at full value, it may adopt that value as the state's full value. It shall set down a list of all the counties and taxation districts and opposite to the name of each county and taxation district the valuation determined by the department, which shall be the full value according to its best judgment. There shall also be prepared a list of all the counties of the state, with opposite the name of each county the valuation determined, which shall be certified by the secretary of revenue as the assessment of the counties of the state made by the department, and be delivered to the department of administration. In any case where the department, through mistake or inadvertence, has assessed to any county or taxation district, in the current year or in the previous year, a greater or less valuation for any year than should have been assessed, it shall correct the error by adding to or subtracting from (as the case may be) the valuation of the county or taxation district as determined by it at the assessment in the year after the error is discovered, the amount omitted from or added to the true valuation of the county in the former assessment in consequence of the error, and the result shall be taken as the full value of the county for the latter year and a final correction of the error.

SECTION 213. 70.665 (1) (intro.) of the statutes is amended to read:

70.665 (1) (intro.) The real and personal property tax bills prepared by the clerks of each taxation district shall be mailed to taxpayers or to the designee of each taxpayer with a copy furnished to the taxpayer by the designee, be uniform, with respect to real property include the description of the property except that if the description is longer than the space provided for it on the bill, the bill may include as much of the description as fits in the space and a reference to the volume and page where the description can be found in the register of deeds office, be prescribed by the department and:

SECTION 214. 70.995 (8) (a) of the statutes is amended to read:

70.995 (8) (a) The secretary of revenue shall establish a state board of assessors, which shall be comprised of the members of the department of revenue whom the secretary designates. The state board of assessors shall investigate any objection filed under par. (c) or (d) if the fee under that paragraph is paid. The state board of assessors, after having made the investigation, shall notify the person assessed or the person's agent and the appropriate municipality of its determination by 1st class mail. Beginning with objections filed in 1989, the state board of assessors shall make its determination on or before March 1 of the year after the filing. If the determination results in a refund of property taxes paid, the state board of assessors

shall include in the determination a finding of whether the refund is due to false or incomplete information supplied by the person assessed. The person assessed or the municipality having been notified of the determination of the state board of assessors shall be deemed to have accepted the determination unless the person or municipality files a petition for review with the clerk of the tax appeals commission as provided in s. 73.01 (5) and the rules of practice promulgated by the commission. If an assessment is reduced by the state board of assessors, the municipality affected may ~~seek file an appeal~~ seeking review of the reduction, or may, within 30 days after the person assessed files a petition for review, file a cross-appeal, before the tax appeals commission even though the municipality did not file an objection to the assessment with the board. If an assessment is increased by the board, the person assessed may ~~seek file an appeal~~ seeking review of the increase, or may, within 30 days after the municipality files a petition for review, file a cross-appeal, before the commission even though the person did not file an objection to the assessment with the board.

SECTION 215. 70.995 (8) (a) of the statutes, as affected by 1987 Wisconsin Act (this act), is amended to read:

70.995 (8) (a) The secretary of revenue shall establish a state board of assessors, which shall be comprised of the members of the department of revenue whom the secretary designates. The state board of assessors shall investigate any objection filed under par. (c) or (d) if the fee under that paragraph is paid. The state board of assessors, after having made the investigation, shall notify the person assessed or the person's agent and the appropriate municipality of its determination by 1st class mail. Beginning with objections filed in 1989, the state board of assessors shall make its determination on or before ~~March~~ April 1 of the year after the filing. If the determination results in a refund of property taxes paid, the state board of assessors shall include in the determination a finding of whether the refund is due to false or incomplete information supplied by the person assessed. The person assessed or the municipality having been notified of the determination of the state board of assessors shall be deemed to have accepted the determination unless the person or municipality files a petition for review with the clerk of the tax appeals commission as provided in s. 73.01 (5) and the rules of practice promulgated by the commission. If an assessment is reduced by the state board of assessors, the municipality affected may file an appeal seeking review of the reduction, or may, within 30 days after the person assessed files a petition for review, file a cross-appeal, before the tax appeals commission even though the municipality did not file an objection to the assessment with the board. If an assessment is increased by the board, the person assessed may file an appeal seeking review of the increase, or may, within 30 days after

the municipality files a petition for review, file a cross-appeal, before the commission even though the person did not file an objection to the assessment with the board.

SECTION 216. 70.995 (12) (a) of the statutes is amended to read:

70.995 (12) (a) The department of revenue shall prescribe a standard manufacturing property report form that shall be submitted annually for each real estate parcel and each personal property account on or before March 1 by all manufacturers whose property is assessed under this section. The report form shall contain all information deemed necessary by the department and shall include, without limitation, income and operating statements, fixed asset schedules and a report of new construction or demolition. Failure to submit the report shall result in denial of any right of redetermination by the state board of assessors or the tax appeals commission. If any property is omitted or understated in the assessment roll in any of the next 5 previous years, the assessor shall enter the value of the omitted or understated property once for each previous year of the omission or understatement. The assessor shall designate each additional entry as omitted or understated for the year 19.. (giving year of omission or understatement). The assessor shall affix a just valuation to each entry for a former year as it should have been assessed according to the assessor's best judgment. Taxes shall be apportioned and collected on the tax roll for each entry, on the basis of the net tax rate for the year of the omission, taking into account credits under s. 79.10, and interest shall be added at the rate of 0.8% per month 0.0267% per day for the period of time between the date when the form is required to be submitted and the date when the assessor affixes the just valuation. In computing this interest, a fraction of a month shall be considered to be a full month.

SECTION 217d. 71.01 (3) (a) of the statutes is amended to read:

71.01 (3) (a) Income of mutual insurers exempt from federal income taxation pursuant to section 501 (c) (15) of the internal revenue code, town mutuals organized under or subject to ch. 612, foreign insurers, and domestic insurers engaged exclusively in life insurance business, domestic insurers insuring against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust or other instrument constituting a lien or charge on real estate, railroad corporations and sleeping car companies, of car line companies from operation of car line equipment as defined in s. 76.39, and corporations organized under ch. 185 or operating under subch. I of ch. 616 which are bona fide cooperatives operated without pecuniary profit to any shareholder or member, or operated on a cooperative plan pursuant to which they determine and distribute their proceeds in sub-

stantial compliance with s. 185.45, and the income, except the unrelated business taxable income as defined in section 512 of the internal revenue code, of all religious, scientific, educational, benevolent or other corporations or associations of individuals not organized or conducted for pecuniary profit. This paragraph does not apply to the income of mutual savings banks, mutual loan corporations or savings and loan associations. This paragraph applies to the income of credit unions except to the income of any credit union that is derived from public deposits for any taxable year in which the credit union is approved as a public depository under ch. 34 and acts as a depository of state or local funds under s. 186.113 (20). For purposes of this subdivision, the income of a credit union that is derived from public deposits is the product of the credit union's gross annual income for the taxable year multiplied by a fraction, the numerator of which is the average monthly balance of public deposits in the credit union during the taxable year, and the denominator of which is the average monthly balance of all deposits in the credit union during the taxable year. Beginning with calendar year 1972 and thereafter, this paragraph does not apply to the income of insurers under ch. 613 operating by virtue of s. 148.03, 447.13, 449.15 or 613.80. Tax on the income of such insurers shall first be payable on or before March 15, 1973, and thereafter under s. 71.10 (1).

SECTION 217g. 71.01 (4) (g) 11 of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

71.01 (4) (g) 11. For taxable year 1987 ~~and subsequent years~~, "internal revenue code" means the federal internal revenue code as amended to December 31, 1986, as it applies to taxable year 1987 ~~and subsequent years~~. Amendments to the internal revenue code enacted after December 31, 1986, do not apply to this subdivision with respect to taxable year 1987 ~~and thereafter~~, except that changes to the internal revenue code made by P.L. 100-203 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 217r. 71.01 (4) (g) 12 of the statutes is created to read:

71.01 (4) (g) 12. For taxable years that begin after December 31, 1987, "internal revenue code" means the federal internal revenue code as amended to December 31, 1987. Amendments to the federal internal revenue code enacted after December 31, 1987, do not apply to this subdivision with respect to taxable years beginning after December 31, 1987.

SECTION 218. 71.016 of the statutes, as affected by 1987 Wisconsin Acts 27 and 92, is amended to read:

71.016 Additional tax on tax-option corporations. In addition to the other taxes imposed under this chapter, there is imposed on every tax-option corporation, except those under section 1374 (c) (1) of the internal revenue code, that has a recognized built-in capital gain, as defined in section 1374 (d) (2) of the internal revenue code, during a recognition period, as

defined in section 1374 (d) (3) of the internal revenue code, a tax computed under section 1374 of the internal revenue code except that the rate is that under s. 71.09 (2n), the recognized built-in gain is computed using the Wisconsin basis of the assets and the Wisconsin apportionment percentage for the current taxable year, the taxable income is the Wisconsin taxable income and the credit and net operating losses are those under this chapter rather than the federal credits and net operating losses. The tax under this section does not apply if the return is filed pursuant to a federal S corporation election made before January 1, 1987, and the corporation has not elected to change its status under s. 71.042 (4) (a) for any intervening year.

SECTION 219. 71.02 (1) (intro.) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

71.02 (1) DEFINITIONS APPLICABLE TO CORPORATIONS. (intro.) In this chapter and in regard to corporations, including tax-option corporations except as otherwise provided in this chapter, and to nuclear decommissioning trust or reserve funds:

SECTION 219g. 71.02 (1) (a) of the statutes is renumbered 71.02 (1) (at).

SECTION 219r. 71.02 (1) (af) of the statutes is created to read:

71.02 (1) (af) "Corporation" includes publicly traded partnerships treated as corporations in section 7704 of the internal revenue code.

SECTION 220m. 71.02 (1) (bf) 2 and 3 of the statutes are created to read:

71.02 (1) (bf) 2. Except as provided in pars. (bh), (bhm), (bj) and (c) and s. 71.01 (4) (g), "internal revenue code", for taxable years that end after July 1, 1988, and before December 31, 1988, means the federal internal revenue code as amended to December 31, 1986, except that changes to the internal revenue code made by P.L. 100-203 apply for Wisconsin purposes at the same time as for federal purposes.

3. Except as provided in pars. (bh), (bhm), (bj) and (c) and s. 71.01 (4) (g), "internal revenue code", for taxable years that begin after December 31, 1987, means the federal internal revenue code as amended to December 31, 1987. Amendments to the federal internal revenue code enacted after December 31, 1987, do not apply to this subdivision with respect to taxable years beginning after December 31, 1987.

SECTION 220r. 71.02 (1) (bg) (intro.) of the statutes, as created by 1987 Wisconsin Act 27, is renumbered 71.02 (1) (bf) 1 and amended to read:

71.02 (1) (bf) 1. Except as provided in ~~par. pars.~~ (bg), (bh) and (c) and s. 71.01 (4) (g), "internal revenue code", for taxable year 1987 and subsequent years, means the federal internal revenue code as amended to December 31, 1986, as it applies to taxable year 1987 ~~and subsequent years, except that that code does not include amendments, except that for taxable years~~ 1987 that end after July 1 and before December 31

"internal revenue code" does not include changes to the federal internal revenue code made by sections 142, 801, 802 and 803 of P.L. 99-514. Amendments to the federal internal revenue code enacted after December 31, 1986, and except that that code is modified in the following ways: do not apply to this paragraph with respect to taxable year 1987, except that changes to the internal revenue code made by P.L. 100-203 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 220t. 71.02 (1) (bg) (intro.) of the statutes is created to read:

71.02 (1) (bg) (intro.) "Internal revenue code" means the federal internal revenue code modified as follows:

SECTION 221g. 71.02 (1) (bg) 17 of the statutes, as affected by 1987 Wisconsin Acts 27 and 92, is repealed and recreated to read:

71.02 (1) (bg) 17. Sections 501 to 511 and 513 to 528 (relating to exempt organizations) are excluded, except as they pertain to the definitions of unrelated business taxable income in section 512, and replaced by the treatment of exemptions under s. 71.01 (3).

SECTION 221r. 71.02 (1) (bg) 18 of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

SECTION 222. 71.02 (1) (bg) 25 of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

SECTION 223. 71.02 (1) (bh) of the statutes is created to read:

71.02 (1) (bh) 1. "Internal revenue code" for tax-option corporations, for taxable year 1987, means the federal internal revenue code as amended to December 31, 1986, as it applies to taxable year 1987, except that for taxable years 1987 that end after July 1 and before December 31 "internal revenue code" does not include changes to the federal internal revenue code made by sections 142, 801, 802 and 803 of P.L. 99-514, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.016 for the taxes under sections 1374 and 1375. Amendments to the federal internal revenue code enacted after December 31, 1986, do not apply to this subdivision, except that changes to the internal revenue code made by P.L. 100-203 apply for Wisconsin purposes at the same time as for federal purposes.

2. "Internal revenue code" for tax-option corporations, for taxable years that end after July 1, 1988, and before December 31, 1988, means the federal internal revenue code as amended to December 31, 1986, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.016 for the taxes under sections 1374 and 1375, and except that changes to the internal revenue code made by P.L. 100-203 apply for Wisconsin purposes at the same time as for federal purposes.

3. "Internal revenue code" for tax-option corporations, for taxable years that begin after December 31,

1987, means the federal internal revenue code as amended to December 31, 1987, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.016 for the taxes under sections 1374 and 1375. Amendments to the federal internal revenue code enacted after December 31, 1987, do not apply to this subdivision with respect to taxable years beginning after December 31, 1987.

SECTION 223m. 71.02 (1) (bhm) of the statutes is created to read:

71.02 (1) (bhm) "Internal revenue code", for corporations that are subject to a tax on unrelated business income under s. 71.01 (3) (a), means the federal internal revenue code as amended to December 31, 1987, except that that code does not include amendments to the federal internal revenue code enacted after December 31, 1987.

SECTION 224g. 71.02 (1) (c) 12 of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

71.02 (1) (c) 12. For taxable year 1987 ~~and subsequent years~~, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1986, as it applies to taxable year 1987 ~~and subsequent years~~, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1986, as it applies to taxable year 1987 ~~and subsequent years~~, except that for taxable years that end after July 1, 1987, and before December 31, 1987, "internal revenue code" does not include changes to the federal internal revenue code made by sections 142, 801, 802 and 803 of P.L. 99-514, except that property that, under ~~subs. s. 71.02 (1) (c) 8 to 11, 1985 stats.~~, is required to be depreciated for taxable years 1983 to 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980. Amendments to the internal revenue code enacted after December 31, 1986, do not apply to this subdivision with respect to taxable year 1987 ~~and thereafter~~, except that changes to the internal revenue code made by P.L. 100-203 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 224m. 71.02 (1) (c) 13 of the statutes is created to read:

71.02 (1) (c) 13. For taxable years that end after July 1, 1988, and before December 31, 1988, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to

December 31, 1986, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1986, except that property that, under s. 71.02 (1) (c) 8 to 11, 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year, and except that changes to the internal revenue code made by P.L. 100-203 apply for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1986, except those made by P.L. 100-203, do not apply to this subdivision with respect to taxable years that begin on August 1, 1987, to December 1, 1987.

SECTION 224r. 71.02 (1) (c) 14 of the statutes is created to read:

71.02 (1) (c) 14. For taxable years that begin after December 31, 1987, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1987, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1987, except that property that, under s. 71.02 (1) (c) 8 to 11, 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. Amendments to the internal revenue code enacted after December 31, 1987, do not apply to this subdivision with respect to taxable years that begin after December 31, 1987.

SECTION 225. 71.02 (1) (d) of the statutes, as affected by 1987 Wisconsin Act 27, is repealed and recreated to read:

71.02 (1) (d) "Net income or loss" of a tax-option corporation means net income or loss computed

under the internal revenue code, as defined under par. (bh), except that:

1. Section 1363 (a) of the internal revenue code does not apply.

2. The items referred to in section 1366 (a) (1) (A) of the internal revenue code shall be included.

3. The deduction referred to in sections 212 and 703 (a) (2) (E) of the internal revenue code shall be allowed.

4. An addition or subtraction, as appropriate, shall be made for the net amount of state and federal differences including differences arising from the different basis of assets disposed of in a transaction in which gain or loss is recognized for state tax purposes, different depreciation methods or difference in basis of depreciable assets, different elections, or transitional adjustments due to differences in the statutes for taxable years 1986 and 1987 pertaining to the computation of net income of a tax-option corporation.

5. An addition shall be made for the amount of credit computed under s. 71.043 and used by the corporation in the current year.

6. An addition shall be made for the amount of interest, less related expenses, excluded by reason of section 103 of the internal revenue code (relating to interest received on state and municipal obligations and on volunteer fire department and mass transit obligations) or any other federal law.

SECTION 225m. 71.02 (1) (f) of the statutes is amended to read:

71.02 (1) (f) "Person" includes corporations, unless the context requires otherwise, and "corporation" includes corporations, joint stock companies, associations ~~or~~ and common law trusts ~~organized or conducted for profit~~, unless the context requires otherwise.

SECTION 226. 71.02 (2) (d) 13 of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

71.02 (2) (d) 13. For taxable year 1987 ~~and subsequent years~~, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "internal revenue code" means the federal internal revenue code as amended to December 31, 1986, as it applies to taxable year 1987 ~~and subsequent years~~, except that for taxable years that end after July 1, 1987, and before December 31, 1987, "internal revenue code" does not include changes to the federal internal revenue code made by sections 142, 802 and 803 and subtitle A of title XI of P.L. 99-514. Amendments to the internal revenue code enacted after December 31, 1986, do not apply to this subsection with respect to taxable year 1987 and thereafter, except that changes to the internal revenue code made by P.L. 100-203 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 226g. 71.02 (2) (d) 14 of the statutes is created to read:

71.02 (2) (d) 14. For taxable years that end after July 1, 1988, and before December 31, 1988, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "internal revenue code" means the federal internal revenue code as amended to December 31, 1986, except that changes to the internal revenue code made by P.L. 100-203 apply for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1986, except those made by P.L. 100-203, do not apply to this subdivision for taxable years that end after July 1, 1988, and before December 31, 1988.

SECTION 226r. 71.02 (2) (d) 15 of the statutes is created to read:

71.02 (2) (d) 15. For taxable years that begin after December 31, 1987, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "internal revenue code" means the federal internal revenue code as amended to December 31, 1987. Amendments to the federal internal revenue code enacted after December 31, 1987, do not apply to this subdivision with respect to taxable years beginning after December 31, 1987.

SECTION 226t. 71.02 (2) (ej) of the statutes is created to read:

71.02 (2) (ej) "Partner" does not include a partner of a publicly traded partnership treated as a corporation under sub. (1) (af).

SECTION 227. 71.02 (2) (fr) 2 of the statutes is amended to read:

71.02 (2) (fr) 2. Has no more than ~~200~~ 500 employees covered by Wisconsin unemployment insurance, including employees of any corporation that owns more than 50% of the stock of the issuing corporation.

SECTION 227e. 71.02 (4) of the statutes is created to read:

71.02 (4) ADDITIONAL DEFINITION. Notwithstanding subs. (1) (c) and (2) (d), for natural persons, fiduciaries, trusts and estates, at the taxpayer's option, "internal revenue code" for taxable years beginning after December 31, 1987, includes any revisions to section 67 (c) of the internal revenue code adopted after January 1, 1988, that relate to the indirect expenses of regulated investment companies.

SECTION 227m. 71.04 of the statutes is created to read:

71.04 Previously exempt corporations; basis and depreciation. The Wisconsin adjusted basis of the property of any corporation that has, in any taxable year before it ceases to be exempt from tax under this chapter, taken depreciation or amortization of depreciable property for federal income tax purposes shall be the adjusted basis of that property as computed for federal income tax purposes as of the beginning of the taxable year in which the corporation ceases to be exempt. The corporation may continue, after it ceases

to be exempt, to depreciate that property under the method used previously for federal income tax purposes.

SECTION 228. 71.042 (7) of the statutes is created to read:

71.042 (7) A corporation that elects under sub. (4) (a) not to be a tax-option corporation and a corporation that elects to become a tax-option corporation shall adjust its income, under rules promulgated by the department of revenue, for the taxable year for which that election is first effective to avoid the omission or double inclusion of any item of income, loss or deduction.

SECTION 229. 71.05 (1) (a) 31 of the statutes, as created by 1987 Wisconsin Act 92, is amended to read:

71.05 (1) (a) 31. Any amount received as a proportionate share of the earnings and profits of a corporation that is an S corporation for federal income tax purposes if those earnings and profits accumulated during a year for which the shareholders have elected under s. 71.042 (4) not to be a tax-option corporation, to the extent not included in federal adjusted gross income for the current year.

SECTION 231. 71.05 (1) (b) 1 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

71.05 (1) (b) 1. The amount of any interest or dividend income which is by federal law exempt from taxation by this state less the related expense in regard to both the distributable and nondistributable interest and dividend income on a fiduciary return.

SECTION 232. 71.05 (1) (b) 14 of the statutes is created to read:

71.05 (1) (b) 14. Farm losses added to income under par. (a) 26 in any of the 15 preceding years, to the extent that they are not offset against farm income of any year between the loss year and the taxable year for which the modification under this subdivision is claimed and to the extent that they do not exceed the net profits or net gains from the sale or exchange of capital or business assets in the current taxable year from the same farming business or portion of that business to which the limits on deductible farm losses under par. (a) 26 applied in the loss year.

SECTION 233. 71.05 (1) (b) 16 of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

71.05 (1) (b) 16. On assets held more than one year and on all assets acquired from a decedent, 60% of the capital gain as computed under the internal revenue code, not including capital gains for which the federal tax treatment is determined under section 406 of P.L. 99-514 and not including amounts treated as ordinary income for federal income tax purposes because of the recapture of depreciation or any other reason. For purposes of this subdivision, the capital gains and capital losses for all assets shall be netted before application of the percentage.

SECTION 235. 71.05 (2m) of the statutes is created to read:

71.05 (2m) TAX-OPTION CORPORATIONS; DEPRECIATION. A tax-option corporation may compute amortization and depreciation under either the federal internal revenue code as amended to December 31, 1986, as it applies to taxable year 1987, or the federal internal revenue code in effect for the taxable year for which the return is filed, except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980. Any difference between the adjusted basis for federal income tax purposes and the adjusted basis under this chapter shall be taken into account in determining net income or loss in the year or years for which the gain or loss is reportable under this chapter. If that property was placed in service by the taxpayer during taxable year 1986 and thereafter but before the property is used in the production of income subject to taxation under this chapter, the property's adjusted basis and the depreciation or other deduction schedule are not required to be changed from the amount allowable on the owner's federal income tax returns for any year because the property is used in the production of income subject to taxation under this chapter. If that property was acquired in a transaction in taxable year 1986 or thereafter in which the adjusted basis of the property in the hands of the transferee is the same as the adjusted basis of the property in the hands of the transferor, the Wisconsin adjusted basis of that property on the date of transfer is the adjusted basis allowable under the internal revenue code as defined for Wisconsin purposes for the property in the hands of the transferor.

SECTION 235m. 71.07 (1) of the statutes, as affected by 1987 Wisconsin Acts 27 and 119, is amended to read:

71.07 (1) All income or loss of resident individuals and resident estates and trusts shall follow the residence of the individual, estate or trust. Income or loss of nonresident individuals and nonresident estates and trusts from business, not requiring apportionment under sub. (2), (3) or (5), shall follow the situs of the business from which derived. All items of income, loss and deductions of nonresident individuals and nonresident estates and trusts derived from a tax-option corporation not requiring apportionment under sub. (2m) shall follow the situs of the business of the corporation from which derived. Income or loss of nonresident individuals and nonresident estates and trusts derived from rentals and royalties from real estate or tangible personal property, or from the operation of any farm, mine or quarry, or from the sale of

real property or tangible personal property shall follow the situs of the property from which derived. Income from personal services of nonresident individuals, including income from professions, shall follow the situs of the services. Income of nonresident individuals, estates and trusts from the state lottery under ch. 565 is taxable by this state. All other income or loss of nonresident individuals and nonresident estates and trusts, including income or loss derived from land contracts, mortgages, stocks, bonds and securities or from the sale of similar intangible personal property, shall follow the residence of such persons, except as provided in subs. (2m) and (7).

SECTION 236. 71.07 (1g) (b) 1 of the statutes, as created by 1987 Wisconsin Act 27, is renumbered 71.07 (1g) (b) and amended to read:

71.07 (1g) (b) *Part-year residents, nonresidents.*
General All partners who are residents of this state for less than a full taxable year or who are nonresidents shall compute taxes for that year on their share of partnership income or loss under this chapter for the part of the taxable year during which they are nonresidents by recognizing their proportionate share of all items of income, loss or deduction attributable to a business in, services performed in, or rental of property in, this state.

SECTION 237. 71.07 (1g) (b) 2 of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

SECTION 238. 71.07 (1m) (b) 14 of the statutes is amended to read:

71.07 (1m) (b) 14. A ~~general~~ partner's share of income or loss from a partnership.

SECTION 239. 71.07 (1m) (b) 15 of the statutes is repealed.

SECTION 239m. 71.07 (2) (intro.) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

71.07 (2) (intro.) Corporations, nonresident individuals and nonresident estates and trusts engaged in business within and without the state shall be taxed only on such income as is derived from business transacted and property located within the state. The amount of such income attributable to Wisconsin may be determined by an allocation and separate accounting thereof, when the business of such corporation, nonresident individual or nonresident estate or trust within the state is not an integral part of a unitary business, but the department of revenue may permit an allocation and separate accounting in any case in which it is satisfied that the use of such method will properly reflect the income taxable by this state. In all cases in which allocation and separate accounting is not permissible, the determination shall be made in the following manner: for all businesses except financial organizations and, public utilities and corporations or associations that are subject to a tax on unrelated business income under s. 71.01 (3) (a) and trusts that are subject to a tax on unrelated business

income there shall first be deducted from the total net income of the taxpayer the part thereof (less related expenses, if any) that follows the situs of the property or the residence of the recipient. The remaining net income shall be apportioned to Wisconsin by use of an apportionment fraction composed of a sales factor representing 50% of the fraction, a property factor representing 25% of the fraction and a payroll factor representing 25% of the fraction.

SECTION 240. 71.07 (2) (cm) 8 of the statutes is amended to read:

71.07 (2) (cm) 8. A ~~general~~ partner's share of the partnership's gross receipts.

SECTION 241. 71.07 (2) (cr) 7 of the statutes is amended to read:

71.07 (2) (cr) 7. ~~Gain~~ Gross receipts and gain or loss from the sale of intangible assets, except those under par. (cm) 1.

SECTION 242. 71.07 (2) (cr) 15 of the statutes is repealed.

SECTION 242m. 71.07 (2) (f) of the statutes is created to read:

71.07 (2) (f) The unrelated business taxable income of organizations that are subject to tax on that income under s. 71.01 (3) (a) and of trusts shall be apportioned under the department of revenue's rules.

~~SECTION 243g. 71.09 (6p) (b) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

~~71.09 (6p) (b) An exemption of \$50 for each person for whom the taxpayer is entitled to an exemption for the taxable year under section 151 (c) of the federal internal revenue code except that if the person receives maintenance under s. 49.90 (1) (a) 2 the \$50 exemption shall be claimed by the taxpayers who provide maintenance to that person in proportion to the support they provide.~~

~~SECTION 243r. 71.09 (6p) (b) of the statutes, as affected by 1987 Wisconsin Acts 27 and ... (this act), is repealed and recreated to read:~~

~~71.09 (6p) (b) An exemption of \$50 for each person for whom the taxpayer is entitled to an exemption for the taxable year under section 151 (c) of the federal internal revenue code.~~

SECTION 245. 71.09 (7) (a) 2 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

71.09 (7) (a) 2. "Gross rent" means rental paid at arm's length, solely for the right of occupancy of a homestead, ~~exclusive of.~~ "Gross rent" does not include, whether expressly set out in the rental agreement or not, charges for any medical services; other personal services such as laundry, transportation, counseling, grooming, recreational and therapeutic services; shared living expenses, including but not limited to food, supplies and utilities unless utility payments are included in the gross rent paid to the

Vetoed
in Part

landlord; and food furnished by the landlord as a part of the rental agreement, whether expressly set out in the rental agreement or not. "Gross rent" includes the rental paid to a landlord for parking of a mobile home, exclusive of any charges for food furnished by the landlord as a part of the rental agreement, plus parking fees paid under s. 66.058 (3) (c) for a rented mobile home. If a homestead is an integral part of a multipurpose or multidwelling building, "gross rent" is the percentage of the gross rent on that part of the multipurpose or multidwelling building occupied by the household as a principal residence plus the same percentage of the gross rent on the land surrounding it, not exceeding one acre, that is reasonably necessary for use of the multipurpose or multidwelling building as a principal residence, except as the limitations under par. (h) apply. If the homestead is part of a farm, "gross rent" is the rent on up to 120 acres of the land contiguous to the claimant's principal residence plus the rent on all improvements to real property on that land, except as the limitations under par. (h) apply. If a claimant and persons who are not members of the claimant's household reside in a homestead, the claimant's "gross rent" is the gross rent paid by the claimant to the landlord for the homestead divided by the number of adults residing in the homestead and not related to the claimant as husband or wife.

Vetoed in Part

~~SECTION 245b. 71.09 (7) (a) 7 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

~~71.09 (7) (a) 7. "Property taxes accrued" means real or personal property taxes or monthly parking permit fees under s. 66.058 (3) (c), exclusive of special assessments, delinquent interest and charges for service, levied on a homestead owned by the claimant or a member of the claimant's household. "Real or personal property taxes" means those levied under ch. 70, less the tax credit, if any, afforded in respect of such property by s. 79.10. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common or is owned as marital property or survivorship marital property and one or more such persons, entities or owners is not a member of the claimant's household, property taxes accrued is that part of property taxes accrued levied on such homestead (reduced by the tax credit under s. 79.10) that reflects the ownership percentage of the claimant and the claimant's household. A marital property agreement or unilateral statement under ch. 766 has no effect in computing property taxes accrued for a person whose homestead is not the same as the homestead of that person's spouse. For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to the local treasurer with the warrant for collection. If a homestead is sold or purchased during the calendar year of the levy, the property taxes accrued for the seller and the buyer are the amount of the tax levy prorated to each in proportion to the periods of time each both owned and occupied the homestead~~

~~during the year to which the claim relates. The seller may use the closing agreement pertaining to the sale of the homestead, the property tax bill for the year before the year to which the claim relates or the property tax bill for the year to which the claim relates as the basis for computing property taxes accrued, but those taxes are allowable only for the portion of the year during which the seller owned and occupied the sold homestead. If a household owns and occupies 2 or more homesteads in the same calendar year, property taxes accrued is the sum of the prorated property taxes accrued attributable to the household for each of such homesteads. If the household owns and occupies the homestead for part of the calendar year and rents a homestead for part of the calendar year, it may include both the proration of taxes on the homestead owned and rent constituting property taxes accrued with respect to the months the homestead is rented in computing the amount of the claim under pars. (gr) to (grn) and (gro). If a homestead is an integral part of a multipurpose or multidwelling building, property taxes accrued are the percentage of the property taxes accrued on that part of the multipurpose or multidwelling building occupied by the household as a principal residence plus that same percentage of the property taxes accrued on the land surrounding it, not exceeding one acre, that is reasonably necessary for use of the multipurpose or multidwelling building as a principal residence, except as the limitations of par. (h) apply. If the homestead is part of a farm, property taxes accrued are the property taxes accrued on up to 120 acres of the land contiguous to the claimant's principal residence and include the property taxes accrued on all improvements to real property located on such land, except as the limitations of par. (h) apply.~~

Vetoed in Part

~~SECTION 245c. 71.09 (7) (grn) (intro.) of the statutes is amended to read:~~

~~71.09 (7) (grn) (intro.) The amount of any claim filed in 1987 and thereafter or 1988 and based on property taxes accrued or rent constituting property taxes accrued during the previous year is limited as follows:~~

~~SECTION 245d. 71.09 (7) (gro) of the statutes is created to read:~~

~~71.09 (7) (gro) The amount of any claim filed in 1989 and thereafter and based on property taxes accrued or rent constituting property taxes accrued during the previous year is limited as follows:~~

- ~~1. If the household income was \$9,000 or less in the year to which the claim relates, the claim is limited to 80% of the property taxes accrued or rent constituting property taxes accrued or both in that year on the claimant's homestead.~~
- ~~2. If the household income was more than \$9,000 in the year to which the claim relates, the claim is limited to 80% of the amount by which the property taxes accrued or rent constituting property taxes accrued or~~

Vetoed in Part

~~both in that year on the claimant's homestead exceeds 12.381% of the household income exceeding \$9,000.~~

~~3. No credit may be allowed if the household income of a claimant exceeds \$19,500.~~

~~SECTION 245e. 71.09 (7) (h) 5 of the statutes is amended to read:~~

~~71.09 (7) (h) 5. In calendar year 1984 or any subsequent calendar year years 1984 to 1987, \$1,200.~~

~~SECTION 245f. 71.09 (7) (h) 6 of the statutes is created to read:~~

~~71.09 (7) (h) 6. In calendar year 1988 and thereafter, \$1,300.~~

SECTION 245m. 71.09 (11) (a) 1. c of the statutes is amended to read:

71.09 (11) (a) 1. c. For partnerships except publicly traded partnerships treated as corporations under s. 71.02 (1) (af), "claimant" means each individual partner.

SECTION 245p. 71.09 (11) (a) 3 of the statutes is amended to read:

71.09 (11) (a) 3. "Farmland" means 35 or more acres of real property in this state owned by the claimant or any member of the claimant's household during the income year for which a credit under this subsection is claimed if the farmland, during that year, produced not less than \$6,000 in gross farm profits resulting from the farmland's agricultural use, as defined in s. 91.01 (1), or if the farmland, during that year and the 2 years immediately preceding that year, produced not less than \$18,000 in such profits, or if at least 35 acres of the farmland, during all or part of that year, was enrolled in the conservation reserve program under 16 USC 3831 to 3836.

SECTION 245r. 71.09 (11) (a) 3m of the statutes is amended to read:

71.09 (11) (a) 3m. "Gross farm profits" means gross receipts, excluding rent, from agricultural use, as defined in s. 91.01 (1) including the fair market value at the time of disposition of payments in kind for placing land in federal programs or payments from the federal dairy termination program under 7 USC 1446 (d), less the cost or other basis of livestock or other items purchased for resale which are sold or otherwise disposed of during the income year.

SECTION 245rs. 71.09 (11) (a) 5 of the statutes is amended to read:

71.09 (11) (a) 5. "Household income" means all of the income of the claimant, and the claimant's spouse and the farm income, including wages, earned on the farm to which the credit applies of all minor dependents attributable to the income year while members of the household.

Vetoed in Part

~~SECTION 245rs. 71.09 (11) (a) 6, a of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

~~71.09 (11) (a) 6, a. For an individual means income as defined under sub. (7) (a) 6, plus nonfarm business~~

Vetoed in Part

~~losses, plus amounts under s. 46.27, less net operating loss carry-forwards, less first year depreciation allowances under section 179 of the internal revenue code and less the first \$25,000 \$30,000 of depreciation expenses in respect to the farm claimed by all of the individuals in a household.~~

~~SECTION 245ry. 71.09 (11) (a) 6, b of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

~~71.09 (11) (a) 6, b. For a corporate claimant, except a tax-option corporation, means the same as for an individual claimant except that net income plus any farm business loss carry-forward allowed under s. 71.06 shall be included instead of income under sub. (7) (a) 6 and "income" of a corporate claimant shall include all household income of each of its corporate shareholders of record at the end of its income year, plus nonfarm business losses and depreciation expenses of the corporate claimant, except the first \$25,000 \$30,000 of depreciation expenses in respect to the farm.~~

SECTION 246. 71.09 (11) (a) 7 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

71.09 (11) (a) 7. "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on the farmland and improvements owned by the claimant or any member of the claimant's household in any calendar year under ch. 70, less the tax credit, if any, afforded in respect of the property by s. 79.10. "Property taxes accrued" shall not exceed \$6,000 for taxable years before 1988 and \$8,000 for taxable year 1988 and thereafter. If farmland is owned by a tax-option corporation or by 2 or more persons or entities as joint tenants, tenants in common or partners or is marital property or survivorship marital property and one or more such persons, entities or owners is not a member of the claimant's household, "property taxes accrued" is that part of property taxes levied on the farmland (, reduced by the tax credit under s. 79.10), that reflects the ownership percentage of the claimant and the claimant's household. For purposes of this paragraph, property taxes are "levied" when the tax roll is delivered to the local treasurer with the warrant for collection. If farmland is sold during the calendar year of the levy the "property taxes accrued" for the seller and buyer shall be is the amount of the tax levy, reduced by the tax credit under s. 79.10, prorated to each the seller in the closing agreement pertaining to the sale of the farmland or, if not so provided for in the closing agreement, the tax levy shall be prorated between the seller and buyer in proportion to months of their respective ownership, except that if the seller does not reimburse the buyer for any part of those property taxes there are no "property taxes accrued" for the seller, and the "property taxes accrued" for the buyer is the property taxes levied on the farmland,

Vetoed in Part

reduced by the tax credit under s. 79.10, minus, if the seller reimburses the buyer for part of the property taxes, the amount prorated to the seller in the closing agreement. With the claim for credit under this subsection, the seller shall submit a copy of the closing agreement and the buyer shall submit a copy of the closing agreement and a copy of the property tax bill.

Vetoed in Part

SECTION 246g. 71.09 (11) (b) (intro.), 1 and 2 of the statutes are repealed and recreated to read:

71.09 (11) (b) (intro.) Except as provided in par. (bm), the amount of any claim filed in 1989 and thereafter and based upon property taxes accrued in the previous year shall be determined as follows:

1. The amount of excessive property taxes shall be computed by subtracting from property taxes accrued the amount of 5% of the 2nd \$5,000 of household income plus 7% of the 3rd \$5,000 of household income plus 9% of the 4th \$5,000 of household income plus 15% of the 5th \$5,000 of household income plus 26% of the 6th \$5,000 of household income plus 38% of the 7th \$5,000 of household income plus 40% of the household income in excess of \$35,000. The maximum excessive property tax which can be utilized is \$8,000.

2. The credit under this subsection shall be limited to 90% of the first \$3,000 of excessive property taxes plus 70% of the 2nd \$3,000 of excessive property taxes plus 50% of the next \$2,000 of excessive property taxes. The maximum credit may not exceed \$5,800 for any claimant. The credit for any claimant shall be the greater of either the credit as calculated under this subsection as it exists at the end of the year for which the claim is filed or the credit as calculated under this subsection as it existed on the date on which the farmland became subject to a current agreement under subch. II of ch. 91 if it was not extended or that subsection as it existed on the date the agreement was extended under s. 91.13 (10) if it was extended, using for such calculations household income and property taxes accrued of the year for which the claim is filed.

SECTION 250m. 71.09 (11) (bm) of the statutes is amended to read:

71.09 (11) (bm) If the farmland is subject to a certified ordinance under subch. V of ch. 91, or an agreement under subch. II of ch. 91, in effect at the close of the year for which the credit is claimed, the amount of the claim is 10% of the property taxes accrued or the amount determined under par. (b), whichever is greater.

SECTION 250r. 71.09 (11) (h) (intro.) of the statutes is amended to read:

71.09 (11) (h) (intro.) Every claimant under this subsection shall supply, at the request of the department, in support of the claim, a copy of the property tax bill relating to the farmland, certification by the claimant that all taxes owed by the claimant on the property for which the claim is made for the year before the year for which the claim is made have been paid and a copy of the farmland preservation agree-

ment or a certificate of the appropriate zoning authority. The farmland preservation agreement shall contain provisions specified under s. 91.13 (8) including either a provision requiring farming operations to be conducted in substantial accordance with a soil and water conservation plan prepared under s. 92.104 or a provision requiring farming operations to be conducted in compliance with reasonable soil and water conservation standards established under s. 92.105. The certificate of the zoning authority shall certify:

SECTION 251. 71.09 (12m) (title) of the statutes is created to read:

71.09 (12m) (title) COMMUNITY DEVELOPMENT FINANCE CREDIT.

SECTION 252. 71.09 (12m) (a) of the statutes is amended to read:

71.09 (12m) (a) Any corporation which contributes an amount to the community development finance authority under s. 233.03, 1985 stats., or to the housing and economic development authority under s. 234.03 (32) and, in the same year purchases common stock or partnership interests of the community development finance company issued under s. 233.05 (2), 1985 stats., or 234.95 (2) in an amount no greater than the contribution to the authority, may credit against taxes otherwise due an amount equal to 75% of the purchase price of the stock or partnership interests. The credit received under this paragraph may not exceed 75% of the contribution to the community development finance authority.

SECTION 252m. 71.09 (12q) of the statutes is created to read:

71.09 (12q) REHABILITATION OF NONDEPRECIABLE HISTORIC PROPERTY. (a) For taxable years 1989 and 1990, any person may credit against taxes otherwise due under this chapter an amount equal to 25% of the approved costs of preservation or rehabilitation of historic property, except that the credit may not exceed \$50,000 for any preservation or rehabilitation project.

(b) The department of revenue shall approve the credit under this subsection if all of the following conditions are met:

1. The costs are incurred and the claim is submitted by the owner of the historic property.

2. The historic property is nondepreciable.

3. The state historical society certifies that:

a. The property is listed on the national register of historic places in Wisconsin or the state register of historic places or is located in a historic district which is listed in the national register of historic places in Wisconsin or the state register of historic places and is certified by the state historic preservation officer as being of historic significance to the district.

b. The proposed preservation or rehabilitation complies with standards promulgated under s. 44.02 (24).

c. The property is subject to an easement, covenant or similar restriction running with the land which is

held by the state historical society or by an entity approved by the state historical society, which protects the historic features of the property and which, at the time the credit is received, will remain effective for a term of at least 20 years.

4. The preservation or rehabilitation work is completed within 2 years after the commencement date, except in the case of any preservation or rehabilitation which is initially planned for completion in phases, in which case the work shall be completed within 5 years after the commencement date.

5. The expenditures for preservation or rehabilitation of the historic property which are approved under subd. 3. b and are incurred within the time period in subd. 4 exceed the Wisconsin adjusted basis of the historic property on the date that preservation or rehabilitation is commenced or \$1,000, whichever is greater.

6. The costs are not incurred to acquire any building or interest in a building or to enlarge existing building.

7. The costs were not incurred before the state historical society approved the preservation or rehabilitation under subd. 3. b.

(c) The Wisconsin adjusted basis of the historic property shall be reduced by the amount of any credit awarded under this subsection.

(d) Applications for credit under this subsection shall be made on a form prescribed by the department of revenue and shall be attached to the claimant's tax return under this chapter.

(e) Any person may carry forward to the next 5 taxable years the credit under par. (a) not offset against taxes for the year the expense was incurred to the extent not offset by those taxes otherwise due in all intervening years between the year for which the credit was computed and the year for which the carry-forward is claimed.

(f) No person may claim a credit under this subsection and under sub. (12p) for the same expenses.

(g) The provisions of sub. (12r) (d), (f) and (j) to (L), as they apply to the credit under that subsection, apply to the credit under this subsection.

SECTION 254e. 71.09 (12r) (L) of the statutes is amended to read:

71.09 (12r) (L) *Nonclaimants.* The credit under this subsection may not be claimed by a partnership, except a publicly traded partnership treated as a corporation under s. 71.02 (1) (af) or tax-option corporation or by partners, including partners of a publicly traded partnership, or shareholders of a tax-option corporation.

Vetoed in Part SECTION 254f. 71.095 (1) of the statutes is amended to read:

71.095 (1) Every individual filing an income tax return who has a tax liability or is entitled to a tax refund may designate \$1 \$2 for the Wisconsin election campaign fund for the use of eligible candidates under s. 11.50. If the individuals filing a joint return have a

~~tax liability or are entitled to a tax refund, each individual may make a designation of \$1 \$2 under this subsection.~~ **Vetoed in Part**

SECTION 254g. 71.10 (1) (intro.) of the statutes is amended to read:

71.10 (1) (intro.) Every corporation, except corporations all of whose income is exempt from taxation and except as provided in sub. (1m), shall furnish to the department a true and accurate statement, on or before March 15 of each year (except that returns for fiscal years ending on some other date than December 31 shall be furnished on or before the 15th day of the 3rd month following the close of such fiscal year) in such manner and form and setting forth such facts as the department deems necessary to enforce this chapter. Such statement shall be subscribed by the president, vice president, treasurer, assistant treasurer, chief accounting officer or any other officer duly authorized so to act. In the case of a return made for a corporation by a fiduciary such fiduciary shall subscribe the return. The fact that an individual's name is subscribed on the return shall be prima facie evidence that such individual is authorized to subscribe the return on behalf of the corporation.

SECTION 254r. 71.10 (1m) of the statutes is created to read:

71.10 (1m) Every corporation subject to a tax on unrelated business income under s. 71.01 (3) (a), if that corporation is required to file for federal income tax purposes, shall furnish to the department of revenue a true and accurate statement on or before the date on or before which it is required to file for federal income tax purposes. The requirements about manner, form and subscription under sub. (1) apply to statements under this subsection.

SECTION 254t. 71.10 (2) (d) of the statutes is amended to read:

71.10 (2) (d) For purposes of this subsection, "gross income" means all income, from whatever source derived and in whatever form realized, whether in money, property or services, which is not exempt from Wisconsin income taxes. Gross income includes, but is not limited to, the following items: compensation for services, including salaries, wages and fees, commissions and similar items; gross income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; alimony and separate maintenance payments; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive shares of partnership gross income except distributive shares of the income of publicly traded partnerships treated as corporations under s. 71.02 (1) (af); income in respect of a decedent; and income from an interest in an estate or trust. Gross income from a business or farm consists of the total gross receipts without reduction for cost of goods sold, expenses or any other amounts. The gross rental amounts received from

rental properties are included in gross income without reduction for expenses or any other amounts. Gross income from the sale of securities, property or other assets consists of the gross selling price without reduction for the cost of the assets, expenses of sale or any other amounts. Gross income from an annuity, retirement plan or profit sharing plan consists of the gross amount received without reduction for the employee's contribution to the annuity or plan.

SECTION 254v. 71.10 (3) (a) and (b) of the statutes are amended to read:

71.10 (3) (a) Every partnership, except publicly traded partnerships treated as corporations under s. 71.02 (1) (af) shall furnish to the department a true and accurate statement, on or before April 15 of each year, except that returns for fiscal years ending on some other date than December 31, shall be furnished on or before the 15th day of the 4th month following the close of such fiscal year, in such manner and form and setting forth such facts as the department deems necessary to enforce this chapter. The statement shall be subscribed by one of the members of the partnership.

(b) The net income of the partnership, except publicly traded partnerships treated as corporations under s. 71.02 (1) (af) shall be computed in the same manner and on the same basis as provided for computation of the income of persons other than corporations.

SECTION 255. 71.10 (10) (d) of the statutes is amended to read:

71.10 (10) (d) Except as provided in ~~par. (e) pars. (e) and (em)~~, no refund shall be made and no credit shall be allowed for any year, the income of which was assessed as a result of a field audit, and which assessment has become final under s. 71.12 (1) and (3), 73.01 or 73.015, and no refund shall be made and no credit shall be allowed on any item of income or deduction, assessed as a result of an office audit, the assessment of which shall have become final under s. 71.12 (1) and (3), 73.01 or 73.015.

SECTION 256. 71.10 (10) (em) of the statutes is created to read:

71.10 (10) (em) In respect to overpayments attributable to a capital loss carry-back, a corporation may claim a refund within 4 years after the due date, including extensions, for filing the return for the taxable year of the capital loss that is carried back.

SECTION 259. 71.21 (1m) (am) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

71.21 (1m) (am) If no return is filed, or a return is filed the tax computed on which is less than 75% of the tax properly due and the addition to tax interest under this section is \$300 or more, "return" means a return that would show the tax properly due. If a return is timely filed and if either the tax computed on it is at least 75% of the tax properly due or the addition to tax interest under this section is less than \$300, "return" means that timely return. If a return is filed

late and if either the tax computed on it is at least 75% of the tax properly due or the addition to tax interest under this section is less than \$300, "return" means the first return filed after the due date or after the due date as extended.

SECTION 260. 71.21 (11) and (12) (intro.) and (c) of the statutes, as affected by 1987 Wisconsin Act 27, are amended to read:

71.21 (11) Except as provided in sub. (12), in the case of any underpayment of estimated tax by an individual, estate or trust, except as hereinafter provided, there shall be added to the aggregate tax for the taxable year ~~an amount determined~~ interest at the rate of 12% per year on the amount of the underpayment for the period of the underpayment. In this subsection, "the period of the underpayment" means the time period from the due date of the instalment until either the 15th day of the 4th month beginning after the end of the taxable year or the date of payment, whichever is earlier.

(12) (intro.) No addition to tax interest is required under sub. (11) if any of the following conditions apply:

(c) The secretary of revenue determines that because of casualty, disaster or other unusual circumstances it is not equitable to impose ~~an addition to tax interest~~.

SECTION 261. 71.22 (1) (a) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

71.22 (1) (a) If no return is filed, or a return is filed the tax computed on which is less than 75% of the tax properly due and the addition to tax interest under sub. (7) is \$300 or more, "return" means a return that would show the tax properly due. If a return is timely filed and if either the tax computed on it is at least 75% of the tax properly due or the addition to tax interest under sub. (7) is less than \$300, "return" means that timely return. If a return is filed late and if either the tax computed on it is at least 75% of the tax properly due or the addition to tax interest under sub. (7) is less than \$300, "return" means the first return filed after the due date or after the due date as extended.

SECTION 262. 71.22 (3m) of the statutes is created to read:

71.22 (3m) The department of revenue may refund estimated taxes after the completion of the taxable year to which the estimated taxes relate if the refund is at least 10% of the taxes estimated for that taxable year and is at least \$500.

SECTION 263. 71.22 (7) and (8) (intro.) of the statutes, as affected by 1987 Wisconsin Act 27, are amended to read:

71.22 (7) Except as provided in sub. (8), in the case of any underpayment of estimated tax under this section there shall be added to the aggregate tax for the taxable year ~~an amount determined~~ interest at the rate of 12% per year on the amount of the underpayment

for the period of the underpayment. In this subsection, "period of the underpayment" means the time period from the due date of the instalment until either the 15th day of the 3rd month beginning after the end of the taxable year or the date of payment, whichever is earlier. Any estimated taxes not paid by the 15th day of the 3rd month following the close of the taxable year, along with any ~~addition to the tax interest due~~, shall accrue delinquent interest under s. 71.13 (1) (a).

(8) (intro.) No ~~addition to tax interest~~ is required under sub. (7) for a corporation if any of the following conditions apply:

SECTION 264. 71.22 (8) (b) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

71.22 (8) (b) The preceding taxable year was 12 months ~~and~~, the corporation had no liability under s. 71.01 for that year ~~and the corporation has a Wisconsin net income of less than \$250,000 for the current taxable year.~~

SECTION 265. 71.23 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

71.23 Penalties not deductible. No penalty imposed by this chapter, including penalties imposed under s. 71.20 or 71.21 (19) (d), or by subch. III of ch. 77 ~~or amounts added to the tax under s. 71.21 or 71.22~~ may be deducted from gross income in arriving at net income taxable under this chapter.

~~SECTION 265g. 71.53 (2) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

~~71.53 (2) Subject to the limitations under this section, a claimant may claim as a credit against, but not to exceed the amount of taxes under s. 71.01 (1), ~~6.9%~~ 10% of the first \$2,000 of property taxes or rent constituting property taxes, or ~~6.9%~~ 10% of the first \$1,000 of property taxes or rent constituting property taxes of a married person filing separately.~~

SECTION 265m. 71.60 (4) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

71.60 (4) TAX BENEFIT RULE. The department of revenue shall promulgate rules to provide that the amount under sub. (1) (a) ~~3 1~~ may be reduced to prevent the inclusion of any amounts, except the federal standard deductions, itemized deductions and personal exemptions, that do not reflect a benefit in respect to the tax imposed under s. 71.01 (1).

SECTION 266m. 71.65 (1) (fr) of the statutes is created to read:

71.65 (1) (fr) Historic rehabilitation credit under s. 71.09 (12q).

SECTION 267. 71.65 (2) (f) of the statutes is amended to read:

71.65 (2) (f) Community development finance ~~authority~~ credit under s. 71.09 (12m).

SECTION 267m. 71.65 (2) (fh) of the statutes is created to read:

71.65 (2) (fh) Historic rehabilitation credit under s. 71.09 (12q).

SECTION 268g. 72.01 (17) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

72.01 (17) "Power of appointment" means any general power to appoint, as defined by section 2041 (relating to estate taxes) or 2514 (relating to gift taxes) of the internal revenue code, as amended to December 31, ~~1986, as it applies to taxable year 1987 and subsequent years 1987.~~ Amendments to the internal revenue code enacted after December 31, ~~1986~~ 1987, do not apply to this subsection with respect to taxable year ~~1987~~ 1988 and thereafter.

SECTION 268m. 72.12 (4) (c) 1 of the statutes, as affected by 1987 Wisconsin Act 27, section 1496m, is amended to read:

72.12 (4) (c) 1. Benefits paid to a beneficiary under an employe benefit plan are taxable under this subchapter except to the extent that the proportionate share resulting from the employer's contribution would be excludable from the gross estate of the decedent under section 2039 of the internal revenue code as amended to December 31, ~~1986, as it applies to taxable year 1987 and subsequent years 1987.~~ Amendments to the internal revenue code enacted after December 31, ~~1986~~ 1987, do not apply to this subdivision with respect to taxable year ~~1987~~ 1988 and thereafter. This subsection applies whether or not there is a requirement for filing a federal estate tax return.

SECTION 268r. 72.22 (4) (a) of the statutes, as affected by 1987 Wisconsin Act 27, section 1508m, is amended to read:

72.22 (4) (a) Whether or not there is a federal estate tax liability, in lieu of full payment, payment may be made according to an equal payment schedule over a period not to exceed 15 years from the decedent's date of death, if the estate would be authorized to pay federal estate taxes under section 6166 of the internal revenue code as amended to December 31, ~~1986, as it applies to taxable year 1987 and subsequent years 1987.~~ Amendments to the internal revenue code enacted after December 31, ~~1986~~ 1987, do not apply to this paragraph with respect to taxable year ~~1987~~ 1988 and thereafter. If an election is made under this subsection, the election shall apply only to the portion of the tax payable by a distributee which is determined by dividing the value of property received by a distributee which qualifies an estate for the election under the internal revenue code by the value of all property received by the distributee. A distributee electing to pay under this subsection may subsequently pay part or all of the remaining tax plus interest at the time any scheduled payment is due under this subsection. Interest on instalment payments under this subsection shall be computed under s. 72.23 at 12% per year.

SECTION 269. 73.01 (4) (a) of the statutes is amended to read:

Vetoed
in Part

73.01 (4) (a) Subject to the provisions for judicial review contained in s. 73.015, the commission shall be the final authority for the hearing and determination of all questions of law and fact arising under sub. (5) and ss. 70.11 (21), 70.38 (4) (a), 70.64, 70.995 (8), 71.12, 72.86 (4), 76.38 (12) (a), 76.39 (4) (c), 76.48 (6), 77.26 (3), 77.59 (6) (b), 78.22, 139.03 (4), 139.315 and 139.78. Whenever with respect to a pending appeal there is filed with the commission a stipulation signed by the department of revenue and the adverse party, under s. 73.03 (25), agreeing to an affirmance, modification or reversal of the department's position with respect to some or all of the issues raised in the appeal, the commission shall enter an order affirming or modifying in whole or in part, or canceling the assessment appealed from, or allowing in whole or in part or denying the petitioner's refund claim, as the case may be, pursuant to and in accordance with the stipulation filed. No responsibility shall devolve upon the commission, respecting the signing of an order of dismissal as to any pending appeal settled by the department without the approval of the commission.

SECTION 269m. 73.01 (4) (a) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

73.01 (4) (a) Subject to the provisions for judicial review contained in s. 73.015, the commission shall be the final authority for the hearing and determination of all questions of law and fact arising under sub. (5) and ss. 70.11 (21), 70.38 (4) (a), 70.64, 70.995 (8), 71.12, 72.86 (4), 1985 stats., 76.38 (12) (a), 76.39 (4) (c), 76.48 (6), 77.26 (3), 77.59 (6) (b), 78.22, 139.03 (4), 139.315 and 139.78. Whenever with respect to a pending appeal there is filed with the commission a stipulation signed by the department of revenue and the adverse party, under s. 73.03 (25), agreeing to an affirmance, modification or reversal of the department's position with respect to some or all of the issues raised in the appeal, the commission shall enter an order affirming or modifying in whole or in part, or canceling the assessment appealed from, or allowing in whole or in part or denying the petitioner's refund claim, as the case may be, pursuant to and in accordance with the stipulation filed. No responsibility shall devolve upon the commission, respecting the signing of an order of dismissal as to any pending appeal settled by the department without the approval of the commission.

SECTION 270. 73.01 (5) (a) of the statutes is amended to read:

73.01 (5) (a) Any person who is aggrieved by a determination of the state board of assessors under s. 70.995 (8) or by the department of revenue under s. 70.11 (21) or who has filed a petition for redetermination with the department of revenue and who is aggrieved by the redetermination of the department may, within 60 days of the determination of the state board of assessors or of the department or, in all other cases, within 60 days after the redetermination but not thereafter, file with the clerk of the commission a peti-

tion for review of the action of the department and the number of copies of the petition required by rule adopted by the commission. If a municipality appeals, its appeal shall set forth that the appeal has been authorized by an order or resolution of its governing body and the appeal shall be verified by a member of that governing body as pleadings in courts of record are verified. The clerk of the commission shall transmit one copy to the department of revenue and to each party. In the case of appeals from manufacturing property assessments, the person assessed shall be a party to a proceeding initiated by a municipality. At the time of filing the petition, the petitioner shall pay to the commission a \$5 filing fee, which the commission shall deposit in the general fund. Within 30 days after such transmission the department, except for petitions objecting to manufacturing property assessments, shall file with the clerk of the commission an original and the number of copies of an answer to the petition required by rule adopted by the commission and shall serve one copy on the petitioner or the petitioner's attorney or agent. Within 30 days after service of the answer, the petitioner may file and serve a reply in the same manner as the petition is filed. Any person entitled to be heard by the commission under s. 76.38 (12) (a), 76.39 (4) (c) or 76.48 may file a petition with the commission within the time and in the manner provided for the filing of petitions in income tax cases. Such papers may be served as a circuit court summons is served or by certified mail. For the purposes of this subsection, a petition for review is considered timely filed if mailed by certified mail in a properly addressed envelope, with postage duly prepaid, which envelope is postmarked before midnight of the last day for filing.

SECTION 271. 73.015 (1) of the statutes is amended to read:

73.015 (1) This section shall provide the sole and exclusive remedy for review of any decision or order of the tax appeals commission and no person may contest, in any action or proceeding, any matter reviewable by the commission unless such person has first availed himself or herself of a hearing before the commission under s. 73.01 or has cross-appealed under s. 70.995 (8) (a).

~~SECTION 271g. 73.03 (20) of the statutes is amended to read:~~

~~73.03 (20) To investigate all delinquent personal property and income taxes and surtaxes in the several counties of the state and the possibility of the collection thereof of them, and to require taxing officials, including town treasurers, county treasurers, sheriffs and district attorneys of their respective counties, to institute proceedings, actions and prosecutions for the collection of such delinquent taxes to the end so that the amount of such delinquent taxes shall be reduced to the minimum. In carrying out the provisions of this subsection the department of revenue is empowered to may examine or cause to be examined by any agent,~~

**Vetoed
in Part**

**Vetoed
in Part**

~~employe or representative designated by it for that purpose, any books, papers, records or memoranda of any corporation, copartnership or individual, bearing upon the matter of the collection of any such delinquent taxes, and may require the attendance of the officials of any corporation, or of any other person having knowledge in the premises, and may take testimony and require proof material for their information upon any matter that they may deem of value for the purpose of enforcing the payment of such delinquent taxes. Said The department of revenue is further empowered to do and may also perform such other duties and adopt such other procedure as procedures that may be necessary to carry out the provisions of this subsection, and to direct that proceedings, actions and prosecutions be instituted to enforce the laws relating to the collection of such delinquent taxes of every kind and nature, to. To this end, the department of justice shall, upon the request of the department of revenue, conduct such actions, proceedings, or prosecutions, or assist the local town, city, village or county officials therein or assist the district attorneys.~~

~~SECTION 271gg. 73.03 (20) of the statutes, as affected by 1987 Wisconsin Acts 27 and ... (this act), is repealed and recreated to read:~~

~~73.03 (20) To investigate all delinquent personal property, death and income taxes and surtaxes in the state and the possibility of the collection of them and to require taxing officials, including town treasurers, county treasurers, sheriffs and district attorneys, to institute proceedings, actions and prosecutions for the collection of delinquent taxes so that the amount of delinquent taxes shall be reduced to the minimum. In carrying out this subsection, the department of revenue may examine or cause to be examined by any agent, employe or representative designated by it for that purpose, any books, papers, records or memoranda of any corporation, copartnership or individual bearing upon the collection of any delinquent taxes and may require the attendance of the officials of any corporation or of any other person having knowledge in the premises and may take testimony and require proof material for their information upon any matter that they deem of value for the purpose of enforcing the payment of delinquent taxes. The department of revenue may also perform other duties and adopt other procedures that may be necessary to carry out this subsection, and direct that proceedings, actions and prosecutions be instituted to enforce the laws relating to the collection of delinquent taxes of every kind. To this end, the department of justice shall, upon the request of the department of revenue, conduct such actions, proceedings or prosecutions or assist the local town, city, village or county officials therein or assist the district attorneys.~~

~~SECTION 272m. 73.03 (38) of the statutes is created to read:~~

~~73.03 (38) To require each operator of a swap meet, flea market, craft fair or similar event, as defined by~~

rule, to report to the department the name, address, social security number and, if available, the seller's permit number of each vendor selling merchandise at the swap meet, flea market, craft fair or similar event that he or she operates.

SECTION 273. 73.035 of the statutes is created to read:

73.035 Private letter rulings. (1) In this section, "department" means the department of revenue.

(2) Upon receipt of a request, in the form prescribed by the department, from a person who requests a ruling about facts relating to a tax that the department administers, the department may issue a private letter ruling. Rulings under this section:

(a) May be published if the department decides to do so.

(b) May be edited by the requester as to types of information specified by the department, if that editing is submitted to the department before the deadline that the department establishes and if the department approves the editing.

(c) Do not bind the requester.

(d) May not be appealed.

(e) Do not preclude application for a declaratory ruling under s. 227.41.

(3) Any person who receives a ruling under this section shall attach a copy of it to all of that person's tax returns to which it is relevant.

(4) Rulings under this section and all information related to them are subject to the confidentiality provisions for the tax relevant to the request, except that if a ruling has been edited under sub. (2) (b), or the deadline for editing set by the department has expired, and if the ruling has been published by the department, the published rulings are not subject to those confidentiality provisions.

(5) The department's decision not to issue, or not to publish, a ruling under this section may not be appealed.

SECTION 274. 73.06 (5) of the statutes is amended to read:

73.06 (5) The department of revenue through its supervisor of equalization shall make a report to the county board of each county showing in detail the work of local assessors in their several districts, the failure, if any, of such assessors to comply with the law, the relative assessed and full value of property in each taxation district, and all such information and statistics as that may be obtained which will be of assistance to the county board in determining the relative value of all taxable property in each taxation district in the county. Such report shall be filed with the county clerk at least 15 days before the annual meeting of the county board. The county clerk shall cause to be printed not less than 200 copies of such report, one of which shall be delivered immediately by the county clerk to each member of the county board and a sufficient number of copies not to exceed 5 to each

~~municipality requesting the same by resolution of the governing body for the use of the officials of the municipality. Not less than 6 copies of such printed report, together with all statistics accompanying the same, shall be filed with the department of revenue.~~

SECTION 276id. 73.08 (1) of the statutes is repealed.

SECTION 276ig. 73.08 (2) of the statutes is amended to read:

73.08 (2) All costs of the department of revenue in connection with the review of assessment practices under this section s. 73.08 (1), 1985 stats., shall be borne by the taxation district. These receipts shall be credited to the appropriation under s. 20.566 (2) (h). Past due accounts shall be certified on or before the 4th Monday of August of each year and included in the next apportionment of state special charges to local units of government.

SECTION 276ij. 73.08 (2) of the statutes, as affected by 1987 Wisconsin Act ... (this act), is repealed.

SECTION 276m. 73.08 (3) of the statutes is created to read:

73.08 (3) From the amounts provided under s. 20.566 (2) (c), beginning in 1993, the department of revenue shall implement an educational program for local assessment staff members in taxation districts that do not meet the requirements of s. 70.05 (5) (f).

SECTION 279. 73.10 (2) (b) of the statutes is amended to read:

73.10 (2) (b) The department may require by rule that the information it needs under par. (a) be submitted as annual financial statements, notes to the financial statements and supporting schedules, that the statements, notes and schedules conform to generally accepted accounting principles promulgated by the ~~national council on governmental accounting governmental accounting standards board or its successor bodies~~ and that the statements, notes and schedules be audited in accordance with generally accepted auditing standards. Notwithstanding s. 227.01 (13) (j), a rule under this paragraph is subject to the requirements of ch. 227.

SECTION 280. 74.135 (3) of the statutes is amended to read:

74.135 (3) When the property is exempt by law, except under s. 70.11 (27), from taxation.

SECTION 281. 76.07 (3) of the statutes is amended to read:

76.07 (3) (title) ASSESSMENT. For the purpose of determining the full market value of the property of each company, appearing on the assessment roll, the department may, ~~if deemed necessary~~, view and inspect the property of such company and shall consider the reports filed in compliance with s. 76.04 and the reports and returns of the company filed in the office of any officer of this state, and ~~such other evidence or information as may have been taken or obtained~~ bearing upon the full market value of the

property of the company assessed. In case of companies which own or operate lines or roads use property lying partly within and partly without the state, the said department shall only value and assess only the property within this state. ~~In determining the value of the portion within the state the department may take into consideration the value of the entire system, the mileage of the whole system and of the part within this state, together with such other information, facts and circumstances as will enable it to make a substantially just and correct determination, using the methods under sub. (4g).~~ When the full market value of the property of a company within this state ~~shall have~~ has been ascertained and determined, the amount thereof shall be entered upon the assessment roll opposite the name of the company and shall be, ~~and constitute~~, the assessment of the entire property of such company within this state for the levy of taxes thereon, subject to review and correction, ~~as hereinafter provided~~. The department shall thereupon give notice by registered mail to each company assessed of the amount of its assessment as entered upon such roll.

Vetoed in Part

SECTION 282. 76.07 (4g) of the statutes is created to read:

76.07 (4g) DETERMINING THE PROPERTY IN THIS STATE. The department shall determine the property in this state of railroad companies, air carrier companies and pipeline companies in the following manner:

(a) *Railroad companies.* For railroad companies:

1. Determine the ton miles of revenue freight handled in this state.
2. Divide the amount under subd. 1 by the ton miles of revenue freight handled everywhere.
3. Divide the fraction under subd. 2 by 3.
4. Determine the number of cars originated, terminated, received at connections, delivered at connections or otherwise handled in this state.
5. Divide the amount under subd. 4 by the number of cars originated, terminated, received at connections, delivered at connections or otherwise handled everywhere.
6. Divide the fraction under subd. 5 by 6.
7. Determine the tons of revenue freight on line, both originated and terminated, and at connections, both received and delivered, in this state.
8. Divide the amount under subd. 7 by the tons of revenue freight on line, both originated and terminated, and at connections, both received and delivered, everywhere.
9. Divide the fraction under subd. 8 by 6.
10. Determine the depreciated cost of road property in this state.
11. Determine the depreciated cost of migratory road property.
12. Multiply the amount under subd. 11 by a fraction the numerator of which is the unit miles in this state and the denominator of which is the unit miles everywhere.

13. Divide the sum of the amounts under subds. 10 and 12 by the depreciated cost of road property everywhere.

14. Divide the fraction under subd. 13 by 3.

15. Add the fractions under subds. 3, 6, 9 and 14.

16. Multiply the fraction under subd. 15 by the full market value of the company's property everywhere.

(b) *Air carrier companies.* For air carrier companies:

1. Determine the depreciated original cost of the real and tangible personal property owned or rented by the company in this state and used in the operation of the company's business.

2. Determine the depreciated original cost of the company's migratory tangible personal property used in the operation of the company's business.

3. Multiply the amount under subd. 2 by a fraction the numerator of which is the total of flight and ground hours in this state and the denominator of which is the flight and ground hours everywhere.

4. Add the amounts under subds. 1 and 3.

5. Divide the amount under subd. 4 by the depreciated original cost of the real and tangible personal property owned or rented by the company everywhere and used in the operation of the company's business.

6. Divide the fraction under subd. 5 by 2.

7. Determine transport revenue by adding revenue received for transporting passengers and property on flights either originating at, or connecting at, airports in this state.

8. Determine transport-related revenue by adding public service revenue allocated to this state on the basis of routes for which the company is authorized to receive subsidy payments, mutual aid allocated to this state on the basis of the ratio of transport revenues allocated to this state to transport revenues everywhere in the previous year, in-flight sales allocated to this state as they are allocated under s. 77.51 (14r) and all other transport-related revenues from sales made in this state.

9. Divide the sum of the amounts under subds. 7 and 8 by the transport and transport-related revenues everywhere.

10. Divide the fraction under subd. 9 by 4.

11. Determine the tons of revenue passengers and revenue cargo first received either as originating traffic or as connecting traffic in this state or finally discharged by the company in this state.

12. Determine the tons of revenue passengers and revenue cargo received or finally discharged at airports everywhere.

13. Divide the amount under subd. 11 by the amount under subd. 12.

14. Divide the fraction under subd. 13 by 4.

15. Add the fractions under subds. 6, 10 and 14.

16. Multiply the fraction under subd. 15 by the full market value of the company's property everywhere.

(c) *Natural gas pipelines.* For natural gas pipelines, except liquefied gas pipelines:

1. Determine the gross cost of gas plant in service in this state, except motor vehicles exempt from the property tax under s. 70.112 (5), and of all other property in this state included in the base for purposes of rate regulation by the federal energy regulatory commission.

2. Determine the gross cost of gas plant in service everywhere, except motor vehicles specified under s. 70.112 (5), and of all other property everywhere included in the base for purposes of rate regulation by the federal energy regulatory commission.

3. Divide the amount under subd. 1 by the amount under subd. 2.

4. Multiply the fraction under subd. 3 by the full market value of the company's property everywhere.

(d) *Other pipeline companies.* For pipeline companies except those under par. (c):

1. Determine the gross cost of line of pipe in this state.

2. Determine the gross cost of line of pipe everywhere.

3. Divide the amount under subd. 1 by the amount under subd. 2.

4. Multiply the fraction under subd. 3 by 3.

5. Divide the fraction under subd. 4 by 4.

6. Determine the barrel miles transported in this state.

7. Determine the barrel miles transported everywhere.

8. Divide the amount under subd. 6 by the amount under subd. 7.

9. Divide the fraction under subd. 8 by 5.

10. Determine the number of barrels received and delivered in this state.

11. Determine the number of barrels received and delivered everywhere.

12. Divide the amount under subd. 10 by the amount under subd. 11.

13. Divide the fraction under subd. 12 by 20.

14. Determine the gross cost of line of pipe everywhere.

15. Determine the gross cost of all property everywhere.

16. Divide the amount under subd. 14 by the amount under subd. 15.

17. Add the fractions under subds. 5, 9 and 13 and multiply that result by the fraction under subd. 16.

18. Determine the gross cost of property other than pipe in this state.

19. Determine the gross cost of all property everywhere.

20. Divide the amount under subd. 18 by the amount under subd. 19.

21. Add the fraction under subd. 17 to the fraction under subd. 20.

22. Multiply the fraction under subd. 21 by the full market value of the company's property everywhere.

SECTION 286. 76.12 of the statutes is repealed.

SECTION 287. 76.125 (1) of the statutes is amended to read:

76.125 (1) Using the statement of assessments under s. 70.53 and the statement of taxes under s. 69.61, the department shall determine the net rate of taxation of commercial property under s. 70.32 (2) (a) 2 and (b) 2, of manufacturing property under s. 70.32 (2) (a) 3 and (b) 3 and of personal property under s. 70.30 as provided in subs. (2) to (6). The department shall enter that rate on the records of the department.

SECTION 288. 76.126 of the statutes is created to read:

76.126 Average net rate of taxation. The department shall compute the average net rate of taxation by subtracting the aggregate state property tax credits paid under s. 79.10 from the aggregate tax determined under s. 76.11 and dividing that result by the state assessment of the general property of the state upon which those taxes were levied. The department shall enter that rate upon the department's records.

SECTION 289. 76.13 (1) of the statutes is amended to read:

76.13 (1) The department shall compute and levy a tax upon the property of each company defined in s. 76.02, as assessed in the manner specified in ss. 76.07 and 76.08, at the average net rate of taxation determined under s. ~~76.125 for companies under s. 76.02 (2) and (5a) and under s. 76.12 for all other companies under s. 76.02 in 1985 to 1987 and under s. 76.125 in 1988 and thereafter, and the 76.126.~~ The amount of tax to be paid by each such company shall be extended upon a tax roll opposite the description of the property of the respective companies. The tax rolls for all companies required to be assessed on or before August 1 in each year under s. 76.07 (1) shall be completed on or before August 10, and for all companies required to be assessed on or before September 15 in each year under s. 76.07 (1) shall be completed on or before October 1; and the department shall thereupon attach to each such roll a certificate signed by the secretary of revenue, which shall be as follows:

"I do hereby certify that the foregoing tax roll includes the property of all railroad companies, sleeping car companies, air carrier companies, conservation and regulation companies, or pipeline companies, as the case may be, defined in s. 76.02, liable to taxation in this state; that the valuation of the property of each company as set down in said tax roll is the full market value thereof as assessed by the department of revenue, except as changed by court judgment, and that the taxes thereon charged in said tax roll have been assessed and levied at the average net rate of taxation in this state, as required by law".

SECTION 289r. 76.38 (1) (b) of the statutes, as affected by 1987 Wisconsin Act 27, section 1564cm, is amended to read:

76.38 (1) (b) "Gross revenues" includes all revenue derived from local and rural exchange service, all toll business gross revenue, and all other operating revenues from telecommunications business. It does not include excise taxes on telephone service or facilities nor uncollectible telecommunications revenues actually written off during the year. "Gross revenues" includes recoveries within the year of all telecommunications revenues written off in prior years as uncollectible. For a telephone company operating on any form of mutual basis, "gross revenues" includes all amounts assessed against the members for the operation and maintenance of the business. "Gross revenues" also includes access revenues and revenues from directory advertising. For qualifying telecommunications resellers, "gross revenues" does not include the allocable share of approved reselling services sold to the public. "Gross revenues" does not include any revenues collected from service users under s. 146.70 (3). For fees assessed on May 1, 1989, and thereafter, telecommunications companies may deduct 100% of access expenses that arise from services or facilities that permit origination or termination of telecommunications from a point or points in this state to a point or points in the same local access and transport area incurred during the previous year and 14.5% of the all other access expenses incurred during the previous year.

SECTION 289rm. 76.38 (1) (bd) of the statutes is created to read:

76.38 (1) (bd) "Local access and transport area" means a geographic area that encompasses one telephone exchange or 2 or more contiguous telephone exchanges that serve common social, economic and other purposes and that are established pursuant to the modification of final judgment in *United States v. Western Electric Company*, civil action no. 82-0192 in the U.S. district court for the District of Columbia and approved by that court as an exchange area within the meaning of section IV. G. of that modification of final judgment.

SECTION 290. 76.38 (12) (a) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

76.38 (12) (a) If after filing the reports specified in sub. (2) and after the department's computation and assessment of license fees under sub. (3) it is subsequently determined that the amount of gross revenues reported is in error, the department shall compute the additional license fee to be paid or the amount of the overpayment of license fee to be refunded, as the case may be. If an additional license fee is due, the department shall give notice to the telephone company against whom the license fee is to be levied. All such additional assessments and claims for refunds for excess license fees paid are subject to the same procedure for review and final determination as additional income tax assessments and claims for refunds under ch. 71 as far as the same may be applicable, except that

appeals of denials of claims for refunds shall be made directly to the tax appeals commission and except that the additional license fees shall become delinquent 60 days after notice provided in this subsection or, if review proceedings are held, 60 days following final determination of the review proceedings. All additional license fees shall bear interest at the rate of 12% per year from the time they should have been paid to the date on which the additional fees shall become delinquent if unpaid.

SECTION 291. 76.39 (4) (c) of the statutes is amended to read:

76.39 (4) (c) All additional assessments and claims for refund shall be subject to the same procedure for review and final determination as is provided with respect to additional assessments and refunds of income taxes in chs. 71 and 73, except that appeals of denials of claims for refunds shall be made directly to the tax appeals commission and except as the same may conflict with this section. Delinquent taxes shall be subject to interest at the rate of 1.5% per month until paid.

SECTION 292. 76.48 (6) of the statutes is amended to read:

76.48 (6) All additional assessments and claims for refund shall be subject to the same procedure for review and final determination as is provided with respect to additional assessments and refunds of income taxes under chs. 71 and 73, except that appeals of denials of claims for refunds shall be made directly to the tax appeals commission and except as such procedure conflicts with this section.

SECTION 293. 77.10 (2) (a) of the statutes is amended to read:

77.10 (2) (a) 1. Any owner of forest croplands may elect to withdraw all or any of such lands from under this subchapter, by filing with the department of natural resources a declaration withdrawing from this subchapter any description owned by such person which he or she specified, and by payment by such owner to the department of natural resources within 60 days the amount of tax due from the date of entry or the most recent date of renewal, whichever is later, as determined by the department of revenue under s. 77.04 (1) with simple interest thereon at 12% per year, less any severance tax and supplemental severance tax or acreage share paid thereon, with interest computed according to the rule of partial payments at the rate of 12% per year.

2. The ~~exact~~ amount of the tax shall be determined by the department of revenue ~~after hearing and upon due notice of all parties interested, but when and furnished to the department of natural resources, which shall determine the exact amount of payment.~~ When the tax rate or assessed value ratio of the current year has not been determined the rate of the preceding tax year may be used. On receiving such payment the department of natural resources shall issue an order of withdrawal and file copies thereof with the depart-

ment of revenue, the supervisor of equalization, the clerk of the town and the register of deeds of the county in which the land lies. The land shall then cease to be forest croplands.

~~SECTION 293m. 77.21 (1) of the statutes is amended to read:~~ **Vetoed in Part**

~~77.21 (1) "Conveyance" includes deeds and other instruments for the passage of ownership interests in real estate, including contracts and assignments of a vendor's interest therein, and time-share easements as defined in s. 707.02 (25), but excluding easements, wills or leases and other easements.~~

SECTION 294. 77.51 (9) (a) of the statutes is amended to read:

77.51 (9) (a) Isolated and sporadic sales of tangible personal property or taxable services where the infrequency, in relation to the other circumstances, including the sales price and the gross profit, support the inference that the seller is not pursuing a vocation, occupation or business or a partial vocation or occupation or part-time business as a vendor of personal property or taxable services. No sale of any tangible personal property or taxable service may be deemed an occasional sale if at the time of such sale the seller holds or is required to hold a seller's permit, except that this provision ~~shall~~ does not apply to an organization required to hold a seller's permit solely for the purpose of conducting bingo games and except as provided in par. (am).

SECTION 295. 77.51 (9) (am) of the statutes is created to read:

77.51 (9) (am) The sale of personal property, other than inventory held for sale, previously used by a seller to conduct its trade or business at a location after that person has ceased actively operating in the regular course of business as a seller of tangible personal property or taxable services at that location if the seller delivers its seller's permit to the department for cancellation within 10 days after the last sale at that location of that personal property other than inventory held for sale. This transaction is an occasional sale, even though the seller holds a seller's permit for one or more other locations.

SECTION 295b. 77.51 (9) (c) of the statutes is repealed.

SECTION 295br. 77.51 (13) (p) of the statutes is amended to read:

77.51 (13) (p) A telephone company which provides to an interexchange carrier services which permit the origination or termination of telephone messages between a customer in this state and one or more points in another ~~telephone exchange~~ local access and transport area, as defined in s. 76.38 (1) (bd).

SECTION 295cg. 77.51 (13g) (intro.) of the statutes is amended to read:

77.51 (13g) (intro.) ~~"Retailer~~ Except as provided in sub. (13h), "retailer engaged in business in this state",

unless otherwise limited by federal statute, for purposes of the use tax, means any of the following:

SECTION 295cj. 77.51 (13h) of the statutes is created to read:

77.51 (13h) "Retailer engaged in business in this state", notwithstanding sub. (13g), does not include a foreign corporation that is the publisher of printed materials the only activities of which in this state do not exceed the storage of its raw materials for any length of time in this state in or on property owned by a person other than the foreign corporation and the delivery of its raw materials to another person in this state if that storage and delivery are for printing by that other person, and the purchase from a printer of a printing service or of printed materials in this state for the publisher and the storage of the printed materials for any length of time in this state in or on property owned by a person other than the publisher. In this subsection, "printed materials" means books, newspapers, periodicals regularly issued at average intervals not exceeding 3 months, catalogues, newspaper inserts, magazine inserts and shoppers guides, as defined in s. 77.54 (15). In this subsection "raw materials" means tangible personal property which becomes an ingredient or component part of the printed materials or which is consumed or destroyed or loses its identity in the printing of the printed materials.

Vetoed
in Part

SECTION 295cm. 77.51 (14) (m) of the statutes is amended to read:

77.51 (14) (m) Transfers of services to an inter-exchange carrier which permit the origination or termination of telephone messages between a customer in this state and one or more points in another ~~telephone exchange~~ local access and transport area, as defined in s. 76.38 (1) (bd).

SECTION 295ct. 77.52 (2) (a) 2 of the statutes is amended to read:

77.52 (2) (a) 2. The sale of admissions to amusement, athletic, entertainment or recreational events or places, the sale, rental or use of regular bingo cards, extra regular cards, special bingo cards and the sale of bingo supplies to players and the furnishing, for dues, fees or other considerations, the privilege of access to clubs or the privilege of having access to or the use of amusement, entertainment, athletic or recreational devices or facilities, including, in connection with the sale or use of time-share property, as defined in s. 707.02 (32), the sale or furnishing of use of recreational facilities on a periodic basis or other recreational rights, including but not limited to membership rights, vacation services and club memberships.

SECTION 295p. 77.52 (7) of the statutes is amended to read:

77.52 (7) Every person desiring to operate as a seller within this state shall file with the department an application for a permit for each place of operations. Every application for a permit shall be made upon a form prescribed by the department and shall set forth

the name under which the applicant intends to operate, the location of his place of operations, and such other information as the department requires. The application shall be signed by the owner if a sole proprietor; in the case of sellers other than sole proprietors, the application shall be signed by the person authorized to act on behalf of such sellers. A non-profit organization that has gross receipts taxable under s. 77.54 (7m) shall obtain a seller's permit and pay taxes under this subchapter on all taxable gross receipts received after it is required to obtain that permit. If that organization becomes eligible later for the exemption under s. 77.54 (7m) except for its possession of a seller's permit, it may surrender that permit.

SECTION 295pm. 77.53 (17r) of the statutes is created to read:

77.53 (17r) This section does not apply to an aircraft if all of the following requirements are fulfilled:

- (a) It is purchased in another state.
- (b) Its owner or lessee has paid all of the sales and use taxes imposed in respect to it by the state where it was purchased.

(c) If the owner or lessee is a corporation, that corporation, and all corporations with which that corporation may file a consolidated return for federal income tax purposes, neither is organized under the laws of this state nor has real property or other tangible personal property; except aircraft and such property as hangars, accessories, attachments, fuel and parts required for operation of aircraft; in this state at the time the aircraft is registered in this state.

(d) If the owner or lessee is a partnership, all of the corporate partners fulfill the requirements under par. (c) and none of the general partners and none of the limited partners who has management or control responsibilities is domiciled in this state and the partnership has no other tangible personal property and no real property; except aircraft and such property as hangars, accessories, attachments, fuel and parts required for operation of aircraft; in this state at the time the aircraft is registered in this state.

(e) If the owner or lessee is an individual, the owner or lessee is not domiciled in this state.

(f) If the owner or lessee is an estate, trust or cooperative; that estate, that trust and its grantor or that cooperative does not have real property or other tangible personal property; except aircraft and such property as hangars, accessories, attachments, fuel and parts required for operation of aircraft; in this state at the time the aircraft is registered in this state.

(g) The department has not determined that the owner, if the owner is a corporation, trust or partnership, was formed to qualify for the exception under this subsection.

SECTION 295rh. 77.54 (7m) of the statutes is created to read:

77.54 (7m) Occasional sales of tangible personal property or services, including but not limited to admissions or tickets to an event; by a neighborhood

association, church, civic group, garden club, social club or similar nonprofit organization; not involving professional entertainment, conducted by the organization if the organization is not engaged in a trade or business and is not required to have a seller's permit. For purposes of this subsection, an organization is engaged in a trade or business if its sales of tangible personal property or services, not including sales of tickets to events, or if its events occur on more than 20 days during the year, unless its receipts do not exceed \$15,000 during the year.

SECTION 296. 77.54 (20) (b) 4 of the statutes is amended to read:

77.54 (20) (b) 4. Soda water beverages as defined in s. ~~97.34 (8)~~ 97.29 (1) (i), bases, concentrates and powders intended to be reconstituted by consumers to produce soft drinks, and fruit drinks and ades not defined as fruit juices in s. 97.02 (27), 1967 stats.

SECTION 297. 77.54 (26) of the statutes is amended to read:

77.54 (26) The gross receipts from the sales of and the storage, use, or other consumption of tangible personal property which becomes a component part of an industrial waste treatment facility that is exempt under s. 70.11 (21) (a) or that would be exempt under s. 70.11 (21) (a) if the property were taxable under ch. 70, or tangible personal property which becomes a component part of a waste treatment facility of this state or any agency thereof, or any political subdivision of the state or agency thereof as provided in s. 40.02 (28). The exemption includes replacement parts therefor, and also applies to chemicals and supplies used or consumed in operating a waste treatment facility and to purchases of tangible personal property made by construction contractors who transfer such property to their customers in fulfillment of a real property construction activity. This exemption does not apply to tangible personal property installed in fulfillment of a written construction contract entered into, or a formal written bid made, prior to July 31, 1975.

SECTION 297g. 77.54 (28) of the statutes is amended to read:

77.54 (28) The gross receipts from the sale of and the storage, use or other consumption to or by the ultimate consumer of apparatus or equipment for the injection of insulin or the treatment of diabetes and supplies used to determine blood sugar level.

SECTION 297mb. 77.54 (39) of the statutes is created to read:

77.54 (39) The gross receipts from the sale of and the storage, use or other consumption of off-highway, heavy mechanical equipment such as Feller bunchers, slashers, delimiters, chippers, hydraulic loaders, loaders, skidder-forwarders, skidders, timber wagons and tractors used exclusively and directly in the harvesting or processing of raw timber products in the field by a person in the logging business. In this subsection,

“heavy mechanical equipment” does not include hand tools such as axes, chains, chain saws and wedges.

SECTION 298. 77.60 (9) of the statutes is amended to read:

77.60 (9) Any officer or employe of any corporation subject to this subchapter or other person who has responsibility for making payment of the amount of tax ~~herein~~ imposed under this subchapter and who wilfully fails to make such payment to the department, shall be personally liable for such amounts, including interest and penalties thereon, ~~in the event that after proper proceedings for the collection of such amounts, as provided in this subchapter, such~~ if that corporation is unable to pay such amounts to the department, and the personal liability of such officer, employe or other responsible person as provided herein shall survive the dissolution of the corporation. Such personal liability may be assessed by the department against such officer, employe or other responsible person pursuant to this subchapter for the making of sales tax determinations against retailers and shall be subject to the provisions for review of sales tax determinations against retailers, but the time for making such determinations shall not be limited by s. 77.59 (3) or by any other statute.

SECTION 298g. 78.01 (2) (e) of the statutes is amended to read:

78.01 (2) (e) ~~Regular leaded gasoline~~ Motor fuel sold for nonhighway use in mobile machinery and equipment and delivered directly into the consumer's storage tank in an amount of not less than ~~200~~ 100 gallons if the supplier obtains from the consumer an annual exemption certificate prescribed by the department.

SECTION 298r. 78.12 (3m) of the statutes is amended to read:

78.12 (3m) EXEMPTION REPORTS. Any person who purchases ~~regular leaded gasoline~~ motor fuel tax-free under s. 78.01 (2) (e) shall file an annual report not later than April 15 of the year following the reporting period. That report shall be prescribed by the department and shall set forth the number of gallons purchased, the supplier, the use and any other information that the department reasonably requires for the administration and enforcement of this subchapter. The department may not renew the exemption certificate of any person who fails to file the report under this subsection.

SECTION 299. 78.13 (2) of the statutes is amended to read:

78.13 (2) FINAL REPORTS. Every wholesaler shall, upon the discontinuance, sale or transfer of the business or upon the cancellation or revocation of a license ~~except for a cancellation or revocation under s. 78.68,~~ make a report as required under s. 78.12 and pay all motor fuel taxes and penalties due the state. Such payment shall be to the public depository if one has

been designated pursuant to s. 78.84, but otherwise to the department.

SECTION 300. 78.50 (2) of the statutes is amended to read:

78.50 (2) FINAL REPORT. Every special fuel licensee shall, upon such cessation, sale or transfer of the business or upon the cancellation or revocation of a license, ~~except for a cancellation or revocation under s. 78.68,~~ make a report as required in s. 78.49 and pay all special fuel taxes and penalties due the state. Such payment shall be to the public depository if one has been designated pursuant to s. 78.84, but otherwise to the department.

SECTION 301. 78.59 (2) of the statutes is amended to read:

78.59 (2) FINAL REPORT. Every general aviation fuel licensee shall, upon such cessation, sale or transfer of the business or upon the cancellation or revocation of a license ~~except for a cancellation or revocation under s. 78.68,~~ make a report as required in s. 78.58 and pay all general aviation fuel taxes and penalties due the state. Such payment shall be to the public depository if one has been designated under s. 78.84, but otherwise to the department.

SECTION 302. 78.65 (2) of the statutes is repealed.

SECTION 303. 78.68 of the statutes is repealed and recreated to read:

78.68 Returns; failure to pay; refunds. (1) Unpaid taxes shall bear interest at the rate of 12% per year from the due date of the return until paid or deposited with the department, and all refunded taxes bear interest at the rate of 9% per year from the due date of the return to the date on which the refund is certified on the refund rolls.

(1m) All payments of additional amounts owned shall be applied in the following order: penalties, interest, tax principal.

(2) Delinquent tax returns are subject to a \$10 late filing fee. Delinquent motor fuel, special fuel and general aviation fuel taxes bear interest at the rate of 1.5% per month until paid. The taxes imposed by this chapter are delinquent if not paid:

(a) In the case of a timely filed return, no return or a late return, on or before the due date of the return; or

(b) In the case of a deficiency determination of taxes, within 2 months after the date of demand.

(3) If due to neglect an incorrect return is filed, the entire tax finally determined is subject to a penalty of 25% of the tax exclusive of interest or other penalty. A person filing an incorrect return has the burden of proving that the error or errors were due to good cause and not due to neglect.

(4) In case of failure to file any return required under ss. 78.12, 78.49 and 78.58 by the due date, unless it is shown that that failure was due to reasonable cause and not due to neglect, there shall be added to the amount required to be shown as tax on that return 5% of the amount of the tax if the failure is for not more than one month, and an additional 5% of

the tax for each additional month or fraction thereof during which the failure continues, not exceeding 25% of the tax in the aggregate. For purposes of this subsection, the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the due date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

(5) If a person fails to file a return when due or files a false or fraudulent return with intent in either case to defeat or evade the taxes imposed by this chapter, a penalty of 50% of the tax shall be added to the tax required to be paid, exclusive of interest and other penalties.

(6) Any person who fails to furnish any return required to be made or who fails to furnish any data required by the department may be fined not more than \$500 or imprisoned for not more than 30 days or both.

(7) Any person, including an officer of a corporation, who is required to make, render, sign or verify any report or return required by this chapter and who makes a false or fraudulent report or return or who fails to furnish a report or return when due with the intent, in either case, to defeat or evade the tax imposed by this subchapter may be fined not more than \$500 or imprisoned for not more than 30 days or both.

(8) No person may aid, abet or assist another in making any false or fraudulent return or false statement in any return required by this chapter with intent to defraud the state or evade payment of the tax, or any part thereof, imposed by this chapter. Any person who violates this subsection may be fined not more than \$500 or imprisoned for not more than 30 days or both.

(9) Before any tax becomes due, if the department has reason to believe that any licensee intends or is likely to evade or attempt to evade payment of the tax when due, or intends or is likely to convey, dispose of, or conceal his or her property or abscond from the state, or do any other act which would render the state insecure in collecting the tax when due, the department may demand payment forthwith of all taxes upon all motor fuel received, as defined in s. 78.07, general aviation fuel placed in the fuel supply tank of an aircraft or in bulk storage facilities or special fuel used, as defined in s. 78.44, by the licensee, which shall immediately become payable and collectible as if delinquent, and the property of the licensee shall be subject to attachment as provided in s. 78.70.

SECTION 304. 79.03 (4) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

79.03 (4) ~~In 1987, the total amount to be distributed under this subchapter from the appropriation under s. 20.835 (1) (d) is \$779,360,000. In 1988 and thereafter,~~ the total amount to be distributed under this subchapter from the appropriation under s. 20.835 (1) (d)

is \$791,360,000. In 1989 and thereafter, the total amount to be distributed under this subchapter from s. 20.835 (1) (d) is \$807,360,000.

SECTION 305. 79.185 of the statutes is repealed.

Vetoed
in Part

~~SECTION 305d. 84.013 (6r) of the statutes is created to read:~~

~~84.013 (6r) Notwithstanding sub. (1) (a), if a highway improvement project has a cost of more than \$2,000,000, a member of either house of the legislature in whose legislative district the project is wholly or partially located may petition the transportation projects commission to designate the project as a major highway project. The department may not construct a highway improvement project designated as a major highway project by the transportation projects commission under this subsection without specific authorization under sub. (3).~~

SECTION 305g. 84.06 (2) of the statutes is amended to read:

84.06 (2) BIDS, CONTRACTS. All such highway improvements shall be executed by contract based on bids unless the department finds that another method as provided in sub. (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in the manner determined by the department. Except as provided in s. 84.075 the contract shall be awarded to the lowest competent and responsible bidder as determined by the department. If the bid of the lowest competent bidder is determined by the department to be in excess of the estimated reasonable value of the work or not in the public interest, all bids may be rejected. The department shall, so far as reasonable, follow uniform methods of advertising for bids and may prescribe and require uniform forms of bids and contracts. The secretary shall enter into the contract on behalf of the state. Every such contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but ss. 16.528 and 16.754 apply to the contract. Any such contract involving an expenditure of \$1,000 or more shall not be valid until approved by the governor. The secretary may require the attorney general to examine any contract and any bond submitted in connection with the contract and report on its sufficiency of form and execution. The bond required by s. 779.14 (4) (1m) (b) for any such contract involving an expenditure of less than \$1,000 is exempt from approval by the governor and shall be subject to approval by the secretary. This subsection also applies to contracts with private contractors based on bids for maintenance under s. 84.07.

SECTION 305rg. 84.076 of the statutes is created to read:

84.076 Disadvantaged business demonstration and training program. (1) DEFINITIONS. In this section:

(a) "Disadvantaged individual" means a minority group member, a woman or any other individual found to be socially and economically disadvantaged by the department as provided in 49 CFR 23.62,

unless successfully challenged as provided in 49 CFR 23.69.

(b) "Disadvantaged business" means a sole proprietorship, partnership, joint venture or corporation that fulfills all of the following requirements, as certified by the department:

1. It is at least 51% owned by one or more disadvantaged individuals who are U.S. citizens or persons lawfully admitted to the United States for permanent residence, as defined under 8 USC 1101 (a) (20).

2. Its management and daily business operations are controlled by one or more of the disadvantaged individuals who own it.

3. It is currently performing a useful business function as defined in s. 560.036 (1) (h).

(c) "Minority business" has the meaning given under s. 560.036 (1) (e) 1.

(d) "Minority group member" has the meaning given under s. 560.036 (1) (f).

(2) ADMINISTRATION. (a) The secretary shall administer a demonstration and training program for the purpose of developing the capability of disadvantaged businesses to participate in construction projects funded under s. 20.395 (3) (bq), (bv), (bx), (cq), (cv), (cx), (dq), (dv), (dx), (fq), (fv), (fx), (hq), (hv) and (hx). Beginning in fiscal year 1988-89, from the amounts appropriated under s. 20.395 (3) (bq), (bv), (bx), (cq), (cv), (cx), (dq), (dv), (dx), (fq), (fv), (fx), (hq), (hv) and (hx), the secretary shall allocate \$4,000,000 each fiscal year for the awarding of contracts under this section. The secretary shall attempt to ensure that 75% of the amount so allocated each fiscal year is for the awarding of contracts under this section to minority businesses. The secretary may award 100% of the amount so allocated each fiscal year to one disadvantaged business.

(b) The secretary shall establish requirements for programs of preapprenticeship training and management and technical assistance designed to develop the expertise of disadvantaged individuals and disadvantaged businesses in transportation construction.

(3) BIDS, CONTRACTS. Section 84.06 (2) applies to bids and contracts under this section, except that the secretary shall reject low bids that do not satisfy the requirements under sub. (4). The secretary shall establish a list of disadvantaged businesses that are eligible to submit bids for contracts awarded under this section and subcontractors who meet the requirements under sub. (4) (b). Each bid submitted under this section shall include the agreement specified under sub. (4) and all of the following conditions:

(a) A goal that at least 25% of the total number of workers in all construction trades employed on the project will be disadvantaged individuals.

(b) A subcontracting plan that provides sufficient detail to enable the secretary to determine that the prime contractor has made or will make a good faith effort to award at least 20% of the total contract

amount to bona fide independent disadvantaged business subcontractors.

(4) CONTRACTOR RESPONSIBILITIES. Each contractor shall agree to do one of the following in its bid submitted under sub. (3):

Vetoed in Part

(a) 1. Assure that the contractor has, in cooperation with local trade unions, developed a program of preapprenticeship training that satisfies the requirements established by the secretary under sub. (2) (b) and has experience in providing the training to disadvantaged individuals; and

2. Assure that the contractor has developed and has experience in providing a program of management and technical assistance to disadvantaged business subcontractors. The management and technical assistance program shall satisfy the requirements established by the secretary under sub. (2) (b) and shall include all of the following:

- a. On-site administrative support.
- b. Assistance with managing scheduling, finances and property.
- c. The provision of other management services necessary to assist disadvantaged businesses in developing construction capabilities and opportunities for participation in construction projects.

Vetoed in Part

(b) Obtain from a subcontractor that has experience in providing training to disadvantaged individuals, in cooperation with local trade unions, a program of preapprenticeship training that satisfies the requirements established by the secretary under sub. (2) (b), and assure that the subcontractor has experience in providing a program of management and technical assistance to disadvantaged business contractors, and that the subcontractor's management and technical assistance program satisfies the requirements established by the secretary under sub. (2) (b) and includes all of the requirements of par. (a) 2. A subcontractor under this paragraph need not be a disadvantaged business, but if the subcontractor is not a disadvantaged business, it may not be included within the goal established under sub. (3) (b).

SECTION 305rh. 84.076 of the statutes is repealed.

Vetoed in Part

SECTION 305r. 84.09 (1) of the statutes is amended to read:

84.09 (1) The department may acquire by gift, devise, purchase or condemnation any lands for establishing, laying out, widening, enlarging, extending, constructing, reconstructing, improving and maintaining highways and other transportation related facilities, or interests in lands in and about and along and leading to any or all of the same; and after establishment, layout and completion of such improvements, the department may convey such lands thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such lands so as to protect such public works and improvements and their environs and to preserve the view, appearance, light, air and usefulness of such public works. Whenever the department deems it nec-

essary to acquire any such lands or interests therein for any transportation related purpose, it shall so order and in such order or on a map or plat show the old and new locations and the lands and interests required, and shall file a copy of the order and map with the county clerk and county highway committee of each county in which such lands or interests are required. For the purposes of this section the department may acquire private or public lands or interests in such lands. When so provided in the department's order, such land shall be acquired in fee simple. Unless it elects to proceed under sub. (3) the department shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required at a price, including any damages, deemed reasonable by the department. The instrument of conveyance shall name the state as grantor and shall be recorded in the office of the register of deeds. The purchase or acquisition of lands or interests therein under this section is exempt and exempt from s. 20.914 (1). The department may purchase or accept donations of remnants of tracts or parcels of land existing at the time or after it has acquired portions of such tracts or parcels by purchase or condemnation for transportation purposes where in the judgment of the department such action would assist in making whole the landowner, a part of whose lands have been taken for transportation purposes and would serve to minimize the overall costs of such taking by the public. With respect to the acquisition of lands associated with the major highway project enumerated under s. 84.013 (3) (wg) if the department acquires or seeks to acquire more than 10% of the land associated with a residential property or an interest in more than 10% of that land, the department shall make the owner of the property an offer to purchase the entire property at the prevailing rate for sale of residential property of comparable quality in the same vicinity.

Vetoed in Part

SECTION 305w. 84.103 (1) (d) of the statutes, as affected by 1987 Wisconsin Act 117, is amended to read:

84.103 (1) (d) STH 29, commencing at Green Bay and proceeding westerly to the junction with I 94 in Dunn county state line at Prescott.

SECTION 305x. 84.103 (1) (e) to (g) of the statutes are created to read:

84.103 (1) (e) I 94 commencing at the junction in par. (b) and proceeding northwesterly to Hudson.

(f) I 90 commencing at Madison and proceeding southerly to Beloit.

(g) I 94 commencing at Milwaukee and proceeding southerly to the state line.

SECTION 306. 85.095 (1) (am) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

85.095 (1) (am) "Ferry service assistance" means financial assistance for the purpose of reimbursing an eligible applicant for not more than 50% 75% of monies expended to acquire a vessel for ferry service on any river within or forming a boundary of the state.

SECTION 306n. 85.20 (1) (g) of the statutes is amended to read:

85.20 (1) (g) "Operating expenses" mean costs accruing to an urban mass transit system by virtue of its operations, including costs to subsidize fares paid by handicapped persons for transportation within the urban area of the eligible applicant. For a publicly owned system, operating expenses do not include profit, return on investment or depreciation as costs. For a privately owned system, operating expenses may include profit, return on investment or depreciation as costs if the local public body contracts for the services provided by the of a privately owned system on the basis of competitive bids, operating expenses may include as costs depreciation on the facilities and equipment that the privately owned system acquired without benefit of public financial assistance, profit and return on investment. If a local public body contracts for the services of a privately owned system on the basis of negotiated procurement, operating expenses may include as costs depreciation on the facilities and equipment that the privately owned system acquired without benefit of public financial assistance. In an urban area which is served exclusively by shared-ride taxicab systems, operating expenses may include costs to subsidize reasonable fares paid by all users for transportation within the urban area of the eligible applicant.

SECTION 306nm. 85.20 (1) (k) of the statutes is amended to read:

85.20 (1) (k) "Urban area" means any area that includes a city or village having a population of 5,000, 2,500 or more that is appropriate, in the judgment of the department, for an urban mass transit system or any area served by a mass transit system that is operated by a transit commission.

SECTION 306o. 85.20 (3) (c) of the statutes is amended to read:

85.20 (3) (c) ~~To~~ Except as provided in par. (cm), to audit the operating revenues and expenses of all urban mass transit systems participating in the program in accordance with generally accepted accounting principles and practices. ~~The~~ Except as provided in par. (cm), the audits shall be the basis for computing the maximum share of state and federal aids each eligible applicant can apply against operating deficits for each state aid contract period.

SECTION 306p. 85.20 (3) (cm) of the statutes is created to read:

85.20 (3) (cm) To audit the performance, as shown by service provided, of a privately owned system with which a local public body contracts for services on the basis of competitive bids. The audit shall be the basis for computing the maximum share of state and federal aids that an eligible applicant that contracts with a privately owned system on the basis of competitive bids may apply against operating deficits for each state aid contract period.

Vetoed in Part

Vetoed in Part

~~SECTION 306g. 85.20 (4m) (a) of the statutes, as amended by 1987 Wisconsin Act 27, is amended to read:~~

~~85.20 (4m) (a) From the amounts appropriated under s. 20.395 (1) (bq), an amount equal to 37.5% or 39% of the projected operating expenses of each eligible applicant's urban mass transit system shall be allocated to each eligible applicant.~~

~~SECTION 306s. 85.20 (4m) (em) 1 of the statutes is amended to read:~~

~~85.20 (4m) (em) 1. Thirty seven and one half percent of the audited operating expenses for the project year of the applicant's urban mass transit system, or~~

SECTION 306t. 85.20 (4m) (er) of the statutes is amended to read:

85.20 (4m) (er) Eligible applicants shall repay the department any overpayments in state aids under this section which are made because of differences between projected financial data and audited financial data or because of differences between projected financial data and contract compliance audits.

SECTION 307. 85.25 of the statutes is created to read:

85.25 Disadvantaged business mobilization assistance program. (1) FINDINGS AND PURPOSE. The legislature finds that the lack of working capital is a major barrier to the participation of certain businesses in construction contracts with the department. This problem is most acute for newer, less experienced businesses, and, in particular, for disadvantaged businesses, many of which lack the assets necessary to obtain financing under normal business lending standards. The disadvantaged business mobilization assistance program is created to assist disadvantaged businesses in obtaining working capital in order to participate in construction contracts with the department and to increase the representation of disadvantaged businesses among contractors performing on construction projects for the department.

(2) DEFINITIONS. In this section:

(a) "Business development organization" means the Wisconsin housing and economic development authority under s. 234.02 or any private, nonprofit organization which prepares business and loan plans for and provides other financial, management and technical assistance to disadvantaged businesses.

(b) "Deficiency" means the unpaid principal amount of a defaulted mobilization loan guaranteed under sub. (4). "Deficiency" does not include any interest, any origination fees or other charges relating to the guaranteed loan or any expenses incurred by the lender in enforcing the security interest taken in the capital equipment or other asset resulting from the proceeds of the guaranteed loan.

(c) "Disadvantaged business" means a sole proprietorship, partnership, joint venture or corporation that fulfills all of the following requirements:

1. It is at least 51% owned, controlled and actively managed by a minority group member or members, as defined in s. 560.036 (1) (f), or a woman or women, who are U.S. citizens or persons lawfully admitted to the United States for permanent residence, as defined under 8 USC 1101 (a) (20).

2. It is currently performing a useful business function as defined in s. 560.036 (1) (h).

(d) "Guaranteed loan" means a mobilization loan which is guaranteed by a business development organization under a grant under sub. (3).

(e) "Mobilization loan" means a short-term loan, as specified by the department by rule, to a disadvantaged business to provide working capital in order to finance the purchase of capital equipment, insurance or any other service or consumable good necessary to enable the disadvantaged business to participate in transportation-related construction contracts with the department.

(f) "Participating lender" means a bank, credit union, savings and loan association or other person who makes mobilization loans.

(3) ADMINISTRATION. The department shall administer the disadvantaged business mobilization assistance program. Subject to sub. (4), the department may make grants for the purpose specified in sub. (1) to a business development organization in order to provide funding for the guarantee by the business development organization of a mobilization loan made by a participating lender to a disadvantaged business certified by the department.

(4) RULE MAKING. The department shall promulgate rules to implement the disadvantaged business mobilization assistance program. The rules shall specify all of the following:

(a) Conditions for eligibility of a business development organization for a grant under sub. (3).

(b) Conditions for eligibility of a disadvantaged business for a guaranteed loan. The conditions may include requirements relating to certification of a disadvantaged business by the department.

(c) Conditions for the guarantee of a mobilization loan by a business development organization applying for a grant under sub. (3). The conditions shall include requirements relating to the term of a mobilization loan. The conditions may include a requirement for execution of a guarantee agreement between the business development organization and the participating lender and review of such an agreement by the department. The conditions may specify a percentage of principal of any mobilization loan which must be guaranteed by a business development organization applying for a grant under sub. (3). The conditions may include requirements relating to the rate of a mobilization loan. The conditions may include requirements relating to defaulted mobilization loans and deficiencies.

(d) Conditions relating to the total principal amounts of all mobilization loans which may be guar-

anteed by business development organizations at one time, not to exceed \$1,500,000.

(e) Conditions under which a business development organization may not guarantee additional mobilization loans. The conditions shall include a prohibition on the guarantee of additional mobilization loans by a business development organization if the amount of the grant to the business development organization not yet expended under the disadvantaged business mobilization assistance program is equal to or less than \$100,000.

(f) Conditions under which a grant made under sub. (3) to a business development organization may be required to be repaid.

(5) MORAL OBLIGATION. Recognizing its moral obligation to do so, the legislature expresses its expectation and aspiration that, if ever called upon to do so, it shall make an appropriation from the transportation fund to meet all demands for funds relating to defaulted mobilization loans and deficiencies under this section.

SECTION 307g. 91.01 (1) of the statutes is amended to read:

91.01 (1) "Agricultural use" means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.

SECTION 307h. 91.01 (6) of the statutes is amended to read:

91.01 (6) "Eligible farmland" means a parcel of 35 or more acres of contiguous land which is devoted primarily to agricultural use which during the year preceding application for a farmland preservation agreement produced gross farm profits, as defined in s. 71.09 (11) (a) 3m, of not less than \$6,000 or which, during the 3 years preceding application produced gross farm profits, as defined in s. 71.09 (11) (a) 3m, of not less than \$18,000, or a parcel of 35 or more acres of which at least 35 acres, during part or all of the year preceding application, were enrolled in the conservation reserve program under 16 USC 3831 to 3836.

SECTION 307m. 91.11 (3m) of the statutes is created to read:

91.11 (3m) Notwithstanding sub. (3), in any county with a population density of 100 or more persons per square mile, an owner may apply for a farmland preservation agreement under this subchapter from July 1, 1988, to June 30, 1991. Any owner who signed an agreement which was applied for under this subsection is eligible to apply for another agreement prior to the expiration of that agreement.

SECTION 307mb. 91.13 (10) of the statutes is amended to read:

91.13 (10) Agreements under this subchapter shall be for not less than 10 years nor more than 25 years. An owner of eligible farmland which is subject to an agreement with a term of less than 25 years may extend the term of the agreement to 25 years with the approval of the department and of the local governing body having jurisdiction in which the eligible farmland is located.

SECTION 307mc. 91.17 (3) of the statutes is created to read:

91.17 (3) A residence or structure located on a parcel of 5 acres or less which is subject to an agreement and which, for purposes of farm consolidation and in compliance with the ordinances of the city, village or town and county in which it is located, is separated from other land subject to that agreement is not subject to a lien under s. 91.19 when that agreement expires if the residence or structure existed prior to the effective date of that agreement.

SECTION 307md. 91.19 (10) of the statutes is amended to read:

91.19 (10) The lien may be paid and discharged at any time and shall become payable to the state by the owner of record at the time the land or any portion of it is sold by the owner of record to any person except the owner's child or if the land is converted to a use prohibited by the former farmland preservation agreement. Upon reentry in an agreement under this subchapter or upon zoning for exclusively agricultural use under an ordinance certified under subch. V, the portion of the lien on the land reentered or so zoned shall be discharged. The discharge of a lien does not affect the calculation of any subsequent lien under sub. (7) or (8). The proceeds from the payment shall be paid into the general fund.

SECTION 307me. 91.37 (4) of the statutes is amended to read:

91.37 (4) If at the end of an agreement under this subchapter, the farmland is not eligible for an agreement under subch. II because s. 91.11 (2), (3) or (4) is applicable, the lien shall apply, without interest, to the credit received under s. 71.09 (11) for the last 2 years the land was eligible for such credit. If, after the expiration of an agreement ~~but prior to January 1, 1983~~, the land or any portion of the land is zoned for exclusive agricultural use under an ordinance certified under subch. V, all or any portion of a lien filed under this subsection against such land shall be discharged. The discharge of a lien under this subsection does not affect the calculation of any subsequent lien under s. 91.77 (2).

SECTION 307meg. 91.37 (4) of the statutes, as affected by 1987 Wisconsin Act (Senate Bill 538), is amended to read:

91.37 (4) If at the end of an agreement under this subchapter, the farmland is not eligible for an agree-

ment under subch. II because s. 91.11 (2), (3) or (4) is applicable, the lien shall apply, without interest, to the credit received under subch. IX of ch. 71 for the last 2 years the land was eligible for such credit. If, after the expiration of an agreement ~~but prior to January 1, 1983~~, the land or any portion of the land is zoned for exclusive agricultural use under an ordinance certified under subch. V, all or any portion of a lien filed under this subsection against such land shall be discharged. The discharge of a lien under this subsection does not affect the calculation of any subsequent lien under s. 91.77 (2).

SECTION 307mg. 91.73 (1) of the statutes is amended to read:

91.73 (1) Except as otherwise provided, exclusive agricultural zoning ordinances shall be adopted and administered in accordance with ss. 59.97 to 59.99, 61.35 or 62.23 or subch. VIII of ch. 60. No such ordinance may be rescinded from the effective date of this subsection [revisor inserts date], to June 30, 1991, in any county with a population density of 100 or more persons per square mile.

SECTION 307mm. 91.75 (6) of the statutes is amended to read:

91.75 (6) For purposes of farm consolidation and if permitted by local regulation, farm residences or structures which existed prior to the adoption of the ordinance may be separated from a larger farm parcel. Farm residences or structures with up to 5 acres of land which are separated from a larger farm parcel under this section are not subject to the lien under s. 91.19 (8) to (10), as required in s. 91.77 (2) or 91.79.

SECTION 307p. 93.07 (22) (title) of the statutes is created to read:

93.07 (22) (title) PLAT ADMINISTRATION.

SECTION 308. 93.41 of the statutes, as created by 1987 Wisconsin Act 27, is repealed and recreated to read:

93.41 Stray voltage. (1) The department shall participate in the stray voltage program established under s. 196.857. The department shall assess fees not to exceed \$100 per farm for the services provided to farmers under s. 196.857. Any fees collected under this subsection shall be credited to the appropriation under s. 20.115 (8) (j).

(2) The department shall develop informational and educational materials on stray voltage and provide those materials to the public in cooperation with the university of Wisconsin system extension program and the board of vocational, technical and adult education and shall study the need for any other state action not in effect under this section or s. 196.857 necessary to protect the public health and welfare from the harmful effects of stray voltage.

(3) This section does not apply after August 31, 1991.

~~SECTION 308m. 94.681 of the statutes is created to read:~~ **Vetoed in Part**

Vetoed
in Part

~~94.681 Well compensation fee. (1) In this section,~~

~~(a) "Licensee" means a person required to obtain a license under s. 94.68.~~

~~(b) "Primary producer" means a licensee that manufactures an active ingredient which is used to manufacture or produce a pesticide.~~

~~(2) No primary producer may manufacture, formulate, distribute, package, label or otherwise produce pesticides for sale or distribution in this state unless the primary producer pays an annual well compensation fee of \$150, or the amount determined under s. 144.0295.~~

~~(3) The department shall collect the well compensation fee at the same time the annual and supplemental license fees are collected under s. 94.68. The moneys collected under this subsection shall be credited to the appropriation under s. 20.370 (2) (ek).~~

SECTION 308s. 95.27 (4) of the statutes is amended to read:

95.27 (4) Subject to sub. (5), the department shall indemnify from state or federal funds the owner of breeding swine over 6 months of age that have been condemned and destroyed under this section. The department shall pay to the owner \$25 for each registered animal and \$10 for each grade animal. State payments shall be made from the appropriation under s. 20.115 (2) (b).

SECTION 309. 97.20 of the statutes, as affected by 1987 Wisconsin Act 27, is repealed and recreated to read:

97.20 Dairy plants. (1) DEFINITIONS. In this section:

(a) "Dairy plant" means any place where a dairy product is manufactured or processed for sale or distribution, and includes a receiving station or transfer station.

(b) "Dairy product" means milk or any product or by-product of milk, or any commodity in which milk or any milk product or by-product is a principal ingredient.

(c) "Fluid milk product" has the meaning given under s. 97.24 (1) (ar).

(d) "Grade A dairy plant" means a dairy plant required to hold a permit under sub. (3).

(e) "Grade A milk" has the meaning given under s. 97.24 (1) (b).

(f) "Grade A milk product" has the meaning given under s. 97.24 (1) (c).

(g) "Milk" has the meaning given under s. 97.22 (1) (e).

(h) "Processing plant" means a dairy plant engaged in pasteurizing, processing or manufacturing milk or dairy products.

(i) "Receiving station" means a facility which is designed for the receipt and bulk storage of milk, and which is used to receive or store milk in bulk. "Receiving station" does not include a processing

plant or a facility used to distribute pasteurized milk in bottled or packaged form to consumers.

(j) "Transfer station" means a facility which is designed and used solely to transfer milk from one bulk transport vehicle to another without intervening storage.

(2) DAIRY PLANT LICENSE. (a) *License requirement.* Except as provided in par. (e), no person, including this state, may operate a dairy plant without a valid license issued by the department for that dairy plant. A dairy plant license expires on April 30 annually and is not transferable between persons or locations.

(b) *License application.* An application for a dairy plant license shall be made on a form provided by the department and shall be accompanied by any applicable fee required under par. (c) or (cm). The application shall include all information reasonably required by the department for purposes of licensing. The application shall state whether the dairy plant is a processing plant, receiving station or transfer station, and shall describe the nature of any processing operations conducted at the dairy plant.

(c) *Fees.* 1. 'Dairy plant license fee.' An applicant for a dairy plant license shall pay the license fee specified under par. (cm).

2. 'Dairy plant reinspection fees.' If the department reinspects a dairy plant because the department has found a violation of this chapter or rules promulgated under this chapter, the department shall charge the dairy plant operator the reinspection fee specified under par. (cm). A reinspection fee is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the dairy plant operator.

3. 'Producer fees.' A dairy plant operator shall pay milk producer license, permit and reinspection fees on behalf of milk producers, as provided under s. 97.22. A milk producer reinspection fee is payable by the dairy plant operator when a dairy farm reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application to the dairy plant operator.

4. 'Surcharge for operating without license.' An applicant for a dairy plant license shall pay a license fee surcharge of \$500 if the department determines that within one year prior to submitting the license application, the applicant operated the dairy plant without a license in violation of this subsection. Payment of this license fee surcharge does not relieve the applicant of any other civil or criminal liability which results from the unlicensed operation of the dairy plant, but does not constitute evidence of any violation of law.

(cm) *Fee amounts.* The annual fees required under par. (c), beginning with the license year which ends on April 30, 1989, are:

1. For a processing plant, an annual dairy plant license fee of \$275 and a reinspection fee of \$115.

2. For a receiving station, an annual dairy plant license fee of \$180 and a reinspection fee of \$65.

3. For a transfer station, an annual dairy plant license fee of \$175 and a reinspection fee of \$65.

(d) *Issuance or renewal of license.* The department may not issue or renew a dairy plant license unless all of the following conditions are met prior to licensing:

1. The license applicant pays all fees which are due and payable by the applicant under par. (c), as set forth in a statement from the department. The department shall refund a fee paid under protest if the department determines that the fee was not due and payable as a condition of licensing under this subsection.

2. The license applicant is in compliance with s. 100.06. If an applicant is not in compliance with s. 100.06, the department may issue a conditional dairy plant license under s. 93.06 (8) which prohibits the licensed operator from purchasing milk or fluid milk products from milk producers or their agents, but allows the operator to purchase milk or fluid milk products from other sources.

3. If the dairy plant is a new dairy plant, the department has inspected the dairy plant for compliance with this chapter and rules promulgated under this chapter.

(e) *License exemptions.* A dairy plant license under this section is not required for:

1. A farm manufacturing or processing dairy products solely for consumption by the owner or operator of the farm, or members of the household or nonpaying guests or employees.

2. The retail preparation and processing of meals for sale directly to consumers or through vending machines, if the preparation and processing is covered under a restaurant permit or other permit issued under s. 50.51.

(f) *Added operations.* No dairy plant may add a new category of dairy plant operations during the time period for which a dairy plant license was issued unless the dairy plant first notifies the department and obtains written authorization for the new category of operations. In this paragraph, "new category of operations" includes the manufacture or processing of any of the following which was not identified on the dairy plant's most recent license application:

1. Fluid milk products.
2. Cheese and related cheese products.
3. Frozen dessert dairy products.

(3) **GRADE A DAIRY PLANT; PERMIT.** (a) *Permit requirement.* No person operating a dairy plant at which milk or fluid milk products are received, transferred, manufactured or processed may sell or distribute that milk or those fluid milk products as grade A milk or grade A milk products unless the person holds a valid grade A dairy plant permit issued by the

department for that dairy plant. A grade A dairy plant permit expires on April 30 annually and is not transferable between persons or locations. A grade A dairy plant permit may be issued in the form of an endorsement on a dairy plant license under sub. (2). An application for a grade A dairy plant permit shall be made on a form provided by the department and shall be accompanied by the fee required under par. (c).

(b) *Grade A standards.* A grade A dairy plant shall comply with standards applicable to the receipt, transfer, manufacture, processing and distribution of grade A milk and grade A milk products under this chapter or rules of the department. A grade A dairy plant may not receive, transfer or process milk that is not grade A milk unless the department provides written authorization. Except as provided by the department by rule, the department may not grant that authorization unless the grade A dairy plant maintains separate facilities for the receipt, transfer and processing of milk that is not grade A milk.

(c) *Fees.* In addition to any fee required under sub. (2) (c), an applicant for a grade A dairy plant permit shall pay the following separate fee:

1. For a processing plant, an annual grade A dairy plant permit fee of \$320 and a reinspection fee of \$20.

2. For a receiving station, an annual grade A dairy plant permit fee of \$125.

(d) *Surcharge for operating without a permit.* An applicant for a grade A dairy plant permit shall pay a grade A dairy plant permit surcharge of \$100 if the department determines that, within one year prior to submitting the permit application, the applicant operated the dairy plant as a grade A dairy plant without a grade A permit, in violation of par. (a). Payment of this surcharge does not relieve the applicant of any other civil or criminal liability which results from a violation of par. (a), but does not constitute evidence of a violation of any law.

(e) *Permit contingent on payment of fees.* The department may not issue or renew a grade A dairy plant permit until the permit applicant pays all applicable fees under this subsection. The department shall refund a fee paid under protest if the department determines that the fee was not required as a condition of the issuance of a grade A dairy plant permit under this subsection.

(4) **RULE MAKING.** The department may promulgate rules to govern the operation of dairy plants. The rules may include standards for the safety, wholesomeness and quality of dairy products; the construction, maintenance and sanitary operation of dairy plants; the design, installation, cleaning and maintenance of equipment and utensils; personnel sanitation; storage and handling of milk and fluid milk products; pasteurization and processing procedures; sampling and testing; and reports and recordkeeping. The rules may also set forth the duties of dairy plants to inspect

dairy farms, collect and test producer milk samples and make reports to the department.

SECTION 310. 97.21 of the statutes is created to read:

97.21 Milk haulers and milk distributors. (1) DEFINITIONS. In this section:

(a) "Bulk milk tanker" means a mobile bulk container used to transport bulk milk from a dairy farm, or to or from a dairy plant in this state. "Bulk milk tanker" includes a mobile bulk container which is permanently mounted on a motor vehicle or which is designed to be towed by a motor vehicle. "Bulk milk tanker" does not include a mobile bulk container which is used by a milk producer solely to transport that producer's own milk.

(am) "Dairy plant" has the meaning given under s. 97.20 (1) (a).

(b) "Fluid milk product" has the meaning given under s. 97.24 (1) (ar).

(c) "Grade A milk" has the meaning given under s. 97.24 (1) (b).

(d) "Milk" has the meaning given under s. 97.22 (1) (e).

(e) "Milk distributor" means a person who distributes milk or fluid milk products. "Milk distributor" does not include a dairy plant, a milk hauler, a milk producer, as defined in s. 97.22 (1) (f), or a retail food establishment, as defined in s. 97.30 (1) (c).

(2) BULK MILK TANKER; LICENSE; GRADE A PERMIT.

(a) *License.* 1. Except as provided in subd. 2, no person may operate a bulk milk tanker in this state without a valid license issued by the department for that bulk milk tanker. That license expires on April 30 annually and is not transferable between persons or bulk milk tankers. An application for a license shall be made on a form provided by the department and shall be accompanied by applicable fees under sub. (4). The application shall include the applicant's name and address; a description of the bulk milk tanker including make, serial number and capacity; the city, village or town in which the bulk milk tanker is customarily kept; and any other information which the department may reasonably require for proper identification of the bulk milk tanker.

2. This paragraph does not apply to a person who operates a bulk milk tanker solely as an employe of a person who holds a license under this paragraph for that bulk milk tanker.

(b) *Grade A bulk milk tanker; permit.* No person may operate a bulk milk tanker to transport bulk milk for sale or distribution without a valid grade A bulk milk permit issued annually by the department for that bulk milk tanker. A grade A bulk milk tanker permit is not transferable between persons or bulk milk tankers. A permit may be issued in the form of an endorsement on a bulk milk tanker license under par. (a). An application for a permit shall be made on a form provided by the department, and may be included with a license application under par. (a). The

department may not charge a fee for a grade A bulk milk tanker permit issued under this paragraph.

(3) *MILK DISTRIBUTORS; LICENSE.* No person may operate as a milk distributor without a valid license issued by the department. A milk distributor license expires on April 30 annually. An application for a license shall be made on a form provided by the department and shall be accompanied by applicable fees under sub. (4). The application shall include all information reasonably required by the department for purposes of issuing the license.

(4) *FEEES.* (a) *License fee.* An applicant for a bulk milk tanker or milk distributor license shall pay the license fee specified under sub. (4m).

(b) *Reinspection fee.* If the department reinspects a bulk milk tanker or the vehicle or facilities of a milk distributor because the department finds a violation of this chapter or rules promulgated under this chapter, the department shall charge the bulk milk tanker operator or milk distributor the reinspection fee specified under sub. (4m). The reinspection fee is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application to the bulk milk tanker operator or milk distributor.

(c) *Surcharge for operating without a license.* An applicant for a bulk milk tanker operator or milk distributor license shall pay a license fee surcharge of \$100 if the department determines that, within one year prior to submitting the license application, the applicant operated without a license or grade A permit in violation of this subsection. Payment of this license fee surcharge does not relieve the applicant of any other civil or criminal liability which results from a violation of sub. (2) or (3), but does not constitute evidence of any violation of law.

(4m) *FEE AMOUNTS.* The annual fees required under sub. (4), beginning with the license year which ends on April 30, 1989, are:

(a) For a bulk milk tanker license under sub. (2), an annual license fee of \$25 and a reinspection fee of \$25.

(b) For a milk distributor license under sub. (3), an annual license fee of \$70 and a reinspection fee of \$35.

(5) *LICENSING CONTINGENT ON PAYMENT OF FEES.* The department may not issue or renew a bulk milk tanker or milk distributor license unless the license applicant pays all fees which are due and payable by the applicant under sub. (4), as set forth in a statement from the department. The department shall refund a fee paid under protest if the department determines that the fee was not due and payable as a condition of licensing under this section.

(6) *RULE MAKING.* The department may promulgate rules to regulate bulk milk tanker operators and milk distributors. The rules may include standards for the construction, maintenance and sanitary operation of bulk milk tankers, milk distribution vehicles and milk distribution facilities; the design, installation,

cleaning and maintenance of equipment and utensils; personnel sanitation; storage and handling of milk and fluid milk products; identification of bulk milk tankers and milk distribution vehicles; and recordkeeping.

SECTION 311. 97.22 of the statutes, as affected by 1987 Wisconsin Act 27, is repealed and recreated to read:

97.22 Milk producers. (1) **DEFINITIONS.** In this section:

(a) "Dairy farm" means any place where one or more cows or goats are kept for the production of milk.

(b) "Dairy plant" has the meaning given under s. 97.20 (1) (a).

(c) "Fluid milk product" has the meaning given under s. 97.24 (1) (ar).

(d) "Grade A milk" has the meaning given under s. 97.24 (1) (b).

(e) "Milk" means the lacteal secretion of cows or goats, and includes skim milk and cream.

(f) "Milk producer" means any person who owns or operates a dairy farm, and sells or distributes milk produced on that farm.

(2) **LICENSE.** (a) *License required.* No person may operate a dairy farm as a milk producer without a valid license issued by the department for that dairy farm. A license expires on April 30 annually and is not transferable between persons or dairy farms. Every milk producer shall comply with standards applicable to the production of milk and fluid milk products under this chapter and rules promulgated under this chapter.

(b) *License fee.* The fee for a milk producer license under par. (a), beginning with the license year which ends on April 30, 1989, is \$22, except that the fee is \$7 if a producer of grade A milk is properly inspected at least once annually by a special dairy farm inspector certified under sub. (7) and except that the department may establish by rule a reduced license fee for a producer other than a producer of grade A milk if that producer is properly inspected at least once annually by a special dairy farm inspector certified under sub. (7).

(c) *Dairy plant to pay license fee for milk producer.* The operator of a dairy plant licensed under s. 97.20 shall pay the milk producer license fee under this subsection for every dairy farm from which the dairy plant receives milk at the time the fee payment is due. An applicant for a dairy plant license shall submit that fee with the applicant's dairy plant license application under s. 97.20. A dairy plant operator who pays a milk producer license fee may charge that fee back to the milk producer if the dairy plant operator notifies the milk producer in writing of the dairy plant operator's intent to charge the fee to the milk producer. A dairy plant operator may not discriminate between milk producers with respect to fee charges under this

paragraph, but may charge back license fees to all milk producers who cease shipping milk to the dairy plant during the license year.

(3) **GRADE A DAIRY FARM PERMIT.** (a) *Permit required.* No milk producer may sell or distribute milk from his or her dairy farm as grade A milk without a valid grade A dairy farm permit issued by the department for that dairy farm. A grade A dairy farm permit expires on April 30 annually and is not transferable between persons or dairy farms. A grade A dairy farm permit may be issued in the form of an endorsement on a milk producer license under sub. (2). Every milk producer holding a grade A dairy farm permit shall comply with standards applicable to the production of grade A milk under this chapter or rules promulgated under this chapter.

(b) *Permit fee.* The annual fee for a grade A dairy farm permit under par. (a), beginning with the license year which ends on April 30, 1989, is \$13.

(c) *Dairy plant to pay permit fee for milk producer.* The operator of a dairy plant licensed under s. 97.20 shall pay the grade A dairy farm permit fee under this subsection for every dairy farm from which the dairy plant receives milk at the time the fee payment is due. An applicant for a dairy plant license shall submit the grade A dairy farm permit fees with the applicant's dairy plant license application under s. 97.20. A dairy plant operator who pays a grade A dairy farm permit fee may charge that fee back to the milk producer, if the dairy plant operator notifies the milk producer in writing of the dairy plant operator's intent to charge the fee to the milk producer. A dairy plant operator may not discriminate between milk producers with respect to fee charges under this paragraph, but may charge back grade A dairy farm permit fees to all milk producers who cease shipping milk to the dairy plant during the license year.

(4) **REINSPECTION FEES.** (a) *Fee required.* If the department reinspects a dairy farm because the department or a special dairy inspector finds a violation of this chapter or rules promulgated under this chapter, the department shall charge the reinspection fee specified under par. (am). A reinspection fee is payable when the reinspection is completed, and is due upon written demand from the department.

(am) *Fee amounts.* The annual fees for reinspections of dairy farms under par. (a) are as follows:

1. For a milk producer holding a valid grade A dairy farm permit under sub. (3), or a permit issued under sub. (3) which is temporarily suspended but not revoked, \$20.

2. For any milk producer not subject to subd. 1, \$22.

(b) *Dairy plant to pay reinspection fee for milk producer.* The operator of a dairy plant licensed under s. 97.20 shall pay the dairy farm reinspection fee under this subsection for every milk producer who was shipping milk from the reinspected dairy farm to that

dairy plant at the time the dairy farm was reinspected. The department may issue an annual statement of reinspection fees payable by the dairy plant, and may demand payment from the dairy plant on an annual basis, when it issues an application form for the renewal of the dairy plant's license under s. 97.20. A dairy plant operator who pays a dairy farm reinspection fee shall charge that fee back to the milk producer.

(5) **FEES PAYABLE BY MILK PRODUCER IF NOT PAID BY DAIRY PLANT.** If a milk producer ships milk to a dairy plant which is not subject to licensure under s. 97.20, the unlicensed dairy plant may voluntarily pay the fees required under this section on behalf of the milk producer if the dairy plant is authorized by the milk producer to pay the fees. If no dairy plant pays the fees required under this section on behalf of a milk producer, the milk producer shall pay the fees.

(6) **DAIRY FARM INSPECTION; FREQUENCY.** The department shall inspect every dairy farm at least once annually, and shall inspect every grade A dairy farm more frequently if required by the department by rule under s. 97.24.

(7) **SPECIAL DAIRY FARM INSPECTORS.** The department may certify a dairy plant employe or agent to inspect dairy farms on behalf of the department as a special dairy farm inspector. A special dairy farm inspector shall inspect dairy farms and make written reports to the department according to procedures prescribed by the department. The department may promulgate rules governing the certification of special dairy farm inspectors; defining the authority and responsibilities of those inspectors; establishing inspection and reporting requirements; and establishing procedures by which the department will review inspector performance.

(8) **RULE MAKING.** The department may promulgate rules to govern the operation of dairy farms by milk producers. The rules may include standards for any of the following:

- (a) The safety, wholesomeness and quality of milk.
- (b) The sanitary construction and maintenance of dairy farm facilities used in milk production.
- (c) The availability of safe and adequate water supplies for milk production.
- (d) The sanitary construction, maintenance and cleaning of equipment and utensils used in milk production.
- (e) Personnel sanitation related to milk production.
- (f) Sanitary procedures for the production of milk, including but not limited to the handling, transfer and storage of milk on a dairy farm.

SECTION 311m. 97.24 (1) (d) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

97.24 (1) (d) ~~"Milk distributor" means a grade A milk distributor as defined in s. 97.22~~ has the meaning given under s. 97.21 (1) (e).

SECTION 312. 97.24 (3) of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 313. 97.24 (4) of the statutes, as affected by 1987 Wisconsin Act 27, is renumbered 97.24 (3).

SECTION 314. 97.24 (4m) of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

SECTION 315. 97.24 (5) of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 318m. 97.24 (5m) of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

SECTION 319. 97.24 (6) of the statutes, as affected by 1987 Wisconsin Act 27, is renumbered 97.24 (4).

SECTION 320. 97.26 of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 321. 97.27 of the statutes is created to read:

97.27 Food warehouses. (1) **DEFINITIONS.** In this section:

(a) "Cold storage warehouse" means a warehouse in which food is to be stored at temperatures between zero and 50 degrees Fahrenheit.

(b) "Food warehouse" means a warehouse used for the storage of food, and includes a cold storage warehouse, frozen food warehouse and frozen food locker plant. "Food warehouse" does not include:

1. A public warehouse licensed under ch. 99.
2. A warehouse used solely for the storage of grain or other raw agricultural commodities.
3. A retail food establishment, restaurant or other retail facility at which food is stored on a temporary basis incidental to retail preparation or sale.
4. A warehouse located in a dairy plant licensed under s. 97.20, a food processing plant licensed under s. 97.29, or a meat establishment licensed under s. 97.42, and used only for the storage of food ingredients or food products manufactured or processed at the licensed establishment.
5. A warehouse operated by a milk distributor licensed under s. 97.21 (3), and used only for the storage and distribution of milk and fluid milk products, as defined in s. 97.20 (1) (c) and (g).
6. A facility owned or operated by a consumer and used by that consumer to store food for the consumer's use.

(c) "Frozen food locker plant" means a warehouse in which individual locked compartments not exceeding 20 cubic feet in capacity are rented to consumers for the storage of food at temperatures at or below 5 degrees Fahrenheit.

(d) "Frozen food warehouse" means a warehouse at which food is to be stored at temperatures at or below 5 degrees Fahrenheit.

(e) "Retail food establishment" has the meaning given under s. 97.30 (1) (c).

(f) "Warehouse" means any building, room, structure or facility used for the storage of property.

(2) **LICENSE REQUIRED.** No person may operate a food warehouse without a valid license issued by the

department for the food warehouse. A food warehouse license expires on June 30 annually. Every food warehouse shall have a separate license. A license is not transferable between persons or food warehouse locations. Application for a license shall be made on a form provided by the department and shall be accompanied by applicable fees required under sub. (3). An application shall include information reasonably required by the department for licensing purposes.

(3) FEES. (a) *License fee.* An applicant for a food warehouse license shall pay the license fee specified under sub. (3m).

(b) *Reinspection fee.* If the department reinspects a food warehouse because the department finds a violation of this chapter or rules promulgated under this chapter on a regularly scheduled inspection, the department shall charge the food warehouse operator the reinspection fee specified under sub. (3m). A reinspection fee is payable by the food warehouse operator when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the food warehouse operator.

(c) *Surcharge for operating without a license.* An applicant for a food warehouse license shall pay a license fee surcharge of \$100 if the department determines that, within one year prior to submitting the license application, the applicant operated a food warehouse without a license in violation of this subsection. Payment of this license fee surcharge does not relieve the applicant of any other civil or criminal liability which results from the unlicensed operation of the food warehouse, but does not constitute evidence of a violation of law.

(3m) FEE AMOUNTS. The annual fees required under sub. (3), beginning with the license year which ends on June 30, 1989, are:

(a) For a food warehouse having fewer than 10,000 square feet of floor area, an annual food warehouse license fee of \$20 and a reinspection fee of \$20.

(b) For a food warehouse having at least 10,000 square feet but less than 50,000 square feet of floor area, an annual food warehouse license fee of \$40 and a reinspection fee of \$40.

(c) For a food warehouse having at least 50,000 square feet but less than 100,000 square feet of floor area, an annual food warehouse license fee of \$60 and a reinspection fee of \$60.

(d) For a food warehouse having at least 100,000 square feet but less than 150,000 square feet of floor area, an annual food warehouse license fee of \$80 and a reinspection fee of \$80.

(e) For a food warehouse having at least 150,000 square feet of floor area, an annual food warehouse license fee of \$100 and a reinspection fee of \$100.

(4) LICENSING CONTINGENT ON PAYMENT OF FEES. The department may not issue or renew a food ware-

house license unless the license applicant pays all fees which are due and payable under sub. (3), as set forth in a statement from the department. The department shall refund a fee paid under protest if the department determines that the fee was not due and payable as a condition of licensing under this section.

(5) RULE MAKING. The department may promulgate rules to govern the sanitary operation of food warehouses. Rules may include standards for the construction and maintenance of food storage facilities; standards for the storage, identification and handling of food; recordkeeping requirements to show the length of time that food is kept in storage; and freezing and temperature requirements applicable to frozen food warehouses, frozen food locker plants and cold storage warehouses.

SECTION 322. 97.28 of the statutes, as affected by 1987 Wisconsin Acts 27 and (this act), is repealed.

SECTION 323. 97.28 (1) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

97.28 (1) Except as provided in sub. (2m), no person may operate a retail food processing plant without a license from the department or a village, city or county granted agent status under s. 97.41. The license shall be granted under any reasonable rules or ordinances the department or village, city or county granted agent status under s. 97.41 prescribes pertaining to the proper handling and storing of food and the construction and sanitary condition of the building and equipment to be used for food processing.

SECTION 324. 97.28 (2) (a) of the statutes is repealed.

SECTION 325. 97.29 of the statutes is created to read:

97.29 Food processing plants. (1) DEFINITIONS. In this section:

(a) "Alcohol beverage" has the meaning given under s. 125.02 (1).

(b) "Bakery" means any place where bread, crackers, pasta or pies, or any other food product for which flour or meal is the principal ingredient, are baked, cooked or dried, or prepared or mixed for baking, cooking or drying, for sale as food.

(c) "Bottling establishment" means any place where drinking water, soda water beverage or alcohol beverage is manufactured or bottled for sale. "Bottling establishment" does not include a retail establishment engaged in the preparation and sale of beverages under a license issued under s. 125.26 or 125.51 or a restaurant permit or other permit issued under s. 50.51.

(d) "Canning" means the preservation and packaging in hermetically sealed containers of low-acid or acidified foods.

(e) "Confectionary" means any place where candy, fruit, nut meats or any other food product is manufactured, coated or filled with saccharine substances for sale as food.

(f) "Drinking water" means water used or intended for use for human consumption. "Drinking water" includes distilled water, artesian water, spring water and mineral water, whether carbonated or uncarbonated, if consumed by humans or intended for human consumption.

(g) "Food processing" means the manufacture or preparation of food for sale through the process of canning, extracting, fermenting, distilling, pickling, freezing, baking, drying, smoking, grinding, cutting, mixing, coating, stuffing, packing, bottling or packaging, or through any other treatment or preservation process. "Food processing" includes the activities of a bakery, confectionary or bottling establishment, and also includes the receipt and salvaging of distressed food for sale or use as food. "Food processing" does not include any of the following:

1. Activities covered under a dairy plant license issued under s. 97.20.
2. Activities covered under a meat or poultry establishment license issued under s. 97.42.
3. The retail preparation and processing of meals for sale directly to consumers or through vending machines if the preparation and processing is covered under a restaurant permit or other permit issued under s. 50.51.
4. Activities inspected by the federal department of agriculture under 21 USC 451 to 695 and 21 USC 1031 to 1056.
5. The extraction of honey from the comb, or the production and sale of raw honey or raw bee products by a beekeeper.
6. The washing and packaging of fresh fruits and vegetables if the fruits and vegetables are not otherwise processed at the packaging establishment.
7. The receipt and salvaging of distressed food for sale or use as food if the food is received, salvaged and used solely by a charitable organization and if contributions to the charitable organization are deductible by corporations in computing net income under s. 71.02 (1) (c) (intro.).
8. Any other activity exempted by the department by rule.

(h) "Food processing plant" means any place where food processing is conducted. "Food processing plant" does not include any establishment subject to the requirements of s. 97.30 or any restaurant or other establishment holding a permit under s. 50.51, to the extent that the activities of that establishment are covered by s. 97.30 or the permit under s. 50.51.

(i) "Soda water beverage" means all beverages commonly known as soft drinks or soda water, whether carbonated, uncarbonated, sweetened or flavored.

(2) LICENSE. (a) *Requirement.* Except as provided under par. (b), no person may operate a food processing plant without a valid license issued by the department for that food processing plant. A license expires on March 31 annually. Each food processing plant

shall have a separate license. A license is not transferable between persons or locations. Application for a license shall be made on a form provided by the department and be accompanied by the applicable fees required under sub. (3) and the sworn statement required under s. 100.03 (2). An applicant shall identify the categories of food processing activities which the applicant proposes to conduct at the food processing plant. An application shall include additional information which may reasonably be required by the department for licensing purposes.

(b) *Exemptions.* If a dairy plant licensed under s. 97.20 or a meat establishment licensed under s. 97.42 is incidentally engaged in the operation of a food processing plant at the same location, the department may exempt by rule the dairy plant or meat establishment from licensing under this section.

(c) *Added operations.* No food processing plant may add a new category of food processing operations during the time period for which a food processing plant license was issued unless the operator of the food processing plant first notifies the department and obtains written authorization for the new category of operations. "New category of food processing operations" may include any of the following operations which were not identified on the most recent license application for the food processing plant:

1. Bakery operations.
2. Confectionary operations.
3. Bottling establishment operations.
4. Canning operations.
5. Freezing, smoking or other food preservation operations which constitute a significant departure from the operations described in the most recent license application.
6. Any other category of food processing operations which constitutes a significant departure from the operations described in the most recent license application.

(3) FEES. (a) *Annual license fee; all food processing plants.* An applicant for a food processing plant license shall pay the license fee specified under par. (am), based on the dollar volume of production by the food processing plant during the previous license year. The annual dollar volume of production shall be determined by gross sales of the product processed during the license year, plus the inventory value of any portion of the product not sold. If the food processing plant was not licensed during the previous license year, the license applicant shall pay an estimated license fee based on projected annual production in the license year for which application is made. At the end of the license year for which an estimated fee has been paid, the licensee shall report to the department the actual production during the license year, and the license fee for that year shall be recomputed based on the actual production. If the license fee based on actual production differs from the estimated license fee, the licensee shall pay the balance due or receive a

credit from the department on the next year's license fee.

(am) *Fee amounts.* The annual fees required under par. (a), beginning with the license year which ends on March 31, 1989, are:

1. For a food processing plant with an annual production of less than \$250,000, a food processing plant license fee of \$40.

2. For a food processing plant with an annual production of \$250,000 or more, a food processing plant license fee of \$80.

(b) *Canning operations; license fee surcharge.* If a food processing plant is engaged in canning operations, a license applicant shall pay a license fee surcharge of \$195, beginning with the license year which ends on March 31, 1989, which shall be added to the license fee under par. (a).

(c) *Reinspection fee.* If the department reinspects a food processing plant because the department finds a violation of this chapter or rules promulgated under this chapter, the department shall charge the food processing plant operator the reinspection fee specified under par. (cm). The reinspection fee shall be based on the dollar volume of production by the food processing plant during the previous license year, and may include a reinspection fee surcharge for a food processing plant engaged in canning operations. The reinspection fee is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the food processing plant operator.

(cm) *Fee amounts.* The reinspection fee required under par. (c), beginning with the license year which ends on June 30, 1989, is:

1. For a food processing plant with an annual production of less than \$250,000, the reinspection fee is \$40.

2. For a food processing plant with an annual production of \$250,000 or more, the reinspection fee is \$80.

(d) *Surcharge for operating without a license.* An applicant for a food processing plant license shall pay a license fee surcharge if the department determines that, within one year prior to submitting a license application, the applicant operated the food processing plant without a license in violation of this subsection. The amount of the surcharge is \$100, or \$500 in the case of a food processing plant buying farm products from producers. Payment of this license fee surcharge does not relieve the applicant of any other civil or criminal liability which results from the unlicensed operation of the food processing plant, but does not constitute evidence of a violation of any law.

(e) *Licensing contingent on payment of fees.* The department may not issue or renew a food processing plant license unless the license applicant pays all fees which are due and payable under this subsection, as

set forth in a statement from the department. The department shall refund a fee paid under protest if the department determines that the fee was not due and payable as a condition of licensing under this subsection.

(4) **FOOD PROCESSING PLANTS BUYING FARM PRODUCTS FROM PRODUCERS.** If a food processing plant buys farm products from producers, no license to operate the food processing plant may be issued or renewed until the applicant complies with s. 100.03.

(5) **RULE MAKING.** The department may promulgate rules to govern the operation of food processing plants. Rules may include standards for the construction and maintenance of facilities; the design, installation, cleaning and maintenance of equipment and utensils; personnel sanitation; food handling and storage; sanitary production and processing; and food sources and food labeling.

SECTION 326. 97.30 of the statutes is created to read:

97.30 Retail food establishments. (1) **DEFINITIONS.** In this section:

(a) "Agent city or county" means a city or county granted agent status by the department under s. 97.41.

(b) "Food processing" has the meaning given under s. 97.29 (1) (g).

(c) "Retail food establishment" means a permanent or mobile food processing facility where food processing is conducted primarily for direct retail sale to consumers at the facility, or any permanent facility from which food is regularly sold to consumers at retail. "Retail food establishment" includes a grocery store operated at a permanent facility, whether or not the grocery store is engaged in food processing. "Retail food establishment" does not include a restaurant or other establishment holding a permit under s. 50.51, to the extent that the activities of the establishment are covered by that permit.

(2) **LICENSE.** (a) *Requirement.* Except as provided under par. (b), no person may operate a retail food establishment without a valid license issued by the department or an agent city or county. Licenses expire on June 30 annually. Each retail food establishment shall have a separate license. A license is not transferable between persons or establishments. Application for a license shall be made on a form provided by the department, or by the agent city or county, and be accompanied by the applicable fees required under sub. (3) or s. 97.41. An application shall indicate whether food processing is conducted at the establishment and shall specify the nature of any food processing activities. An application shall include other information reasonably required by the department, or by the agent city or county, for licensing purposes.

(b) *Exemptions.* 1. A license is not required under this section for any of the following:

a. A retail food establishment which has gross food sales of less than \$10,000 per year and is not engaged in food processing.

b. A retail food establishment which is primarily engaged in selling fresh fruits and vegetables, honey, cider or maple syrup produced by the operator of the retail food establishment, if that retail food establishment is not engaged in other food processing activities.

c. A retail food establishment which is exempted from licensing by the department by rule. If a restaurant or other establishment for which a permit has been issued under s. 50.51 is incidentally engaged in operating a retail food establishment at the same location, the department may exempt by rule the restaurant or establishment from licensing under this section. Rules under this subd. 1. c shall conform to a memorandum of understanding between the department and the department of health and social services, under which the department of health and social services agrees to inspect the retail food establishment operations on behalf of the department.

2. If a food processing plant, as defined in s. 97.29 (1) (h), is incidentally engaged in the operation of any retail food establishment subject to the requirements of this section at the same location, the department may exempt by rule that establishment from licensing under this section.

(3) FEES; RETAIL FOOD ESTABLISHMENTS LICENSED BY DEPARTMENT. (a) *License fee.* An applicant for a retail food establishment license shall pay the license fee specified under sub. (3m), based on gross receipts from food sales at the retail food establishment during the previous license year. If a retail food establishment was not licensed during the previous license year, a license applicant shall pay an estimated license fee based on projected gross receipts from food sales in the license year for which application is made. At the end of the license year for which an estimated fee has been paid, the licensee shall submit a report to the department stating the actual gross receipts from food sales during the license year. The license fee for that year shall be recomputed based on actual gross receipts. If the license fee based on actual gross receipts differs from the estimated license fee which was paid, the licensee shall pay the balance due or receive a credit from the department on the next year's license fee.

(b) *Reinspection fee.* If the department reinspects a retail food establishment because the department finds a violation of this chapter or rules promulgated under this chapter, the department shall charge the retail food establishment operator the reinspection fee specified under sub. (3m). A reinspection fee is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the retail food establishment operator.

(c) *Surcharge for operating without a license.* An applicant for a retail food establishment license shall pay a license fee surcharge of \$100 if the department determines that, within one year prior to submitting a license application, the applicant operated the retail food establishment without a license in violation of this subsection. Payment of this license fee surcharge does not relieve the applicant of any other civil or criminal liability which results from the unlicensed operation of the retail food establishment, but does not constitute evidence of a violation of any law.

(d) *Licensing contingent on payment of fees.* The department may not issue or renew a retail food establishment license unless the license applicant pays all fees which are due and payable under this subsection and sub. (3m), as set forth in a statement from the department. The department shall refund a fee paid under protest if the department determines that the fee was not due and payable as a condition of licensing under this subsection.

(3m) FEE AMOUNTS. The annual fees required under sub. (3), beginning with the license year which ends on June 30, 1989, are:

(a) For a retail food establishment with annual food sales of less than \$100,000, an annual retail food establishment license fee of \$40 and a reinspection fee of \$40.

(b) For a retail food establishment with annual food sales of at least \$100,000 but less than \$250,000, an annual retail food establishment license fee of \$60 and a reinspection fee of \$60.

(c) For a retail food establishment with annual food sales of \$250,000 or more, an annual retail food establishment license fee of \$80 and a reinspection fee of \$80.

(4) FEES; RETAIL FOOD ESTABLISHMENT LICENSED BY AGENT CITY OR COUNTY. Subsection (3) does not apply to any retail food establishment licensed by an agent city or county under s. 97.41. An applicant for a retail food establishment license issued by an agent city or county shall pay fees established by the agent city or county under s. 97.41.

(5) RULE MAKING. The department may promulgate rules to govern the operation of retail food establishments. Rules may include standards for the construction and maintenance of facilities; the design, installation, cleaning and maintenance of equipment and utensils; personnel sanitation; food handling, display and storage; and food sources and food labeling.

SECTION 327. 97.34 (title) of the statutes is amended to read:

97.34 (title) Bottled drinking water and soda water beverage; standards; sampling and analysis.

SECTION 328. 97.34 (2) of the statutes is repealed.

SECTION 329. 97.34 (3) of the statutes is renumbered 97.34 (2).

SECTION 330. 97.34 (4) of the statutes is repealed.

SECTION 331. 97.34 (5) of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 332. 97.34 (6) to (11) of the statutes are repealed.

SECTION 333. 97.36 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

97.36 Bakery license. No person may operate a bakery without obtaining a license under s. 97.40 from the department or a village, city or county granted agent status under s. 97.41. "Bakery" means any place where bread, crackers, pies, macaroni, spaghetti, or any other food product for which flour or meal is the principal ingredient are baked, cooked or dried, or prepared or mixed for baking, cooking or drying, for sale at retail as food. "Bakery" does not include a restaurant, hotel or other place where such products are prepared and sold exclusively with meals or lunches.

SECTION 334. 97.36 of the statutes, as affected by 1987 Wisconsin Acts 27 and (this act), is repealed.

SECTION 335. 97.38 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

97.38 Confectionary license. No person may operate a confectionary without obtaining a license under s. 97.40 from the department or a village, city or county granted agent status under s. 97.41. "Confectionary" means any place where candy, fruit, nut meats or any other food product, except a bakery product defined in s. 97.36, is manufactured, coated or filled with saccharine substances for sale at retail as food.

SECTION 336. 97.38 of the statutes, as affected by 1987 Wisconsin Acts 27 and (this act), is repealed.

SECTION 337. 97.40 of the statutes, as affected by 1987 Wisconsin Acts 27 and (this act), is repealed.

SECTION 338. 97.40 (1) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

97.40 (1) An applicant for a license to operate a retail bakery or a retail confectionary shall complete the application prepared by the department or a village, city or county granted agent status under s. 97.41 and provide, in writing, any additional information the department or village, city or county issuing the license requires. If the license is issued by the department, the application shall be accompanied by a graduated fee based on dollar volume of output for the preceding licensing year, as follows: For less than \$50,000, a fee of \$35; for \$50,000 or more but less than \$150,000, a fee of \$50; and for \$150,000 or more, a fee of \$75. Dollar volume of output shall be determined by gross sales of product processed plus inventory value of any portion of the product not sold. Fees applicable to bakeries and confectionaries not operated during the preceding licensing year shall be determined in the manner prescribed for food processing plants under s. 97.28 (3) (b). If the department conducts a reinspection of any facility used by a person licensed under this subsection due to any violation of any federal or state law which the department determines in a regularly scheduled inspection of that facil-

ity, the department shall charge for that reinspection the holder of a license for output of less than \$50,000, \$35; of a license for output of \$50,000 or more but less than \$150,000, \$50; and of a license for \$150,000 or more, \$75.

SECTION 339. 97.41 (1) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

97.41 (1) In the administration of this chapter, the department may enter into a written agreement with a village, city or county, if the village, city or county has a population greater than 5,000, which designates the village, city or county as its agent for issuing licenses to and making investigations or inspections of ~~counter freezers under s. 97.26, retail food processing plants as defined in s. 97.28 (2) (b), bakeries as defined in s. 97.36, and confectionaries as defined in s. 97.38~~ retail food establishments, as defined in s. 97.30 (1) (c). When the designation is made, no license other than the license issued by the village, city or county under this section may be required by the department, the village, the city or the county for the same operations. The department shall coordinate the designation of agents under this section with the department of health and social services to ensure that, to the extent feasible, the village, same city and county agencies are granted agent status under this section and under s. 50.535 (2). Except as otherwise provided by the department, a village, city or county granted agent status shall regulate all types of establishments for which this subsection permits the department to delegate regulatory authority. No village or city may be designated on or after August 1, 1987, as an agent under this subsection if the county in which the village or city is located is designated as an agent. If a county is designated before, on or after August 1, 1987, as an agent under this subsection, the designation only applies to those cities, villages and towns in the county which are not designated as an agent under this subsection.

SECTION 340. 97.41 (4) (a) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

97.41 (4) (a) Except as provided in par. (b), a village, city or county granted agent status under this section shall establish and collect the license fee for ~~each type of establishment~~ retail food establishments, as defined in s. 97.30 (1) (c). The village, city or county may establish separate fees for preinspections of new establishments, for preinspections of existing establishments for which a person intends to be the new operator or for the issuance of duplicate licenses. No fee may exceed the village's, city's or county's reasonable costs of issuing licenses to, making investigations and inspections of, and providing education, training and technical assistance to the establishments, plus the state fee established under sub. (5). A village, city or county which is granted agent status under this section or under s. 50.535, may issue a single license and establish and collect a single fee which authorizes the

operation on the same premises of more than one type of establishment with respect to which it is granted agent status under this section or under s. 50.535 (2).

SECTION 341. 97.41 (5) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

97.41 (5) The department shall establish state fees for its costs related to setting standards for ~~counter freezers, retail food processors, bakeries and confectionaries~~ retail food establishments, as defined in s. 97.30 (1) (c), setting standards for agents under this section and monitoring and evaluating the activities of, and providing education and training to, agent villages, cities and counties. Agent villages, cities and counties shall include the state fees in the license fees established under sub. (4) (a), collect the state fees and reimburse the department for the state fees collected. ~~For each type of establishment, the~~ The state fee may not exceed 20% of the license ~~fees~~ fee charged under ~~ss. 97.26 (2), 97.28 (3) and 97.40 (1) in villages, cities and counties where the department issues licenses s. 97.30 (3) for a license issued by the department.~~

SECTION 342. 97.41 (7) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

97.41 (7) ~~Except as provided in s. 97.28 (9), a~~ A city or county may impose regulations on licensees and premises for which it is the designated agent under this section, which are stricter than this chapter or rules ~~adopted~~ promulgated by the department under this chapter. No such regulation may conflict with this chapter or rules ~~adopted~~ promulgated by the department.

SECTION 343. 97.41 (9) (intro.) of the statutes is amended to read:

97.41 (9) (intro.) The department shall hold a hearing under ch. 227 if any interested person, in lieu of proceeding under ch. 68, appeals to the department alleging ~~either~~ any of the following:

SECTION 344. 97.41 (9) (c) of the statutes is created to read:

97.41 (9) (c) That a license fee for a retail food establishment license issued by an agent city or county under this section exceeds the reasonable costs of that agent city or county for issuing the license, investigating and inspecting the establishment, and providing education, training and technical assistance to the establishment.

SECTION 345. 97.415 of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 346. 97.42 (1) (d) 1 and (2) (a) of the statutes are amended to read:

97.42 (1) (d) 1. Establishments subject to ~~the federal meat inspection act (21 U.S.C. 71 et seq.) or the federal poultry products inspection act (21 U.S.C. 21 USC 451 et seq.) to 695.~~

(2) (a) No person shall ~~may~~ operate an establishment as defined in sub. (1) (d) without ~~an annual a~~ valid license issued by the department for each such establishment. ~~Licenses shall expire~~ That license

~~expires on June 30 of each year annually.~~ No license shall ~~may~~ be issued unless the applicant has complied with the requirements of this section. The annual license fee is \$100, except the annual license fee shall be \$40 ~~annually~~ for those establishments engaged only in slaughtering uninspected animals or poultry or processing uninspected meat as a custom service, and not in other operations subject to a license under this section. No person shall ~~may~~ be required to obtain a license under s. ~~97.28 or 99.30, 97.29 or 97.30~~ for operation of any establishment which is licensed under this section or which is inspected under ~~the federal meat or poultry inspection acts 21 USC 451 to 695.~~

SECTION 347. Chapter 99 (title) of the statutes is repealed and recreated to read:

CHAPTER 99

PUBLIC WAREHOUSES

SECTION 348. Subchapter I (title) of chapter 99 of the statutes is repealed.

SECTION 349. 99.01 (1) to (4) of the statutes are repealed.

SECTION 350. 99.01 (5) of the statutes is renumbered 99.01 (1).

SECTION 351. 99.01 (6) to (10) of the statutes are repealed.

SECTION 352. 99.01 (11) and (12) of the statutes are renumbered 99.01 (2) and (3) and amended to read:

99.01 (2) "Property" means goods as defined in s. 407.102 (1) (f) ~~and includes, without limitation because of enumeration,~~ "Property" includes food, agricultural and commercial products, commodities or equipment; household furnishings; automobiles, boats, snowmobiles or other vehicles and conveyances; and all other items of a personal, family, household, agricultural, business or commercial nature which may be the subject of a contract of storage.

(3) "Public warehouse" means a warehouse that is operated by a public warehouse keeper for the storage for hire of the property of others. "Public warehouse" includes a food warehouse, as defined in s. 97.27 (1) (b), if the warehouse is operated by a public warehouse keeper on a storage for hire basis. "Public warehouse" does not include a frozen food locker plant as defined in s. 97.27 (1) (c).

SECTION 353. 99.01 (13) of the statutes is renumbered 99.01 (4).

SECTION 354. 99.01 (14) to (16) of the statutes are repealed.

SECTION 355. 99.01 (17) of the statutes is renumbered 99.01 (5).

SECTION 356. 99.015 of the statutes is amended to read:

99.015 Warehouses classified. For the purposes of this chapter, public ~~and cold storage~~ warehouses are classified as follows: Class 1 warehouses have less than 10,000 square feet of floor space; Class 2 warehouses have 10,000 square feet or over but less than 50,000; Class 3 warehouses have 50,000 square feet or

over but less than 100,000; Class 4 warehouses have 100,000 square feet or over but less than 150,000; and Class 5 warehouses have 150,000 square feet or over.

SECTION 357. Subchapter II (title) of chapter 99 of the statutes is repealed.

SECTION 358. 99.04 (1) of the statutes is amended to read:

99.04 (1) FACILITIES. All public warehouse facilities shall be suitable for the type of storage operations to be conducted and shall be maintained and operated in a manner which will reasonably protect property to be stored against loss or damage. No public warehouse keeper license may be issued or continued in effect if facilities used are unsuitable for the type of storage operation to be conducted or adequate safeguards are not taken for the protection of property against loss or damage while in storage. A public warehouse used for the storage of food is subject to ch. 97.

SECTION 359. Subchapter III of chapter 99 of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 360. Subchapter IV of chapter 99 of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 361. Subchapter V (title) of chapter 99 of the statutes is repealed.

SECTION 362. 99.40 to 99.42 of the statutes are renumbered 99.06 to 99.08.

SECTION 363. 100.03 (1) (k), (2) (intro.), (3) (a) 1 and (4) (a) of the statutes are amended to read:

100.03 (1) (k) "Food processing plant" has the meaning specified in s. ~~97.28 (2) (a)~~. ~~"Food processing plant" does not include "retail food processing plant", as defined in s. 97.28 (2) (b) 97.29 (1) (h).~~

(2) ANNUAL STATEMENTS. (intro.) An applicant for an original or renewal ~~food processing plant operator's license to operate a food processing plant~~ under s. ~~97.28 97.29~~ shall include with the application a sworn statement as to all of the following, and shall notify the department whenever he or she knows or has reason to believe that any of the information reported is no longer correct:

(3) (a) 1. An applicant for an original ~~food processing plant operator's license to operate a food processing plant~~ under s. ~~97.28 97.29~~ shall file a financial statement with the department.

(4) (a) The department may not grant or renew a ~~food processing plant operator's license to operate a food processing plant~~ under s. ~~97.28 97.29~~ unless the applicant certifies that all producers who have supplied or contracted to supply farm products to the applicant or any subsidiary or affiliate of the applicant on or before December 31 of the current license year have been paid in cash at the agreed price under par. (b) or (c).

SECTION 364. 100.03 (5) (intro.) of the statutes is amended to read:

100.03 (5) PAYMENT ON DELIVERY; MINIMUM FINANCIAL STANDARDS; SECURITY. (intro.) No person may operate a food processing plant, and the department may not, under s. ~~97.28 97.29~~, grant or renew the license of any food processing plant operator, that does not make payment on delivery unless the operator meets the minimum financial standards under par. (a) or files security with the department under par. (c):

SECTION 365. 100.06 (6) of the statutes is amended to read:

100.06 (6) Compliance with this section shall be an additional requirement for the license and noncompliance shall be ground for denial, suspension or revocation of license, under s. 97.20. ~~Section 97.20 (9) and (10) shall apply to this section~~ This subsection does not apply to any dairy plant, as defined in s. 97.20 (1) (a), operated by this state.

SECTION 366. 100.201 (6) (a) of the statutes is amended to read:

100.201 (6) (a) For the purpose of administering and enforcing this section the first person who processes or manufactures any selected dairy product for sale at wholesale or sale at retail (except sales at retail by counter freezer operators licensed as retail food establishments under s. ~~97.26 97.30 or 97.41~~) within this state, or the wholesaler or retailer who first receives any such product already processed from outside the state for sale within the state, shall pay to the department on or before the 25th day of each month following the month in which such wholesaler receives, processes or sells such selected dairy products, a fee as determined by the department, but not to exceed 5 mills per hundredweight of 3.5% butterfat raw milk equivalent on all selected dairy products defined in sub. (1) (c) 1 sold within the state in final consumer package or container to retailers or consumers or sold in such packages or containers to other wholesalers of selected dairy products for further sale within the state to retailers or consumers, and not to exceed 3.5 mills per gallon on all ice cream mix and ice milk mix made for freezing into ice cream and ice milk and ultimately sold within the state, whether in the form of mix or finished ice cream and ice milk. Products upon which fees have been paid shall be exempt from further fees in successive transactions. Any person claiming that products sold by the person are not subject to assessment under this subsection by reason of the fact that they were not sold or resold within the state shall have the burden of so proving, and shall be obligated to pay assessment on such products unless and until the person produces records satisfying the department that such products are not subject to assessment.

SECTION 366c. 101.09 (3) of the statutes is renumbered 101.09 (3) (a) and amended to read:

101.09 (3) (a) The department shall promulgate by rule construction, maintenance and abandonment standards applicable to tanks for the storage, han-

ding or use of flammable and combustible liquids, and to the property and facilities where the tanks are located, for the purpose of protecting the waters of the state from harm due to contamination by flammable and combustible liquids. The rule shall comply with ch. 160. The rule may include different standards for new and existing tanks, but all standards shall provide substantially similar protection for the waters of the state. The rule shall include maintenance requirements related to the detection and prevention of leaks. The rule may require any person supplying heating oil to any noncommercial storage tank for consumptive use on the premises to submit to the department, within 30 days after the department requests, the location, contents and size of any such tank.

SECTION 366d. 101.09 (3) (b) of the statutes is created to read:

101.09 (3) (b) The department may transfer any information which the department receives under par. (a) to any other agency or governmental unit. Notwithstanding s. 19.35, the department and any such agency shall treat the name of the owner and the location of any noncommercial storage tank which stores heating oil for consumptive use on the premises, required to be submitted to the department under par. (a), as confidential.

SECTION 366dg. 101.122 (2) (a) 3 of the statutes is created to read:

101.122 (2) (a) 3. In the rules adopted under this paragraph, the department may not include any requirement for interior or exterior foundation insulation or basement ceiling insulation.

~~SECTION 366e. 101.123 (title) of the statutes is amended to read:~~

~~101.123 (title) Smoking restricted in certain public places.~~

~~SECTION 366f. 101.123 (1) (a) of the statutes is amended to read:~~

~~101.123 (1) (a) "Educational Higher educational facility" means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board by an institution of higher education, as defined in s. 39.32 (1) (a).~~

~~SECTION 366g. 101.123 (1) (gm) of the statutes is created to read:~~

~~101.123 (1) (gm) "School" has the meaning given in s. 118.257 (1).~~

~~SECTION 366i. 101.123 (1m) (title) of the statutes is created to read:~~

~~101.123 (1m) (title) COUNTY AND MUNICIPAL ORDINANCES~~

~~SECTION 366k. 101.123 (2) (a) 2 of the statutes is amended to read:~~

~~101.123 (2) (a) 2. Educational Higher educational facilities.~~

~~SECTION 366l. 101.123 (2) (c) of the statutes is renumbered 101.123 (1m).~~

~~SECTION 366n. 101.123 (2n) of the statutes is created to read:~~

~~101.123 (2n) REGULATION OF SMOKING IN SCHOOLS. Except as provided in sub. (4) (am), no person may smoke in a school or on school premises, including outdoor areas.~~

~~SECTION 366p. 101.123 (3) (intro.) of the statutes is amended to read:~~

~~101.123 (3) Exceptions. (intro.) The regulation of smoking in sub. (2) and (2m) does not apply to the following places:~~

~~SECTION 366r. 101.123 (4) (a) of the statutes is amended to read:~~

~~101.123 (4) (a) A person in charge or his or her agent may designate smoking areas in the places where smoking is regulated under sub. (2) unless a fire marshal, law ordinance or resolution prohibits smoking. Entire rooms and buildings may be designated smoking areas. This paragraph does not apply to schools.~~

~~SECTION 366s. 101.123 (4) (am) of the statutes is created to read:~~

~~101.123 (4) (am) A person in charge of a school may designate smoking areas in areas where only faculty, school staff and other adults are permitted, unless a fire marshal, law ordinance or resolution prohibits smoking.~~

SECTION 366sd. 101.14 (2) (b) of the statutes is repealed and recreated to read:

101.14 (2) (b) The chief of every fire department shall provide for the inspection of every public building and place of employment to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards or to the prevention of fires.

SECTION 366sdc. 101.14 (2) (c) of the statutes, as affected by 1987 Wisconsin Act (Senate Bill 349), is amended to read:

101.14 (2) (c) Except as provided under subd. 2, such inspection shall and par. (cm), the chief of every fire department shall provide that the inspections required under par. (b) be made at least once in 6 months in all of the territory served by such his or her fire department, and not less than once in 3 months in such any territory as which the common council has designated or thereafter designates as within the fire limits or as a congested district subject to conflagration, and oftener as the chief of the fire department orders. Each 6-month period shall begin on January 1 and July 1, and each 3-month period on January 1, April 1, July 1 and October 1 of each year.

SECTION 366sde. 101.14 (2) (cm) of the statutes is created to read:

101.14 (2) (cm) A fire department is not subject to par. (c) if it does all of the following:

Vetoed in Part

Vetoed in Part

1. Completes at least 80% of the total required fire prevention inspections specified in par. (c).
2. Completes at least 50% of the required number of fire prevention inspections specified in par. (c) for each public building and place of employment occupancy subject to inspection.
3. Provides public fire education services prescribed by the department by rule, in consultation with the fire prevention council.

SECTION 366sdg. 101.14 (2) (d) of the statutes is amended to read:

101.14 (2) (d) ~~The chiefs chief of every fire departments in every city of the 1st, 2nd and 3rd classes department, or, in 1st class cities, the building inspector appointed by the department under par. (a), shall designate a sufficient number of inspectors to carry out this section make the inspections required under pars. (b) to (cm).~~

SECTION 366sdm. 101.14 (2) (f) of the statutes is amended to read:

101.14 (2) (f) ~~Such Every inspection shall be required under pars. (b) to (cm) is subject to the supervision and direction of the department, which shall upon examination, after audit, certify to the commissioner of insurance after the expiration of each calendar year each such city, village or town where the inspections for such the year have been made, and where records thereof have been made and kept on file as required by law under par. (e) and s. 101.575 (3) (a) 5.~~

SECTION 366sds. 101.14 (2) (g) of the statutes is repealed.

SECTION 366sg. 101.143 of the statutes is created to read:

101.143 Petroleum storage remedial action. (1) DEFINITIONS. In this section:

(a) "Commercial petroleum product storage system" means an underground petroleum product storage tank system used to store petroleum products for resale. The term does not include pipeline facilities.

(b) "Discharge" has the meaning designated under s. 144.76 (1) (a).

(c) "Groundwater" has the meaning designated under s. 144.027 (1) (c).

(cm) "Home oil tank" means an underground home heating oil tank used for consumptive use on the premises.

(d) "Operator" means any of the following:

1. A person who operates a commercial petroleum product storage system, regardless of whether the system remains in operation and regardless of whether the person operates or permits the use of the system at the time environmental pollution occurs.

2. A subsidiary or parent corporation of the person specified under subd. 1.

(e) "Owner" means any of the following:

1. A person who owns, or has possession or control of, a commercial petroleum product storage system, or who receives direct or indirect consideration from the operation of a system regardless of whether the system remains in operation and regardless of whether the person owns or receives consideration at the time environmental pollution occurs.

2. A subsidiary or parent corporation of the person specified under subd. 1.

(f) "Petroleum product" means gasoline, gasoline-alcohol fuel blends, kerosene, fuel oil, burner oil, diesel fuel oil or used motor oil.

(g) "Precision testing" means a testing method capable of detecting a release rate of at least 0.10 gallon per hour from any portion of a commercial petroleum product storage system or home oil tank determined with a probability of detection of 0.99 and a probability of false alarms of 0.01 and that controls or minimizes through proper design and test procedures the effects of product temperature changes, trapped vapor pockets, condensation, evaporation and tank deflection.

(h) "Subsidiary or parent corporation" means a business entity, including a subsidiary, parent corporation or other business arrangement, that has elements of common ownership or control or that uses a long-term contractual arrangement with a person to avoid direct responsibility for conditions at a commercial petroleum product storage system site.

(i) "Underground petroleum product storage tank system" means an underground storage tank used for storing petroleum products that is required to be registered under 42 USC 6991 and the regulations promulgated under that section or registered under this chapter and the rules promulgated under this chapter together with any on-site integral piping or dispensing system.

(2) DUTIES OF THE DEPARTMENT. (a) The department shall set the additional oil inspection fee under s. 168.12 (1m) at a level sufficient, considering funds in the petroleum storage environmental cleanup fund, to fund actual and projected awards and administrative costs under this section and administrative costs paid from the appropriation under s. 20.370 (2) (dw), but not more than \$7,500,000 in a fiscal year.

(b) The department shall promote the program under this section to persons who may be eligible for awards under this section.

(c) The department shall keep records and statistics on the program under this section and shall periodically evaluate the effectiveness of the program.

(3) CLAIMS FOR PETROLEUM PRODUCT INVESTIGATION, REMEDIAL ACTION PLANNING AND REMEDIAL ACTION ACTIVITIES. (a) *Who may submit a claim.* An owner or operator or a person owning a home oil tank may submit a claim to the department for an award under sub. (4) to reimburse the owner or operator or the person for the eligible costs under sub. (4) (b) that

the owner or operator or the person incurs because of a petroleum products discharge from a commercial petroleum product storage system or home oil tank if all of the following apply:

1. The owner or operator or the person is able to document that the source of a discharge is from a commercial petroleum product storage system or home oil tank that was installed before the effective date of this subdivision [revisor inserts date].

2. The remedial action activities are not eligible for funding under 42 USC 6991.

3. The owner or operator or the person notifies the department, before conducting a site investigation or remedial action activity, of the discharge and the potential for submitting a claim under this section, except as provided under par. (g).

4. The owner or operator registers the commercial petroleum product storage system or the home oil tank is registered with the department under s. 101.09.

5. The owner or operator or the person reports the discharge in a timely manner to the division of emergency government in the department of administration or to the department of natural resources, according to the requirements under s. 144.76.

6. The owner or operator or the person investigates the extent of environmental damage caused by the commercial petroleum product storage system or home oil tank.

7. The owner or operator or the person recovers any recoverable petroleum products from the commercial petroleum products storage system or home oil tank.

8. The owner or operator or the person disposes of any residual solid or hazardous waste in a manner consistent with local, state and federal laws, rules and regulations.

9. The owner or operator or the person follows standards for groundwater restoration in the groundwater standards in the rules promulgated by the department of natural resources under ss. 160.07 and 160.09 and restores the environment, to the extent practicable, according to those standards at the site of the discharge from a commercial petroleum product storage system or home oil tank.

(b) *Claims submitted by owners or operators who were not owners or operators, or a person owning a home oil tank when a petroleum product discharge occurred.* An owner or operator who was not the owner or operator, or a person who owns a home oil tank who did not own the home oil tank, when a petroleum product discharge occurred and who meets the requirements of this section may submit a claim for an award under sub. (4) unless the owner or operator or the person knew or should have known of the ineligibility of the previous owner or operator or of the person who previously owned the home oil tank as a result of actions under sub. (4) (g) 4, 5 or 6.

(c) *Investigations, remedial action plans and remedial action activities.* Before submitting an application

under par. (f), except as provided under par. (g), an owner or operator or the person shall do all of the following:

1. Complete an investigation to determine the extent of environmental damage caused by a discharge from a commercial petroleum product storage system or home oil tank.

2. Prepare a remedial action plan that identifies specific remedial action activities proposed to be conducted under subd. 3.

3. Conduct all remedial action activities at the site of the discharge from the commercial petroleum product storage system or home oil tank necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge as required under s. 144.76.

4. Receive written approval from the department of natural resources that the remedial action activities performed under subd. 3 meet the requirements of s. 144.76.

(d) *Review of site investigations, remedial action plans and remedial action activities.* The department of natural resources shall, at the request of the claimant, review the site investigation and the remedial action plan and advise the claimant on the adequacy of proposed remedial action activities in meeting the requirements of s. 144.76. The advice is not an approval of the remedial action activities. The department of natural resources shall complete a final review of the remedial action activities within 60 days after the claimant notifies the department of natural resources that the remedial action activities are completed.

(e) *Notifications.* The department of natural resources shall notify the department when it gives the claimant written approval under par. (c) 4. The department shall notify the department of natural resources of all notifications that it receives under par. (a) 3.

(f) *Application.* A claimant shall submit a claim on a form provided by the department. The claim shall contain all of the following documentation of activities, plans and expenditures associated with the eligible costs incurred because of a petroleum products discharge from a commercial petroleum product storage system:

1. A record of investigation results and data interpretation.

2. A remedial action plan.

3. Contracts for eligible costs incurred because of the discharge and records of the contract negotiations.

4. Accounts, invoices, sales receipts or other records documenting actual eligible costs incurred because of the discharge.

5. The written approval of the department of natural resources under par. (c) 4.

6. Other records and statements that the department determines to be necessary to complete the application.

(g) *Emergency situations.* Notwithstanding pars. (a) 3 and (c) 1 and 2, an owner or operator or the person may submit a claim for an award under sub. (4) after notifying the department under par. (a) 3, without completing an investigation under par. (c) 1 and without preparing a remedial action plan under par. (c) 2 if any of the following apply:

1. An emergency existed which made the investigation under par. (c) 1 and the remedial action plan under par. (c) 2 inappropriate.

2. The owner or operator or the person acted in good faith in conducting the remedial action activities and did not wilfully avoid conducting the investigation under par. (c) 1 or the remedial action plan under par. (c) 2.

(h) *Initial eligibility review.* When an owner or operator or the person notifies the department under par. (a) 3, the department shall provide the owner or operator or the person with information on the program under this section and the department's estimate of the eligibility of the owner or operator or of the person for an award under this section.

(4) AWARDS FOR PETROLEUM PRODUCT INVESTIGATION, REMEDIAL ACTION PLANNING AND REMEDIAL ACTION ACTIVITIES. (a) *Awards.* 1. If the department finds that the claimant meets all of the requirements of this section and any rules promulgated under this section, the department shall issue an award to reimburse a claimant for eligible costs incurred because of a petroleum products discharge from a commercial petroleum product storage system or home oil tank.

2. The department may not issue an award before all eligible costs have been incurred and written approval is received under sub. (3) (c) 4, unless the department determines that the delay in issuing the award would cause a financial hardship to the owner or operator or the person.

3. If the department issues an award at the time specified under subd. 2, the department may not reimburse the claimant at that time for more than 75% of the eligible costs.

4. Except as provided in subd. 5, if the department projects that the funds available for awards under this subsection will be insufficient to pay all awards under this subsection, the department shall issue awards according to a priority system. The department shall consider all of the following in developing a priority system:

a. The severity of the environmental contamination.

b. The impact of the discharge on public health.

c. The estimated number of people adversely affected by the environmental contamination.

d. The timeliness and thoroughness of the remedial action activities conducted by the claimant.

e. The financial condition of the claimant.

5. The department shall allocate \$500,000 in each fiscal year to make awards for home oil tank dis-

charges, and shall make awards in the order that applications are received. The department may conditionally approve awards which exceed the total of \$500,000 in any fiscal year, and make those awards first in the following fiscal year.

(b) *Eligible costs.* Eligible costs for an award under par. (a) include actual costs for the following items only:

1. Precision testing to determine tightness of tanks and lines.

2. Removal of petroleum products from commercial petroleum product storage systems and home oil tanks, surface waters, groundwater or soil.

3. Investigation and assessment of contamination caused by a commercial petroleum product storage system or a home oil tank.

4. Preparation of remedial action plans.

5. Removal of contaminated soils.

6. Soil treatment and disposal.

7. Environmental monitoring.

8. Laboratory services.

9. Maintenance of equipment for petroleum product recovery or remedial action activities.

10. Restoration or replacement of a private or public potable water supply.

11. Restoration of environmental quality.

12. Contractor costs for remedial action activities.

13. Inspection and supervision.

14. Other costs identified by the department as necessary for proper investigation, remedial action planning and remedial action activities to meet the requirements of s. 144.76.

(c) *Exclusions from eligible costs.* Eligible costs for an award under par. (a) do not include the following:

1. Costs incurred before August 1, 1987.

2. Costs of retrofitting or replacing a commercial petroleum product storage system or home oil tank.

3. Other costs that the department determines to be associated with, but not integral to, the eligible costs incurred because of a petroleum products discharge from a commercial petroleum product storage system or home oil tank.

4. Costs which the department determines to be unreasonable or unnecessary to carry out the remedial action activities as specified in the remedial action plan.

(d) *Awards for applicants who complete investigations, remedial action plans and remedial action activities during the grace period.* 1. The department shall issue an award for a claim filed before August 1, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987, and before August 1, 1989, by an owner or operator.

2. The department shall issue the award under this paragraph without regard to fault for each commercial petroleum product storage system in an amount equal to 75% of the amount of the eligible costs that

exceeds a deductible amount of \$5,000. An award issued under this paragraph may not exceed \$146,250.

(c) *Awards for claims filed after the grace period.* 1. The department shall issue an award for a claim filed after July 31, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987, by an owner or operator.

2. The department shall issue the award under this paragraph without regard to fault for each commercial petroleum product storage system in an amount equal to 50% of the amount of the eligible costs that exceeds a deductible amount of \$5,000. An award issued under this paragraph may not exceed \$97,500.

(em) *Awards for claims for home oil tank discharges.*

1. The department shall issue an award for a claim filed after the effective date of this subdivision [revisor inserts date], for eligible costs, under par. (b), incurred on or after August 1, 1987, by a person who owns a home oil tank.

2. The department shall issue the award under this paragraph without regard to fault for each home oil tank in an amount equal to 75% of the amount of the eligible costs. An award issued under this paragraph may not exceed \$7,500.

(f) *Contributory negligence.* Contributory negligence shall not be a bar to submitting a claim under this section and no award under this section may be diminished as a result of negligence attributable to the claimant or any person who is entitled to submit a claim.

(g) *Denial of claims, limits on awards.* The department shall deny a claim under par. (a) if any of the following applies:

1. The claim is not within the scope of this section.
2. The claimant submits a fraudulent claim.
3. The claimant has been grossly negligent in the maintenance of the commercial petroleum product storage system or home oil tank.
4. The claimant intentionally damaged the commercial petroleum product storage system or home oil tank.
5. The claimant falsified storage records.
6. The claimant wilfully failed to comply with laws or rules of this state concerning the storage of petroleum products.

(5) **RECOVERY OF AWARDS.** (a) *Right of action.* A right of action under this section shall accrue to the state against an owner, operator or other person only if the owner, operator or other person submits a fraudulent claim or does not meet the requirements under this section and if an award is issued under this section to the owner, operator or other person for eligible costs under this section.

(b) *Action to recover awards.* The attorney general shall take action as is appropriate to recover awards to which the state is entitled under par. (a). The department shall request that the attorney general take action if the department discovers a fraudulent claim after an award is issued.

(c) *Disposition of funds.* If an award is made from the petroleum storage environmental cleanup fund, the net proceeds of the recovery under par. (b) shall be paid into the petroleum storage environmental cleanup fund.

(6) **REQUIREMENT FOR PROOF OF FINANCIAL RESPONSIBILITY.** (a) If after July 1, 1988, an owner or operator fails to pay for an investigation or remedial action planning or remedial action activity for a commercial petroleum product storage system that the owner or operator used in a business operation, the owner or operator may not continue to conduct business at that business operation or start a new business that uses a commercial petroleum product storage system unless all of the following requirements and conditions are met:

1. The owner or operator establishes proof of financial responsibility in the amount of \$100,000 by obtaining a bond or irrevocable letter of credit, making a deposit or establishing an escrow account made payable to or established for the benefit of the department, or by giving a financial commitment satisfactory to the department.

2. The department approves the owner's or operator's proof of financial responsibility under subd. 1.

3. The owner or operator maintains the proof of financial responsibility under subd. 1.

(b) The department shall enforce this subsection by the revocation of any existing petroleum storage tank use permit issued by the department or by the refusal to issue a new petroleum storage tank use permit under s. 101.09.

(7) **LIABILITY.** (a) No common law liability, and no statutory liability which is provided in a statute other than this section, for damages resulting from a commercial petroleum product storage system or home oil tank is affected by this section. The authority, power and remedies provided in this section are in addition to any authority, power or remedy provided in any statute other than this section or provided at common law.

(b) If a person conducts a remedial action activity for a discharge at a commercial petroleum product storage system or home oil tank site, whether or not the person files a claim under this section, the claim and remedial action activity conducted are not evidence of liability or an admission of liability for any potential or actual environmental pollution.

(8) **PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL.** The petroleum storage environmental cleanup council shall do all of the following:

(a) Advise the secretary on any rules which may be promulgated under this section.

(b) Review and advise the secretary and the secretary of natural resources on the implementation of the petroleum product remedial action program established under this section.

SECTION 366t. 101.245 of the statutes is repealed.

Vetoed in Part

~~SECTION 366v. 101.27 (1) (a) 4 of the statutes is created to read:~~

~~101.27 (1) (a) 4. The individual is unemployed or underemployed according to rules promulgated by the department because of a strike or labor dispute, as defined under s. 111.02 (9), which has lasted longer than 6 months and is unlikely to return to his or her previous industry or occupation.~~

SECTION 367. 101.28 (2) of the statutes is amended to read:

101.28 (2) Any company which receives a loan or grant from a state agency, as defined in s. 20.001 (1), or an authority under ch. 231, ~~233~~ or 234 shall notify the department and the area private industry council under the job training partnership act, 29 USC 1501 to 1798, of any position in the company to be filled in this state within one year after receipt of the loan or grant. The company shall provide this notice at least 2 weeks prior to advertising the position.

SECTION 368. 101.28 (3) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

101.28 (3) A state agency, as defined in s. 20.001 (1), or an authority under ch. 231, ~~233~~ or 234 shall notify the department of development if it makes a loan or grant to a company.

SECTION 368c. 101.35 of the statutes is created to read:

101.35 Pilot Wisconsin job opportunity business subsidy program. (1) DEFINITIONS. In this section:

(a) "Business" means any person engaged in a business enterprise for profit in this state.

(b) "Eligible county" means a county described in sub. (2) (a) or designated under sub. (2) (b).

(c) "Eligible job applicant" means an individual who the department determines meets the requirements of sub. (9).

(d) "Local service agency" means an organization designated under sub. (3).

(e) "Minority business" has the meaning given in s. 560.036 (1) (e).

(f) "Small business" has the meaning given in s. 227.485 (2) (c).

(g) "Urban county" means a county located in a federal standard metropolitan statistical area.

(h) "Wisconsin job opportunity business subsidy program" means the program administered under this section.

Vetoed in Part

(2) DESIGNATED COUNTIES. (a) The department shall provide funds under sub. (4) for wage and fringe benefits subsidies to a local service agency located in an urban county with the most unemployed persons in this state.

Vetoed in Part

(b) The department shall designate, in addition to the county described in par. (a), one urban and one rural county where the department shall provide funds under sub. (4) for wage and fringe benefits subsidies to a local service agency. The department shall designate

the 2 counties under this paragraph after considering all of the following:

1. The number of unemployed persons in the county.

2. The county's unemployment rate and the change in the unemployment rate during the preceding 12 months.

3. Major plant or business closings or announced closings.

3m. Closing of a major production line by a business, causing a significant negative impact on the county's economy.

4. The number of persons who are laid off as a result of a closing, or may be laid off as a result of announced plant closings, under subd. 3.

5. The percentage of the workforce made up of individuals who are, or may be, laid off under subd. 4.

(c) The department shall give greatest emphasis to the factors in par. (b) 3 to 5 when it designates the 2 counties under par. (b). The department shall base its consideration of the factors in par. (b) on the most recent information available to it.

(3) LOCAL SERVICE AGENCIES. (a) The department shall request proposals for the administration of the Wisconsin job opportunity business subsidy program from organizations described in pars. (c) and (d) and job service offices located in an eligible county. A proposal submitted by a job service office shall be submitted jointly with an organization described in par. (c) or (d). A proposal shall include an estimate of the cost of administering the Wisconsin job opportunity business subsidy program and a plan for at least the following activities:

1. Marketing and promoting the Wisconsin job opportunity business subsidy program, including recruiting participation from qualified businesses.

2. Coordinating with a county social services agency to meet the guidelines under sub. (10) (c).

3. Any other activities the department considers relevant.

(b) After reviewing the proposals submitted under par. (a), the department shall, ~~by September 1, 1988~~ designate a local service agency for an eligible county from among the organizations submitting proposals. The department shall give emphasized consideration to cost estimates when reviewing proposals submitted under par. (a). The department may select a job service office in an eligible county to provide administrative services together with the designated local service agency.

Vetoed in Part

(c) A nonprofit organization may be designated a local service agency if the nonprofit organization is organized primarily to do one or more of the following:

1. Recruit low-income clients for participation in employment and training programs.

2. Vocational counseling or training.

3. Job training or development.

4. Any other activity the department considers appropriate.

(d) The department may designate an organization which is a private industry council under the federal job training partnership act, 29 USC 1501 to 1781, as a local service agency.

(4) ALLOCATION AMONG COUNTIES. (a) Subject to par. (b), the department shall distribute funds to local service agencies in eligible counties as follows:

1. Fifty percent of the amount appropriated under s. 20.445 (1) (e) in each year to the local service agency for the county described in sub. (2) (a) to create at least 300 new jobs.

2. Thirty-three percent of the amount appropriated under s. 20.445 (1) (e) in each year to the local service agency in the urban county designate under sub. (2) (b) to create at least 200 new jobs.

3. Seventeen percent of the amount appropriated under s. 20.445 (1) (e) in each year to the local service agency in the rural county designated under sub. (2) (b) to create at least 100 new jobs.

(b) The department shall provide to each local service agency not less than 17% of the funds allocated to the local service agency under par. (a) on September 1, 1988, and on July 1 of each subsequent year.

2. When the funds provided under subd. 1 have been fully expended or encumbered, the local service agency may apply to the department for additional funds, on a monthly basis, in a manner established by the department.

(c) If a local service agency in any eligible county has not fully expended, encumbered or otherwise committed the funds allocated to it under par. (b) by March 31 of any year, the department may reallocate the funds among the local service agencies in the other eligible counties.

(d) A local service agency may retain not more than 10% of the funds distributed to it under this subsection for administrative expenses associated with the Wisconsin job opportunity business subsidy program.

(5) WAGE AND FRINGE BENEFITS SUBSIDIES. A local service agency may subsidize wages and fringe benefits paid to an eligible job applicant by a business, as provided under sub. (6).

(6) CONDITIONS OF SUBSIDY. A local service agency may subsidize wages and fringe benefits under sub. (5) if all of the following apply:

(a) The wage and fringe benefits subsidy is for an eligible job applicant hired for a position described in sub. (8) by a business that qualifies under sub. (7).

(b) 1. Except as provided in subd. 2, the amount of the subsidy for a wage does not exceed \$4 per hour.

2. For an eligible job applicant in the urban county designated under sub. (2) (b) who receives aid to families with dependent children and participates in grant diversion under s. 49.50 (7g) (em), the amount of the subsidy for a wage does not exceed \$6 per hour.

(c) The amount of the subsidy for fringe benefits does not exceed \$1 per hour.

(d) 1. Except as provided in subd. 2, the subsidy is paid for a period not to exceed 26 weeks and for not more than 1,040 hours.

2. If the eligible job applicant is enrolled in a job training program, the subsidy is paid for a period not to exceed 52 weeks and for not more than 1,040 hours.

(e) The local service agency evaluates and approves the plan submitted under sub. (7) (a).

(7) QUALIFIED BUSINESSES. A local service agency may determine that a business is a qualified business for the purposes of sub. (6) (a) if all of the following apply:

(a) The business submits to the local service agency a plan containing all of the following:

1. A description of the duties of and wages and fringe benefits paid for each position that the business intends to fill with an eligible job applicant.

2. A description of how the wage and fringe benefits subsidy will help the business succeed and lead to the continued employment of the eligible job applicant.

(b) The business enters into a contract with the local service agency and agrees to do all of the following:

1. Use any funds received for wages and fringe benefits subsidies exclusively for wages and fringe benefits paid to eligible job applicants who fill positions described in sub. (8).

2. Provide eligible job applicants whose wages and fringe benefits are subsidized under this section with wages and fringe benefits equal to those paid to employees of the business who perform the same duties.

3. Cooperate with the local service agency in collecting data to assess the result of Wisconsin job opportunity business subsidy program.

4. Repay funds received under this section as required in sub. (11).

(c) The business certifies to the local service agency that the business would not have created a position subsidized under this section without a wage and fringe benefit subsidy.

(8) NATURE OF SUBSIDIZED POSITION. The local service agency may subsidize wages and fringe benefits paid to an eligible job applicant who fills a position with a business qualified under sub. (7) if all of the following apply:

(a) The position is a new position and results in an increase in the number of jobs provided by the business.

(b) The position does not displace a current employe or reduce the number of hours, other than overtime, worked by or available to a current employe.

(c) The position does not include duties which are the same as, or substantially similar to, the duties of any employe who the business has laid off.

Vetoed in Part
Vetoed in Part

Vetoed in Part

Vetoed in Part
Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed in Part

(9) ELIGIBLE JOB APPLICANT. The local service agency shall determine that an individual is an eligible job applicant if all of the following apply:

- (a) The individual has been a resident of this state for at least one month.
- (b) The individual is unemployed.
- (c) The local service agency determines that the individual will likely be available to fill a position with a business qualified under sub. (7) for the duration of the position, or at least 12 months after the subsidy ends, whichever is longer.

Vetoed in Part

(10) PRIORITIES. (a) When allocating funds among businesses qualified for wage and fringe benefits subsidies under sub. (7), a local service agency shall give priority to a business if the local service agency determines any of the following:

- 1. That the business is an existing business with low employe turnover.
- 2. That the business is a small business with a high potential for growth.
- 3. That the positions for which the business is seeking a subsidy are likely to be long-term.
- 4. That the business is at least 51% owned, controlled and actively managed by a woman or women.
- 5. That the business is a minority business.
- 6. That the position for which the business is seeking a subsidy will pay at least \$4 per hour and provide fringe benefits.

Vetoed in Part

(b) A local service agency shall expend at least 80% of the funds allocated to it under sub. (4) for wage and fringe benefits subsidies to eligible job applicants to whom any of the following applies:

- 1. The eligible job applicant lives in a household with no source of earned income.
- 2. The eligible job applicant is eligible for general relief administered under s. 49.02.
- 3. The eligible job applicant is eligible for aid to families with dependent children under s. 49.19.
- 4. The person lives in a farm household and demonstrates severe financial need under a standard promulgated by the department by rule.

Vetoed in Part

(c) A local service agency shall try to obtain grant diversion funding under s. 49.50 (7g) for at least 30% of the individuals whose wages and fringe benefits it subsidizes under this section.

Vetoed in Part

(d) A local service agency shall emphasize subsidizing wages and fringe benefits for positions in areas of an eligible county with the greatest unemployment.

Vetoed in Part

(11) REPAYMENT. (a) If an eligible job applicant leaves the employ of a business that received funds to subsidize the wages and fringe benefits of the eligible job applicant under sub. (5), the business shall repay the following percentage of the funds:

- 1. If the eligible job applicant leaves while the position is subsidized, 70%.
- 2. If the eligible job applicant leaves less than 12 months after the subsidy ended, a percentage between

70% and 0%, decreasing proportionally to 0% 12 months after the subsidy has ended.

3. If the eligible job applicant leaves 12 months or more after the subsidy ended, 0%.

(b) A business need not repay funds under par. (a) if the business replaces the departing eligible job applicant with another eligible job applicant who remains employed with the business for at least 12 months after the subsidy paid to the departing eligible job applicant would have ended.

(c) The secretary may waive all or part of a repayment required under par. (a) if the secretary determines that waiving the repayment is in the best interests of the state.

(d) The local service agency shall use the amounts repaid under this subsection for additional wages and fringe benefits subsidies.

Vetoed in Part

(12) ANNUAL REPORT. On or before April 1 of each year, beginning in 1989, the department shall submit a report concerning the Wisconsin job opportunity business subsidy program to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2). The report shall include all of the following information for the period covered by the report:

(a) The average wage paid to an eligible job applicant when hired and 60 days after the subsidy for the eligible job applicant ends.

(b) The number of qualified businesses and eligible job applicants participating in each eligible county.

(c) The age, education level, family status, gender, race and work experience of each eligible job applicant.

(d) The number of eligible job applicants meeting the criteria in subs. (10) (b) and (c).

(e) Any other information the department considers relevant.

(13) FINAL REPORT. On or before September 1, 1991, the department shall submit a final report concerning the Wisconsin job opportunity business subsidy program to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2). The report shall include all of the following information for the period covered by the report:

(a) The average wage paid to an eligible job applicant at the following times:

- 1. When hired.
- 2. Sixty days after the subsidy for the eligible job applicant ends.

3. Fourteen months after the subsidy for the eligible job applicant ends.

(b) The number of qualified businesses and eligible job applicants that participated in each eligible county.

(c) The age, education level, family status, gender, race and work experience of each eligible job applicant.

(d) The number of eligible job applicants who met the criteria in sub. (10) (b) and (c).

(e) Any other information the department considers relevant.

(14) SUNSET. Subsections (1) to (12) do not apply after June 30, 1991.

SECTION 368db. 101.575 (3) (a) of the statutes is repealed and recreated to read:

101.575 (3) (a) No city, village or town may receive fire department dues under this section unless it has a fire department which satisfies all of the following requirements:

1. Is organized to provide continuous fire protection in that city, village or town and has a designated chief.

2. Singly, or in combination with another fire department under a mutual aid agreement, has a total active membership of at least 22 fire fighters and can ensure the response of at least 4 fire fighters, none of whom are the chief, to a first alarm for a building.

3. Provides at least 4 hours of training per month for each active member of the department with fire fighting duties.

4. Provides facilities capable, without delay, of receiving an alarm and dispatching fire fighters and apparatus.

5. Maintains written records as prescribed by the department by rule, in consultation with the fire prevention council.

6. Maintains at least one piece of apparatus which conforms to the general criteria of National Fire Protection Association standard NFPA 1901, automotive fire apparatus. The apparatus shall have a permanently mounted pump capable of delivering 500 gallons per minute or more at 150 pounds per square inch and a water tank with at least a 300-gallon capacity.

7. Maintains any other apparatus or equipment required by the department by rule, in consultation with the fire prevention council.

8. Provides for a building to house the apparatus and equipment required under subds. 6 and 7 which will protect the apparatus and equipment from the weather.

SECTION 368dbt. 103.155 (2) (b) 1 of the statutes, as created by 1987 Wisconsin Act (Assembly Bill 247), is repealed and recreated to read:

103.155 (2) (b) 1. a. Before July 1, 1990, a laboratory certified by the department of health and social services under s. 146.25 (1).

b. After June 30, 1990, a laboratory certified by the department of health and social services under s. 146.25 (1m).

SECTION 368dxc. 111.70 (1) (a) of the statutes, as affected by 1987 Wisconsin Act 153, is amended to read:

111.70 (1) (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the rep-

resentatives of its employees, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employe to perform law enforcement and fire fighting services under s. 61.66, except as provided in s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employes under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours and conditions of employment of the employes. In creating this subchapter the legislature recognizes that the public employer must exercise its powers and responsibilities to act for the government and good order of the municipality, its commercial benefit and the health, safety and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to public employes by the constitutions of this state and of the United States and by this subchapter.

~~SECTION 368dyp. 111.81 (7) (c) of the statutes is created to read:~~

~~111.81 (7) (c) Assistant district attorneys, except supervisors, management employes and individuals who are privy to confidential matters affecting the employer-employe relationship.~~

~~SECTION 368dyr. 111.815 (3) of the statutes is created to read:~~

~~111.815 (3) With regard to collective bargaining activities involving employes who are assistant district attorneys, the secretary of the department shall maintain close liaison with the prosecutors council.~~

~~SECTION 368dzc. 111.825 (1) (intro.) of the statutes is amended to read:~~

~~111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful collective bargaining, units must be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, collective bargaining units for employes in the classified service of the state are structured on a statewide basis with one collective bargaining unit for each of the following occupational groups:~~

~~SECTION 368dze. 111.825 (1) (intro.) of the statutes, as affected by 1987 Wisconsin Act (this act), is amended to read:~~

~~111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful collective bargaining, units must be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with~~

Vetoed in Part

Vetoed in Part

Vetoed in Part
Vetoed in Part

Vetoed in Part

~~this policy. Except in the collective bargaining unit specified in par. (f) 3 and except as authorized under s. 111.83 (7), collective bargaining units for employes in the classified service of the state are limited to employes in the classified service and are structured on a statewide basis with one collective bargaining unit for each of the following groups:~~

Vetoed in Part

~~SECTION 368eg. 111.825 (1) (f) 3 of the statutes is amended to read:~~

~~111.825 (1) (f) 3. Legal, except attorneys employed by the office of the state public defender.~~

~~SECTION 368eg. 111.825 (1) (f) 3m of the statutes is created to read:~~

~~111.825 (1) (f) 3m. Attorneys employed by the office of the state public defender.~~

Vetoed in Part

~~SECTION 368em. 111.825 (2) (d) of the statutes is created to read:~~

~~111.825 (2) (d). Assistant district attorneys, if the assistant district attorneys elect to form a separate collective bargaining unit under s. 111.83 (7).~~

~~SECTION 368en. 111.825 (3) of the statutes is amended to read:~~

~~111.825 (3). The Except as provided in s. 111.83 (7), the commission shall assign employes to the appropriate collective bargaining units set forth in subs. (1) and (2).~~

~~SECTION 368ea. 111.825 (4) of the statutes is amended to read:~~

~~111.825 (4). Any labor organization may petition for recognition as the exclusive representative of a collective bargaining unit specified in sub. (1) or (2) (a) to (c), or the collective bargaining unit specified in sub. (2) (d) if that collective bargaining is formed under s. 111.83 (7), the petition shall be filed in accordance with the election procedures set forth in s. 111.83, provided the petition is and shall be accompanied by a 30% showing of interest in the form of signed authorization cards. Each additional labor organization seeking to appear on the ballot shall file petitions within 60 days of the date of filing of the original petition and prove, through signed authorization cards, that at least 10% of the employes in the collective bargaining unit want it to be their representative.~~

~~SECTION 368ep. 111.83 (7) of the statutes is created to read:~~

~~111.83 (7) (a). Upon petition of at least 30% of all employes who are assistant district attorneys, the commission shall hold an election limited to those employes concerning whether the employes desire to be represented in a separate collective bargaining unit under s. 111.825 (2) (d), or to remain represented in the collective bargaining unit specified in s. 111.825 (1) (f) 3. Upon petition of at least 30% of the employes who are assistant district attorneys, the name of a proposed representative for the separate collective bargaining unit shall appear on the ballot. The ballot shall be limited to one question. Once the employes who serve as assistant district attorneys elect to form a~~

Vetoed in Part

~~separate collective bargaining unit under this paragraph, they are not covered by any collective bargaining agreement covering the collective bargaining unit specified in s. 111.825 (1) (f) 3 and may not elect to remerge with that collective bargaining unit.~~

~~SECTION 368er. 111.84 (2) (c) of the statutes is amended to read:~~

~~111.84 (2) (c). To refuse to bargain collectively on matters set forth in s. 111.91 (1) with the duly authorized officer or agent of the employer which is the recognized or certified exclusive collective bargaining representative of employes specified in s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified exclusive collective bargaining representative of employes specified in s. 111.81 (7) (b) or (c) in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.~~

~~SECTION 368es. 111.90 (2) of the statutes is amended to read:~~

~~111.90 (2). Manage the employes of the agency; hire, promote, transfer, assign or retain employes in positions within the agency, except as provided in s. 111.91 (1) (f), and in that regard establish reasonable work rules.~~

~~SECTION 368eh. 111.91 (1) (a) of the statutes is amended to read:~~

~~111.91 (1) (a). Except as provided in pars. (b) to (e), matters subject to collective bargaining to the point of impasse are wage rates, as related to general salary scheduled adjustments consistent with sub. (2), and salary adjustments upon temporary assignment of classified employes to duties of a higher classification or downward reallocations of an a classified employe's position, fringe benefits, hours and conditions of employment.~~

~~SECTION 368eu. 111.91 (1) (f) of the statutes is created to read:~~

~~111.91 (1) (f). The transfer of employes who are assistant district attorneys is subject to collective bargaining to the point of impasse.~~

~~SECTION 368ev. 111.91 (4) of the statutes is amended to read:~~

~~111.91 (4). The secretary of the department, in connection with the development of tentative collective bargaining agreements to be submitted under s. 111.92, shall endeavor to obtain tentative agreements with each recognized or certified labor organization representing employes or supervisors of employes specified in s. 111.81 (7) (a) and with each certified labor organization representing employes specified in s. 111.81 (7) (b) or (c), which do not contain any provision for the payment to any employe of a cumulative or noncumulative amount of compensation in recognition of or based on the period of time an employe has been employed by the state.~~

Vetoed
in Part

~~SECTION 368ew. 111.93 (2) of the statutes is amended to read:~~

~~111.93 (2) All civil service and other applicable statutes concerning wages, fringe benefits, hours and conditions of employment apply to employees specified in s. 111.81 (7) (a) who are not included in collective bargaining units for which a representative is recognized or certified and to employees specified in s. 111.81 (7) (b) or (c) who are not included in a collective bargaining unit for which a representative is certified.~~

SECTION 368f. 114.31 (5m) of the statutes is created to read:

114.31 (5m) PROMOTION OF AIR SERVICES. In recognition of the importance of effective scheduled air service in the southeastern region of the state and the impact of that service on statewide economic development, the secretary shall, in cooperation with the appropriate airport governing bodies, promote expanded and improved air services, help provide information on available air services for potential users, develop efficient ground access to air services, monitor changes in air services and charges to passengers, and develop other programs as he or she considers advisable for the overall improvement of air services for residents of this state.

Vetoed
in Part

~~SECTION 368g. 115.28 (7) (a) of the statutes is amended to read:~~

~~115.28 (7) (a) License or certify all teachers for the public schools of the state, make rules establishing standards of attainment and procedures for the examination, licensing and certification of teachers within the limits prescribed in ss. 118.19 (2) and (3) to (4), and 118.19s, prescribe by rule standards and procedures for the approval of teacher preparatory programs leading to certification or licensure, file in his or her office all papers relating to state teachers' licenses and certificates and register each such license or certificate.~~

~~SECTION 368i. 115.28 (7) (c) of the statutes is amended to read:~~

~~115.28 (7) (c) License, certify and make rules for the examination, licensing and certification of persons, including teachers, employed by special education programs as defined in s. 115.76 (10).~~

SECTION 368u. 115.343 (1) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

115.343 (1) The department shall establish a morning milk program which shall provide for the payment under sub. (3) for beverages for all children who meet the criteria specified in sub. (2) and who are enrolled in a school in kindergarten to grade 5. The program shall offer each eligible child a pint half-pint of Wisconsin-produced Wisconsin-produced whole milk, 2% milk, one percent milk, skim milk or chocolate milk on each day in which school is in session. If a child is allergic to milk or has metabolic disorders or other conditions which prohibit him or her from drinking milk, the child shall be offered juice as a substitute. Any school which participates in the morning milk program under this section is encouraged to consider

bids from local milk ~~producers~~ suppliers. Any such school shall keep all information related to the identity of the pupils who receive a beverage under the morning milk program confidential. In this subsection, "Wisconsin-produced" means that all or part of the raw milk used by the milk processor was produced in this state.

~~SECTION 368a. 115.38 of the statutes is created to read:~~

~~115.38 Grants for tutoring programs. (1) A school board or the governing body of a private school, with the cooperation and support of a community-based organization, may apply to the state superintendent for a grant to fund an after-school or summer school tutoring program operated by a community-based organization for pupils in grades 1 to 6 who are one or more years behind their age group in reading, writing or mathematics or who exhibit other significant academic difficulties, including poor school attendance or school work completion problems.~~

~~(2) The state superintendent may award a grant to a school board or governing body of a private school under this section for a tutoring program operated by a community-based organization if all of the following apply:~~

~~(a) 1. Only persons appropriately licensed by the state superintendent under s. 115.28 (7) or employed as faculty of an institution of higher education tutor the pupils in the program; or~~

~~2. Only persons appropriately licensed by the state superintendent under s. 115.28 (7) or employed as faculty of an institution of higher education supervise the individuals tutoring the pupils in the program. If this subdivision applies, the program shall employ at least one tutor for every 3 pupils.~~

~~(c) The school district or private school supplies the instructional materials.~~

~~(d) No more than 5% of the amount awarded will be used by the organization for program administration.~~

~~(2m) The school board or governing body of a private school reserving a grant under sub. (2) may not award more than \$30,000 to a community-based organization under this section in any school year and may not retain any of the funds received.~~

~~(3) The state superintendent shall:~~

~~(a) Ensure that grants are awarded on a geographically diverse basis.~~

~~(b) Annually evaluate the programs funded under this section and submit a report describing his or her conclusions and recommendations to the chief clerk of each house of the legislature for distribution to the appropriate standing committee under s. 13.172 (3).~~

~~(c) Promulgate rules to implement and administer this section.~~

~~(4) No award may be made under this section after June 30, 1991.~~

SECTION 369. 118.019 (6) (a) (intro.) of the statutes is amended to read:

Vetoed
in Part

118.019 (6) (a) (intro.) From the appropriation under s. 20.255 (4) (2) (fm), the department may award grants to any of the following:

SECTION 369e. 118.15 (1) (c) of the statutes is repealed and recreated to read:

118.15 (1) (c) 1. Upon the child's request and with the written approval of the child's parent or guardian, any child who is 16 years of age may be excused by the school board from regular school attendance if the child and his or her parent or guardian agree, in writing, that the child will participate in a program or curriculum modification under par. (b) or (d) leading to the child's high school graduation.

2. Upon the child's request and with the written approval of the child's parent or guardian, any child who is 17 years of age or over may be excused by the school board from regular school attendance if the child and his or her parent or guardian agree, in writing, that the child will participate in a program or curriculum modification under par. (b) or (d) leading to the child's high school graduation or leading to a high school equivalency diploma under s. 115.29 (4).

3. Prior to a child's admission to a program leading to the child's high school graduation or a high school equivalency program, the child, his or her parent or guardian, the school board and a representative of the high school equivalency program or program leading to the child's high school graduation shall enter into a written agreement. The written agreement shall state the services to be provided, the time period needed to complete the high school equivalency program or program leading to the child's high school graduation and how the performance of the pupil will be monitored. The agreement shall be monitored by the school board on a regular basis, but in no case shall the agreement be monitored less frequently than once per semester. If the school board determines that a child is not complying with the agreement, the school board shall notify the child, his or her parent or guardian and the high school equivalency program or program leading to the child's high school graduation that the agreement may be modified or suspended in 30 days.

Vetoed in Part

~~SECTION 369m. 118.19 (4) of the statutes is created to read:~~

~~118.19 (4) The state superintendent may not require an applicant for a teacher's license to take any examination as a prerequisite for licensure, or require a teacher preparatory program to administer or require the taking of a standardized examination as a prerequisite for the approval of the program.~~

SECTION 369n. 118.29 (1) (d) of the statutes is amended to read:

118.29 (1) (d) "High degree of negligence" means conduct which demonstrates ordinary negligence to a high degree, consisting of an act which the person should realize creates a situation of unreasonable risk and high probability of death or great bodily harm to

~~another criminal negligence, as defined in s. 939.25 (1).~~

SECTION 369p. 118.30 (3) (c) 1 and 2 of the statutes are amended to read:

118.30 (3) (c) 1. The department shall pay reimburse the school district for the cost of printing the tests required under par. (a), but payments the reimbursement may not exceed the cost of printing the tests developed under s. 115.28 (10) (b).

2. The department shall pay reimburse the school district for the cost of machine-scoring the tests required under par. (a) if the tests are constructed so that they may be machine-scored, but payments the reimbursement may not exceed the cost of machine-scoring the tests developed under s. 115.28 (10) (b).

SECTION 369q. 118.30 (3) (d) of the statutes is created to read:

118.30 (3) (d) Costs of printing and scoring the tests under par. (c) shall be reimbursed from the appropriation under s. 20.255 (2) (f). If the amount in the appropriation in any year is insufficient to fully reimburse the costs, the amount shall be prorated among school districts entitled to reimbursement.

~~SECTION 370c. 119.12 (6) of the statutes is amended to read:~~

Vetoed in Part

~~119.12 (6) The city attorney of the city shall be the legal adviser of and attorney for the board, except that the board may retain an attorney to represent the board in any matter if the board determines that it requires specialized legal expertise not possessed by the city attorney, the city attorney does not have sufficient staff to adequately represent the interests of the board or a conflict of interest exists. The board shall provide the city attorney with reasonable notice of any board meeting at which the board will consider retention of an attorney. Legal costs incurred by the board in exercising its authority or responsibility under subch. IV of ch. 111 shall not be included in the district's shared cost under s. 121.07 (6).~~

~~SECTION 371b. 119.49 (title) of the statutes is amended to read:~~

Vetoed in Part

~~119.49 (title) Bond issues and borrowing on promissory notes.~~

~~SECTION 371c. 119.49 (6) of the statutes is created to read:~~

~~119.49 (6) (a) In addition to the authority granted to the board under sub. (1) (a), the board may adopt a resolution by a two-thirds vote of the members elect to issue promissory notes as provided under s. 67.12 (13). The board shall send a communication to the common council, as part of the budget transmitted to the common council under s. 19.16 (8) (b), specifying the purposes and the amount of the promissory note, the instalments and rate of interest, and the direct annual irrevocable tax sufficient to pay each instalment and the interest, as it becomes due and payable. Upon receipt of the communication, the common council shall levy and collect a tax upon all taxable~~

Vetoed
in Part

property in the city, in the same manner and at the same time as other taxes are levied and collected, which shall be equal to the amounts required by the board to repay the note as it becomes due.

(b) Notwithstanding s. 67.12 (12) (e) 2, a petition for a referendum on a resolution adopted under par. (a) shall be signed by at least 5,000 electors of the district, or at least 20% of the number of the district electors voting for governor at the last general election as determined under s. 115.01 (13), whichever is less.

SECTION 371d. 119.71 of the statutes is created to read:

119.71 Five-year-old kindergarten programs. (1) In this section, "full-day" has the meaning given in s. 121.004 (7) (c) 2.

(2) From the appropriation under s. 20.255 (2) (ec), the state superintendent shall pay to the board \$2,400,000 in the 1988-89 school year.

(3) (a) The board shall use the funds received under sub. (2) to expand its half-day 5-year-old kindergarten program to a full-day program, as provided under par. (b), and shall enroll in the expanded program only pupils who meet the income eligibility standards for a free lunch under 42 USC 1758 (b). The board shall select pupils for the expanded program based on the order in which the pupils register for the program.

(b) The board shall use the funds received under sub. (2) to pay the costs of teachers, aides and other support staff, transportation of staff to pupils' homes, in-service programs, parental involvement programs and instructional materials. The board may not use the funds to supplant or replace funding otherwise available for full-day 5-year-old kindergarten or to provide facilities to house the program or to pay pupil transportation or indirect administrative costs associated with the program.

SECTION 371h. 119.72 of the statutes is created to read:

119.72 Early childhood education; contracts with day care centers. (1) The board shall contract with private, nonprofit, nonsectarian day care centers located in the city to provide early childhood education to 4-year-olds and 5-year-olds who are residents of the city. The board may not contract with any day care center under this section unless the day care center:

(a) Is licensed under s. 48.65 or certified under s. 48.651.

(b) Offers developmental child day care and early childhood education through age 6 at least 10 hours each day for at least 260 days each year.

(c) Employs or utilizes only persons appropriately licensed by the state superintendent under s. 115.28 (7) for pupils in the program, or ensures that only such persons supervise the individuals providing instruction and support services to the pupils in the program.

(d) Maintains a pupil to staff ratio of no more than 12 to 1 for the pupils in the program.

(e) Offers opportunities for parental participation in the program, including:

1. Direct involvement in decision making in program planning and analysis.

2. Participation in classroom and program activities.

3. Participation in training sessions on child growth and development.

(f) Records and periodically reports to the board pupil attendance data and parental involvement activities under par. (e).

(g) Provides activities that support and enhance the parents' role as the principal influence in their child's education and development.

(2) The board shall ensure that at least 50% of the children participating in each day care center's program under this section fall into one or more of the following categories:

(a) Children with a parent eligible for day care funds under s. 46.98 (4) (a) 1 to 3.

(b) Children with a parent in need of child care services under s. 46.98 (4) (a) 4.

(c) Children with a parent who is a school age parent, as defined under s. 115.91 (1).

(d) Children who have language, psychomotor development, social, behavioral or educational problems that warrant intervention, as determined by the board, other than children with exceptional educational needs, as defined under s. 115.76 (3).

(3) The board shall pay each contracting day care center, for each full-time equivalent pupil served by the center under the contract, an amount equal to at least 80% of the average per pupil cost for kindergarten pupils enrolled in the school district, adjusted to a full-time equivalent basis.

(4) The board shall evaluate the success of the program under this section through the use of standardized basic educational skills tests and by collecting data on the appropriate placements for the pupils at the end of the first grade.

(5) (a) In this subsection, "state aid" means the amount determined by dividing the aid received by the board under ss. 121.08 and 121.085 by the district's membership, as defined in s. 121.004 (5), and multiplying the quotient by the number of full-time equivalent pupils served by the day care centers under this section.

(b) From the appropriation under s. 20.255 (2) (ec), the state superintendent annually shall pay to the board an amount equal to the amount paid by the board under sub. (3) less the amount of state aid received by the board in the same school year.

(c) The amount paid to the board under par. (b) shall not exceed \$600,000 annually.

SECTION 371m. 119.73 of the statutes is created to read:

119.73 Kindergarten and early childhood programs. The board shall evaluate the effectiveness of the

expanded 5-year-old kindergarten programs under s. 119.71 and the early childhood education programs under s. 119.72 in meeting the needs of disadvantaged children. By January 1, 1990, and annually thereafter by January 1, the board shall submit a report summarizing its findings to the state superintendent and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.72 (3).

SECTION 371mp. 119.74 of the statutes is created to read:

119.74 Mentor program for educationally disadvantaged pupils. (1) The board shall contract with a private, nonprofit, nonsectarian organization to provide volunteer mentors for economically or educationally disadvantaged 6th and 7th grade pupils. The mentors shall work with the pupils at least 2 hours each week to help them learn to read, write and express themselves and to develop self-discipline.

(2) The contract under sub. (1) shall be contingent upon approval by the state superintendent of the private organization's plan for selecting and training the mentors.

(3) The contract under sub. (1) shall provide for one program coordinator for each school in which pupils enrolled are participating in the program. The program coordinators shall:

- (a) Link educationally disadvantaged 6th and 7th grade pupils with volunteer mentors.
- (b) Monitor the attendance and academic performance of the pupils participating in the program.
- (c) Actively seek the involvement of each pupil's parent or guardian in the formulation of educational goals for the pupil.
- (d) Work with school personnel and the pupils's parent or guardian to resolve problems that are negatively affecting the pupil's school performance.
- (e) Inform each pupil and the pupil's parent or guardian about special opportunities available to the pupil.
- (f) Promote the program to neighborhood groups.
- (g) Develop an after-school and weekend activity program for participating pupils.

(4) If the state superintendent approves the training plan under sub. (2), he or she shall award a grant to the board for the mentor program in an amount equal to the amount of private contributions supporting the program, but not exceeding \$100,000 in any school year. Amounts shall be awarded from the appropriation under s. 20.255 (2) (ec).

SECTION 371nd. 120.10 (6) of the statutes is amended to read:

120.10 (6) (nd) **TAX FOR SITES AND BUILDINGS.** Vote a tax to purchase or lease suitable sites for school buildings, to build, rent, lease or purchase and furnish and equip and maintain school district buildings. The tax may be spread over as many years as are required to pay any obligations approved or authorized at the

annual meeting including rental payments due in future years under an authorized lease

SECTION 371nb. 120.10 (8) of the statutes is amended to read:

120.10 (8) **TAX FOR OPERATION.** Vote a tax for the operation of the schools of the school district. This subsection does not apply to any school district located in whole or in part in a county encompassing a 1st class city school district if the school board by majority vote adopts a resolution to eliminate the authority of the annual meeting to vote a tax for the operation of the schools of the school district.

SECTION 371np. 120.12 (3) (a) of the statutes is amended to read:

120.12 (3) (a) On or before the 3rd Monday in October, 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 is not authorized to or has not voted a tax sufficient for such purposes for the school year. On After the hearing under s. 65.90 has been held but on or before the last working day in October, 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.

SECTION 371nt. 120.12 (3) (c) of the statutes is amended to read:

120.12 (3) (c) If on or before the 3rd Monday in October the school board determines that the annual meeting, or the school board if the annual meeting is not authorized to vote a tax for the operation of the schools of the school district, has previously 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 upon previously. After the hearing under s. 65.90 has been held but on or before the last working day in October, 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.

SECTION 371nv. 120.13 (9m) of the statutes is amended to read:

120.13 (9m) **LEGAL SERVICES.** Retain an attorney or attorneys to represent the board or school district in any action or proceeding brought for or against the board or district and provide for any other legal service for the welfare of the school district. Legal costs incurred by a school district in exercising its authority or responsibility under subch. IV of ch. 111 shall not be included in the school district's shared cost under s. 121.07 (6).

SECTION 371p. 121.004 (7) (a) of the statutes is amended to read:

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed in Part

~~121.004 (7) (a) "Pupils enrolled" is the total number of pupils, as expressed by official enrollments, in all schools of the school district, except as provided in pars. (b) to (d) (e). If such total contains a fraction, it shall be expressed as the nearest whole number. The same method shall be used in computing the number of pupils enrolled for resident pupils, nonresident pupils or both.~~

~~SECTION 371r. 121.004 (7) (c) 1. a and b and 2 of the statutes are amended to read:~~

~~121.004 (7) (c) 1. a. A pupil enrolled in a 5-year old kindergarten program requiring full day attendance for 5 days a week for an entire school year shall be counted as one pupil.~~

~~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 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 number of hours of attendance per day required of first grade pupils in the school district multiplied by 180.~~

~~2. In subd. 1. a and b, "full-day" means the length of the school day for pupils in the first grade of the school district operating the 5-year old kindergarten program.~~

~~SECTION 371l. 121.004 (7) (e) of the statutes is related to read:~~

~~121.004 (7) (e) A pupil enrolled in a day care center under s. 119.72 shall be counted as a kindergarten pupil under par. (c).~~

~~SECTION 371v. 121.02 (1m) of the statutes is created to read:~~

~~121.02 (1m) A school district may provide for scoring the test administered under sub. (1) (r) or have it scored by the department. If the school district provides for scoring the test, the department shall reimburse the school district for the cost of scoring the test, not exceeding what the department's cost would be to score the test. Costs of scoring the tests and reimbursing school districts for scoring the tests shall be paid from the appropriation under s. 20.255 (1) (a).~~

~~SECTION 372. 121.05 (1) (a) 8 of the statutes is amended to read:~~

~~121.05 (1) (a) 8. Pupils enrolled in a residential school operated by the state under subch. III of ch. 115 for whom the school district is paying tuition under s. 115.53 (2) determined by multiplying the total number of periods in each day in which the pupils are enrolled in the local public school by the total number of days for which the pupils are enrolled in the local public school and dividing the product by 1,080.~~

~~SECTION 373. 121.08 (3) (a) of the statutes, as created by 1987 Wisconsin Act 27, is repealed.~~

~~SECTION 374. 121.08 (3) (b) of the statutes, as created by 1987 Wisconsin Act 27, is renumbered 121.08 (3).~~

SECTION 374g. 121.85 (6) (f) of the statutes is amended to read:

121.85 (6) (f) *Exception.* A pupil enrolled in a ~~4-year-old~~ kindergarten program or in a preschool program under subch. V of ch. 115 shall be counted under par. (a) ~~and (b) 1~~ as a number equal to the result obtained by multiplying 1.325 by the appropriate fraction under s. 121.004 (7) (c) or (d), and under par. (b) 1 as a number equal to the result obtained by multiplying 1.0 by the appropriate fraction under s. 121.004 (7) (c) or (d).

Vetoed in Part

SECTION 374h. 121.85 (6) (g) 1. a of the statutes is amended to read:

121.85 (6) (g) 1. a. "Base year enrollment" means the number of pupils enrolled in the nonspecialty public schools located in minority census tracts in the 1984-85 school year.

SECTION 374j. 121.86 (3) of the statutes is amended to read:

121.86 (3) STATE AID EXCEPTION. Pupils under sub. (2) who are enrolled in a ~~4-year-old~~ kindergarten program or in a preschool program under subch. V of ch. 115 shall be counted under sub. (2) as a number equal to the result obtained by multiplying 1.325 by the appropriate fraction under s. 121.004 (7) (c) or (d).

Vetoed in Part

SECTION 374jm. 125.04 (3) (g) (intro.) of the statutes is amended to read:

125.04 (3) (g) *Publication of intoxicating liquor application.* (intro.) The municipal clerk shall publish each application for a "Class B" license ~~to sell intoxicating liquor, except temporary "Class B" licenses under s. 125.51 (4m),~~ prior to its issuance in a newspaper according to the following conditions:

SECTION 374k. 125.06 (5) of the statutes is amended to read:

125.06 (5) RAILROADS, AIRCRAFT. The sale of alcohol beverages on any railroad dining, buffet or cafe car or aircraft, while in transit. ~~Alcohol~~ Except as authorized under s. 125.26 (3m) or 125.51 (3) (dm), alcohol beverages may be consumed in a railroad dining, buffet or cafe car or aircraft only while it is in transit.

SECTION 374m. 125.26 (3m) of the statutes is created to read:

125.26 (3m) A municipality may issue a Class "B" license authorizing retail sales of fermented malt beverages on a railroad car while the railroad car is standing in a specified location in the municipality.

SECTION 374p. 125.26 (6) of the statutes is amended to read:

125.26 (6) ~~Class~~ Temporary class "B" licenses may also be issued to bona fide clubs, to state, county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages and wine containing not more than 6% alcohol by volume at a particular picnic or similar gathering, at a meeting

of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed \$10. A license issued to the state fair or to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages or wine containing not more than 6% alcohol by volume from leased stands on the fairgrounds. The state fair or county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages or wine containing not more than 6% alcohol by volume from the stands while the fair is being held. No such person is required to obtain an operator's license in order to engage in retail sales of fermented malt beverages or wine containing not more than 6% alcohol by volume on the grounds of the state fair or other fairs receiving state aid.

SECTION 374s. 125.51 (3) (dm) of the statutes is created to read:

125.51 (3) (dm) A municipality may issue a "Class B" license authorizing retail sales of intoxicating liquor on a railroad car while the railroad car is standing in a specified location in the municipality.

SECTION 374tc. 125.51 (4) (a) 2 and (b) 1 and 3 of the statutes are amended to read:

125.51 (4) (a) 2. "Population" means the number of inhabitants in the previous year determined by the last decennial federal census or special census conducted under contract with the U.S. bureau of the census, or, in the case of newly incorporated cities or villages, determined under s. 66.013 (2) (b), less, in either case, inmates of charitable, mental and penal institutions in the municipality department of administration under s. 16.96 (2) for purposes of revenue sharing distribution.

(b) 1. One license per 500 population or fraction thereof. ~~A municipality's population, for purposes of determining its quota, may be adjusted on the basis of a special census only once during the period between decennial censuses.~~

3. The number of licenses lawfully issued and in force within the municipality in the previous year of the decennial federal census immediately prior to the most recent decennial federal census.

SECTION 374tg. 125.51 (4) (e) of the statutes is repealed.

SECTION 374tj. 125.51 (4) (r) of the statutes is created to read:

125.51 (4) (r) Notwithstanding its quota, a village may issue a license to a post of a veteran's organization for a building that was rebuilt after being destroyed by a tornado.

SECTION 374tm. 125.51 (4m) of the statutes is repealed.

SECTION 374vd. 125.58 (title) and (1) of the statutes are amended to read:

125.58 (title) Out-of-state shippers' permit; exception to requirement. (1) The department shall issue out-of-state shippers' permits which authorize persons located outside this state to sell or ship intoxicating liquor into this state. ~~Intoxicating~~ Except as provided under sub. (4), intoxicating liquor may be shipped into this state only to a person holding a manufacturer's, rectifier's, wholesaler's, industrial alcohol or medicinal alcohol permit. ~~A~~ Except as provided under sub. (4), a separate out-of-state shipper's permit is required for each location from which any intoxicating liquor is sold or shipped into this state, including the location from which the invoices are issued for the sales or shipments. Any person holding an out-of-state shipper's permit issued under this section may solicit orders for sales or shipments by the permittee without obtaining the sales solicitation permit required by s. 125.65, but every agent, salesperson or other representative who solicits orders for sales or shipments by an out-of-state shipper shall first obtain a permit for soliciting orders under s. 125.65.

SECTION 374vh. 125.58 (4) of the statutes is created to read:

125.58 (4) A person located outside of this state may ship wine into this state to an individual who does not hold a license or permit issued under this chapter as provided under s. 125.68 (10) (bm) if the person is located in a state which has a reciprocal agreement with this state under s. 139.035. An out-of-state shipper's permit is not required for shipments into this state under this subsection.

SECTION 374vp. 125.68 (10) (a) and (b) of the statutes are amended to read:

125.68 (10) (a) ~~No~~ Except as provided in par. (bm), ~~no~~ intoxicating liquor may be shipped into this state unless consigned to a person holding a permit for the sale of intoxicating liquor, other than a retail "Class B" permit.

(b) ~~No~~ Except as provided in par. (bm), no common carrier or other person may transport into and deliver within this state any intoxicating liquor unless it is consigned to a person holding a permit for the sale of intoxicating liquor, other than a retail "Class B" permit. Any common carrier violating this paragraph shall forfeit \$100 for each violation.

SECTION 374vt. 125.68 (10) (bm) and (bs) of the statutes are created to read:

125.68 (10) (bm) A person may ship wine into this state from a state which has a reciprocal agreement with this state under s. 139.035 to an individual who does not hold a license or permit under this chapter for consumption at the individual's residence by the individual or his or her family or guests if the shipping container is clearly labeled to indicate that the package may not be delivered to an underage person or to an intoxicated person.

(bs) No individual may resell wine received under par. (bm) or receive more than 9 liters of wine annually under par. (bm).

Vetoed
in Part

~~SECTION 374v. 125.69 (2) (b) of the statutes is repealed and recreated to read:~~

~~125.69 (2) (b) Notwithstanding par. (a), a manufacturer, rectifier or wholesaler may give a sign, clock, menu board or other thing of value to a campus or "Class B" licensee or permittee, to the extent permitted by 27 USC 205 (b) and regulations adopted under that provision.~~

SECTION 374w. 134.345 of the statutes is created to read:

134.345 Form retention and disposal. (1) In this section:

(a) "Customer" means any person who causes a molder to make a form or to use a form to make a product.

(b) "Form" means an object in or around which material is placed to make a mold for pouring plastic or casting metal, and includes a mold, die or pattern.

(c) "Molder" means any person who makes a form or who uses a form to make a product.

(2) Unless a customer and a molder otherwise agree in writing a molder may, as provided in sub. (3), dispose of a form possessed by a customer if the customer does not take from the molder physical custody of the form within 3 years after the molder's last prior use of the form.

(3) A molder who wishes to dispose of a form shall send written notice by registered mail with return receipt requested to the customer's last-known address and to any address set forth in the agreement under which the molder obtained physical custody of the form. The notice shall state that the molder intends to dispose of the form. The molder may dispose of the form without liability to the customer if, within 120 days after the molder receives the return receipt of the notice or within 120 days after the molder sends notice if no return receipt is received within that period, the customer does not take physical custody of the form or enter into an agreement with the molder for taking possession or physical custody of the form.

SECTION 374wm. 134.43 (3) of the statutes is amended to read:

134.43 (3) Any person who is the victim of an intrusion of privacy under this section is entitled to relief under s. 895.50 (1) and (4) unless the act is permissible under ss. 968.27 to ~~968.33~~ 968.37.

SECTION 374x. 134.85 (title) of the statutes, as created by 1987 Wisconsin Act 95, is amended to read:

134.85 (title) Motor fuel dealerships; rights of survivorship; hours of business.

SECTION 374xg. 134.85 (3) (a) of the statutes, as created by 1987 Wisconsin Act 95, is amended to read:

134.85 (3) (a) The department of justice on behalf of the state or any person who claims injury as a result

of a violation of ~~this section~~ sub. (2) may bring an action for temporary or permanent injunctive relief in any circuit court for any violation of this section. It is no defense to an action under this paragraph that an adequate remedy exists at law.

SECTION 374xr. 134.85 (4) of the statutes is created to read:

134.85 (4) HOURS OF BUSINESS. (a) No motor vehicle fuel grantor may require a motor vehicle fuel dealer, who has a dealership with the motor vehicle fuel grantor on the effective date of this paragraph [revisor inserts date], to keep his or her business open for more than 16 hours per day.

(b) Paragraph (a) applies to a motor fuel dealer after he or she renews or extends a motor fuel dealership agreement with a motor fuel grantor on or after the effective date of this paragraph [revisor inserts date].

SECTION 374xs. 139.03 (2m) of the statutes is amended to read:

139.03 (2m) The rate of that tax is 85.86 cents per liter on intoxicating liquor, except wine containing not in excess of 21% of alcohol by volume and ~~intoxicating liquor taxed under sub. (2t)~~, containing 0.5% or more of alcohol by volume. The department of revenue may, by rule, set the amount of the taxes imposed under this section for various sizes of containers if the amounts set are in the same proportion to the size of the containers as the rate per liter under this subsection.

SECTION 374xt. 139.03 (2t) of the statutes is repealed.

SECTION 374y. 139.035 of the statutes is created to read:

139.035 Reciprocal agreements. The department shall negotiate and, if possible, enter into reciprocal agreements with the appropriate officials of other states concerning the shipping of wine to individuals in this state under ss. 125.58 (4) and 125.68 (10) (bm). The purpose of the agreements shall be to permit those shipments while ensuring that the fiscal impact of shipments of wine to individuals in this state from other states, and from this state to individuals in other states, is fair to this state. An agreement under this section may include the provision that this state will tax wine shipped from this state to individuals in another state and the other state will tax wine shipped to individuals in this state.

SECTION 375. 139.05 (6) of the statutes is repealed.

SECTION 376. 139.05 (7) (e) of the statutes is amended to read:

139.05 (7) (e) The conditions and requirements of this subsection are in addition to, and not in lieu of, the conditions and requirements of subs. (1) to ~~(6)~~ (4).

SECTION 376b. 139.06 (1) (a) and (b) of the statutes are amended to read:

139.06 (1) (a) The taxes imposed under s. 139.03 (intro.) on intoxicating liquor at the rates under s.

139.03 (2m) ~~or (2t)~~ shall be paid 4 times annually on an estimated basis. The estimated payment shall be made, and a return filed, on February 15, May 15, August 15 and November 15 for calendar quarters beginning on the first day of the month before the month during which the payment is due. The estimated payment shall be based on the expected actual tax liability for the calendar quarter for which the payment is made. An administrative fee of 3 cents per gallon on intoxicating liquor taxed at the rates under s. 139.03 (2m) ~~or (2t)~~ is imposed, shall be paid along with estimated taxes and shall be deposited in the appropriation under s. 20.566 (1) (ha). The taxpayer shall adjust the amount of each payment to reflect the amount by which the payment for the previous quarter is greater than or less than the actual tax liability and administrative fee liability for that previous quarter.

(b) Liability for taxes at the rates under s. 139.03 (2m) ~~or (2t)~~ on intoxicating liquor is incurred by a shipper when intoxicating liquor is shipped into this state, except that liability on liquor produced or bottled in this state or imported directly from a foreign country into this state by a Wisconsin permittee is incurred at the time of the first sale in this state and except that liability for liquor under sub. (3) or (4) is incurred when a Wisconsin permittee receives that liquor.

SECTION 376d. 139.06 (2) (c) of the statutes is amended to read:

139.06 (2) (c) Further to secure the payment of the taxes at the rates under s. 139.03 (2m) ~~and (2t)~~ on intoxicating liquor, the department shall require all persons liable for the return and payment of such taxes in either of the 2 previous fiscal years to maintain a deposit of the department's estimate of tax liabilities in an amount equal to 20% of the estimated tax liability for fiscal year 1985-86 or an amount specified by the department. Such deposit payment shall be paid to the department on July 15, 1986, or according to an arrangement specified by the department. This deposit shall be deposited in the general fund. On August 15, 1987, the department shall credit 25% of the deposit against taxes due for the quarter beginning on the first day of the month before the month when the taxes are due or a later quarter. At the end of each succeeding 12-month period the department shall credit 25% of the original deposit until 100% of each deposit has been refunded. If any permittee has an unpaid tax liability at the time that a credit would be allowed the permittee, the department shall not allow the credit until the liability is paid in full.

SECTION 377. 139.07 of the statutes is repealed.

SECTION 378. 139.08 (4) of the statutes is amended to read:

139.08 (4) INSPECTION FOR ENFORCEMENT. Duly authorized employes of the department of justice and the department of revenue and any sheriff, police

officer, marshal or constable, within their respective jurisdictions, may at all reasonable hours enter any licensed premises, and examine the books, papers and records of any brewer, manufacturer, bottler, rectifier, wholesaler or retailer, for the purpose of inspecting the same and determining whether the tax and fee imposed by ss. 139.01 to 139.25 have been fully paid, and may inspect and examine, according to law, any premises where fermented malt beverages or intoxicating liquors are manufactured, sold, exposed for sale, possessed or stored, for the purpose of inspecting the same and determining whether the tax imposed by ss. 139.01 to 139.25 has been fully paid, and whether ss. 139.01 to 139.25 and ch. 125 are being complied with. Any refusal to permit such examination of such premises is sufficient grounds under s. 125.12 for revocation or suspension of any license or permit granted for the sale of any fermented malt beverages or intoxicating liquors and is punishable under s. 139.25 ~~(5)~~ (10).

SECTION 379. 139.092 of the statutes is amended to read:

139.092 (title) Right to assess and refund. The department shall examine each return and correct it, if necessary, according to its best judgment and information. If within 4 years after a return is filed and reconciled on the next return filed the department finds that any amount of tax is due from the taxpayer and is unpaid, it shall notify the taxpayer of the deficiency, stating that it proposes to assess the amount due together with interest and penalties. The department also may allow refunds or credits for overpayments due to errors discovered during its examination of the return.

SECTION 380. 139.098 of the statutes is repealed.

SECTION 381. 139.25 (1) and (1m) of the statutes are created to read:

139.25 (1) INTEREST AND PENALTIES. Unpaid taxes bear interest at the rate of 12% per year from the due date of the return until paid or deposited with the department, and all refunded taxes bear interest at the rate of 9% per year from the due date of the return to the date on which the refund is certified on the refund rolls.

(1m) ORDER OF APPLICATION. All nondelinquent payments of additional amounts owed shall be applied in the following order: penalties, interest, tax principal.

SECTION 382. 139.25 (2) and (3) of the statutes are repealed and recreated to read:

139.25 (2) DELINQUENT RETURNS. Delinquent beverage tax returns are subject to a \$10 late filing fee. Delinquent beverage taxes bear interest at the rate of 1.5% per month until paid. The taxes imposed by this subchapter shall become delinquent if not paid:

(a) In the case of a timely filed return, no return or a late return, on or before the due date of the return; or

(b) In the case of a deficiency determination of taxes, within 2 months after the date of demand.

(3) **INCORRECT RETURN.** If due to neglect an incorrect return is filed, the entire tax finally determined is subject to a penalty of 25% of the tax exclusive of interest or other penalty. A person filing an incorrect return has the burden of proving that the error or errors were due to good cause and not due to neglect.

SECTION 383. 139.25 (4), (5) and (6) of the statutes are renumbered 139.25 (9), (10) and (11).

SECTION 384. 139.25 (4) to (8) of the statutes are created to read:

139.25 (4) **FAILURE TO FILE RETURN.** In case of failure to file any return required under s. 139.05, 139.06 or 139.11 by the due date, unless it is shown that that failure was due to reasonable cause and not due to neglect, there shall be added to the amount required to be shown as tax on that return 5% of the amount of that tax if the failure is for not more than one month, and an additional 5% of the tax for each additional month or fraction thereof during which that failure continues, not exceeding 25% of the tax in the aggregate. For purposes of this subsection, the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the due date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

(5) **FALSE OR FRAUDULENT RETURN.** If a person fails to file a return when due or files a false or fraudulent return with intent in either case to defeat or evade the tax imposed by this subchapter, a penalty of 50% of the tax shall be added to the tax required to be paid, exclusive of interest and other penalties.

(6) **FURNISH DATA OR RETURN.** Any person who fails to furnish any return required to be made or who fails to furnish any data required by the department may be fined not more than \$500 or imprisoned for not more than 30 days or both.

(7) **REPORT OR RETURN VERIFICATION.** Any person, including an officer of a corporation, who is required to make, render, sign or verify any report or return required by this subchapter and who makes a false or fraudulent report or return or who fails to furnish a report or return when due with the intent, in either case, to defeat or evade the tax imposed by this subchapter may be fined not more than \$500 or imprisoned for not more than 30 days or both.

(8) **ASSISTING FALSE OR FRAUDULENT RETURN.** No person may aid, abet or assist another in making any false or fraudulent return or false statement in any return required by this subchapter, with intent to defraud the state or evade payment of the tax, or any part thereof, imposed by this subchapter. Anyone who violates this subsection may be fined not more than \$500 or imprisoned for not more than 30 days or both.

SECTION 385. 139.32 (7) of the statutes is repealed.

SECTION 386. 139.44 (title) of the statutes is amended to read:

139.44 (title) Interest and penalties.

SECTION 387. 139.44 (9) to (12) of the statutes are created to read:

139.44 (9) Unpaid taxes bear interest at the rate of 12% per year from the due date of the return until paid or deposited with the department, and all refunded taxes bear interest at the rate of 9% per year from the due date of the return to the date on which the refund is certified on the refund rolls.

(10) All nondelinquent payments of additional amounts owed shall be applied in the following order: penalties, interest, tax principal.

(11) Delinquent cigarette taxes bear interest at the rate of 1.5% per month until paid. The taxes imposed by this subchapter shall become delinquent if not paid:

(a) In the case of a timely filed return, no return filed or a late return, on or before the due date of the return; or

(b) In the case of a deficiency determination of taxes, within 2 months after the date of demand.

(12) If due to neglect an incorrect return is filed, the entire tax finally determined is subject to a penalty of 25% of the tax exclusive of interest or other penalty. A person filing an incorrect return has the burden of proving that the error or errors were due to good cause and not due to neglect.

SECTION 388. 139.77 (5) of the statutes is amended to read:

139.77 (5) All taxes are due not later than the 15th day of the month following the calendar month in which they were incurred, ~~and thereafter shall bear interest at the annual rate of 12%. If the amount of tax due for a given period is assessed without allocating it to any particular month, the interest shall begin with the date of the assessment.~~

SECTION 389. 139.77 (6) of the statutes is repealed.

SECTION 390. 139.85 of the statutes is amended to read:

139.85 (title) Interest and penalties. The interest and penalties under s. 139.44 (2) to (7) and (9) to (12) apply to this subchapter.

SECTION 390cb. 140.05 (16) (b) of the statutes is amended to read:

140.05 (16) (b) Any student admitted to any elementary, middle, junior or senior high school or into any day care center or nursery school shall present written evidence to the school of having completed the first immunization for each vaccine required for the student's grade and being on schedule for the remainder of the basic and recall (booster) immunization series for the diseases identified in par. (a) or shall present a written waiver under par. (c). The student shall present the written evidence or written waiver within 30 school days after being admitted to school. ~~This subsection does not require any female age 12 or over to be immunized against rubella.~~

SECTION 390g. 140.53 (1) (h) of the statutes is created to read:

140.53 (1) (h) With respect to radon, do all of the following:

1. Develop and disseminate current radon information to the news media, builders, realtors and the general public.

2. Coordinate a program of measuring radon gas accumulation, including use of the radon canister counting system, in educational institutions, nursing homes, low-income housing, public buildings, homes, private industries and public service organizations.

3. Work with staff of county, city-county or multiple-county health departments, county health committees or commissions or city, village or town boards of health under ch. 141; to perform home surveys and diagnostic measurements and develop mitigation strategies for homes with elevated radon gas levels.

4. Develop training materials and conduct training of staff of county, city-county or multiple-county health departments, county health committees or commissions or city, village or town boards of health under ch. 141; building contractors; and others in radon diagnosis and mitigation methods.

SECTION 390gm. 140.53 (4) of the statutes is created to read:

140.53 (4) From the appropriation under s. 20.435 (1) (ed), the department shall allocate funds to provide radon protection information dissemination from regional radon centers in Marathon and Waukesha counties.

SECTION 390r. 140.56 (3) (intro.) of the statutes is amended to read:

140.56 (3) (intro.) The council shall monitor the development and implementation of private and local, state and federal government radiation-related policies and programs which may affect the health or well-being of the citizens of the state. These policies and programs include those involving ionizing radiation from X-rays or radioactive materials; nonionizing radiation such as lasers and microwaves, radioactive waste handling and disposal, the transportation of radioactive materials, radioactive air and water pollutants, radiation emergency response planning, the contamination of drinking water supplies by radioactive materials and, the environmental monitoring of radioactive materials and radon or its products of radioactive decay. As a result of monitoring these policies and programs, the council may:

SECTION 391. 140.82 (1) (intro.) of the statutes is amended to read:

140.82 (1) (intro.) The department is designated the state health planning and development agency as provided under 42 USC 300k to 300n 5, in effect on April 30, 1980, and shall:

SECTION 392. 140.82 (1) (a) of the statutes is amended to read:

140.82 (1) (a) Initiate, conduct and periodically evaluate a process for planning to use the resources of the state and meet the health needs of its residents and to implement in conjunction with other state agencies those parts of the state health plan and plans of the health systems agencies that relate to state government.

SECTION 393. 140.82 (1) (b) of the statutes is amended to read:

140.82 (1) (b) Prepare, review at least triennially and revise as necessary a preliminary state health plan that identifies health service and resource goals and priorities. ~~The department shall develop the plan from the plans of the health systems agencies in the state as required under 42 USC 300k to 300n 5, in effect on April 30, 1980. The department shall submit the preliminary plan to the health policy council for review under s. 14.25 (1) (f).~~ In addition to coordinating the preparation of health-related federal plans, the department shall coordinate the preparation of public and private state health and health-related plans.

SECTION 394. 140.82 (1) (e) of the statutes is repealed.

SECTION 395. 140.82 (1) (f) of the statutes is repealed.

SECTION 396. 140.82 (1) (i) of the statutes is amended to read:

140.82 (1) (i) Serve as the single state agency for federally assisted health facility modernization and construction and administer the regulation of health care institutions. ~~If the department acts under this paragraph, it shall consider recommendations from health systems agencies as required under 42 USC 300m 2 (a) (4), in effect on April 30, 1980.~~

SECTION 397. 140.82 (1) (k) of the statutes is amended to read:

140.82 (1) (k) Periodically review all institutional and home health services offered in the state for which the state plan establishes goals and publicize its findings, ~~after considering recommendations concerning the appropriateness of the services from health systems agencies under 42 USC 300k to 300n 5, in effect on April 30, 1980.~~ In reviewing the appropriateness of a health service under this paragraph, the department shall at least consider the need for the service, its accessibility, availability, financial viability and cost effectiveness and the quality of service provided.

SECTION 398. 140.82 (1) (L) of the statutes is amended to read:

140.82 (1) ~~(k)~~ (L) Prepare an inventory of the health care facilities other than federal health care facilities located in the state. ~~The department shall report the inventory to the health systems agencies within the state to assist the agencies in performing their functions, as required under 42 USC 300L 2, in effect on April 30, 1980.~~

SECTION 398b. 140.82 (1) (m) of the statutes is repealed.

SECTION 398bm. 140.83 (title), (1) and (2) of the statutes are repealed.

SECTION 398c. 140.83 (3) of the statutes is renumbered 140.83, and 140.83 (title) and (1), as renumbered, are amended to read:

140.83 (title) Emergency service classification.

(1) Provide technical assistance to the health systems agencies in the development of emergency medical service plans.

SECTION 398cab. 144.025 (2) (s) of the statutes is amended to read:

144.025 (2) (s) In cases of noncompliance with any order issued under par. (d) or (r), the department may take the action directed by the order, and collect the costs thereof from the owner to whom the order was directed. The department shall have all the necessary powers needed to carry out this paragraph including powers granted municipalities under ss. 66.076 and 66.20 to 66.26. It shall also be eligible for financial assistance under ss. 144.21 and 144.24 and 144.241.

Vetoed in Part

SECTION 398cac. 144.027 (1) (em) of the statutes is created to read:

144.027 (1) (em) "Principal residence" means a residence which is occupied at least 51% of the year by the owner.

SECTION 398cam. 144.027 (1) (h) of the statutes is amended to read:

144.027 (1) (h) "Well" means an excavation or opening in the ground made by boring, drilling or driving or digging for the purpose of obtaining a supply of groundwater. "Well" does not include dug wells.

SECTION 398cb. 144.027 (2) (a) to (s) of the statutes are amended to read:

144.027 (2) (a) Establish by rule procedures for the submission, review and determination of claims applications under this section.

(b) Assist claimants applicants in submitting applications for compensation under this section.

(c) Issue awards grants under this section.

SECTION 398cbm. 144.027 (3) of the statutes is repealed and recreated to read:

144.027 (3) WELLS FOR WHICH APPLICATION MAY BE SUBMITTED. An application may be submitted for a private water supply which:

(a) Is contaminated at the time of submitting the application, or

(b) Was contaminated before the application is submitted, if the application meets the requirements of sub. (10m).

SECTION 398cc. 144.027 (4) (title) and (a) of the statutes are repealed and recreated to read:

144.027 (4) (title) WHO MAY SUBMIT AN APPLICATION. (a) Except as provided in par. (b), any of the following persons may submit an application under this section:

1. The owner of a principal residence which is served by a residential water supply.

2. The owner of property which is served by a live-stock water supply.

3. The spouse, dependent, heir, assign or legal representative of a person under subd. 1 or 2.

SECTION 398ccm. 144.027 (4) (b) (intro.) of the statutes is amended to read:

144.027 (4) (b) (intro.) The following entities may not submit a claim an application:

SECTION 398cd. 144.027 (5) (a), (b) (intro.) and 2, (c), (d) (intro.) and 1 and (e) to (g) of the statutes are amended to read:

144.027 (5) (a) A claimant An applicant shall submit a claim an application on forms provided by the department. The claimant applicant shall verify the claim application by affidavit.

(b) (intro.) The claim application shall contain:

2. Any information available to the claimant applicant regarding possible sources of contamination of the private water supply; and

(c) The department shall notify the claimant applicant if the claim application is complete or specify the additional information which is required to be submitted. If the claimant applicant does not submit a complete claim application as determined by the department, the department may not proceed under this section until it receives a complete claim application.

(d) (intro.) A claim An application constitutes consent by the claimant applicant to:

1. Enter Permit the department to enter the property where the private water supply is located during normal business hours and conduct any investigations or tests necessary to verify the claim application; and

(e) The department shall consolidate claims applications if more than one claimant applicant submits a claim an application for the same private water supply.

(f) The department shall allocate money for the payment of claims applications according to the order in which completed claims applications are received. The department shall give priority to the payment of supplements under sub. (10) (b) over payment of new grants. The department may conditionally approve a completed claim application even if the appropriations under s. 20.370 (2) (eb) and (eg) and (eh) are insufficient to pay the claim application. The department shall allocate money for the payment of a claim an application which is conditionally approved as soon as funds become available.

(g) The department may deny a claim an application if, under s. 144.028, the department has issued a preliminary determination of eligibility or has issued a municipal grant award to the a municipality in which the contaminated private water supply is located, and the municipality agrees to provide a municipal water supply to replace the contaminated private water supply. The department may delay the approval of a claim an application if the department determines that

Vetoed in Part

Vetoed
in Part

a municipal water supply may be the most feasible solution to the problem of contaminated private water supplies in the area.

SECTION 398cdm. 144.027(6)(c) of the statutes is amended to read:

144.027(6)(c) The department, at its own expense, may test additional samples from any private water supply for which a claim ~~an~~ application is submitted.

SECTION 398ce. 144.027(6)(d) of the statutes is created to read:

144.027(6)(d) The applicant and the department are not required to determine the source of the contamination in order for a grant to be issued under this section. The department may investigate the source of the contamination at any time and take action under subs. (18m) and (19) and s. 144.028(7) and (8), as appropriate.

SECTION 398cem. 144.027(7)(intro.), (a) and (d) of the statutes are amended to read:

144.027(7)(title) PURPOSE AND AMOUNT OF GRANT. (intro.) If the department finds that the ~~claimant~~ applicant meets all the requirements of this section and rules promulgated under this section and that the private water supply is contaminated, the department shall issue ~~an award a grant~~. The award grant may not pay more than 80% 60% of the eligible costs. The award grant may not pay any portion of eligible costs in excess of \$12,000. Eligible costs include the following items only:

(a) The cost of obtaining an alternate water supply beginning on the date that the department determines that the private water supply is contaminated under sub. (6), notwithstanding sub. (11)(a) 3.

(d) The cost of obtaining 2 tests to show that the private water supply was contaminated if the cost of those tests was originally paid by the ~~claimant~~ applicant.

SECTION 398cf. 144.027(8)(intro.) of the statutes is amended to read:

144.027(8) CO-PAYMENT. (intro.) The department shall require a payment by the ~~claimant~~ applicant equal to the total of the following:

SECTION 398cfm. 144.027(9)(b) of the statutes is amended to read:

144.027(9)(b) Notwithstanding the requirement of contamination under sub. (7), if a private water supply meets the criteria under par. (a) and the ~~claim~~ application is based upon contamination by nitrates and not by any other substance, the department may make an award issue a grant only if the private water supply produces water containing nitrates in excess of 40 parts per million expressed as nitrate-nitrogen.

SECTION 398cg. 144.027(10) of the statutes is repealed and recreated to read:

144.027(10) ISSUANCE OF GRANT. (a) The department shall pay each grant within 30 days after a completed payment request is submitted.

Vetoed
in Part

(b) The department may supplement a grant if after payment under par. (a) the applicant incurs additional or unanticipated eligible costs as determined under sub. (7) as necessary to obtain a suitable supply of water. Supplements may not increase the total amount of a grant over the limits imposed in sub. (7). The department shall pay each supplement within 30 days after approval of a request for a supplement.

SECTION 398cgm. 144.027(10m) of the statutes is created to read:

144.027(10m) RETROACTIVE GRANTS. The department may approve a grant for reimbursement of eligible costs in sub. (7) which are incurred before the department determines that the application is complete under sub. (5)(c) if all of the following conditions are satisfied:

(a) The applicant contacted the department before the reconstruction or replacement of the private water supply and the applicant proceeded according to the department's recommendations to ensure that the design and construction of the reconstructed or new well and the abandonment of the old well resulted in a new or reconstructed well free from contamination and did not increase the likelihood of movement of contaminants in groundwater.

(b) The private water supply was a contaminated water supply when the private water supply was reconstructed or replaced.

(c) Reconstruction or replacement of the private water supply began on or after January 1, 1985.

(d) The application meets all of the requirements of this section, and rules promulgated under this section, except for rules and requirements that require a showing that a private water supply is contaminated at the time of application.

SECTION 398ch. 144.027(11)(title) and (a), (title) and 1 to 7 of the statutes are amended to read:

144.027(11)(title) DENIAL OF APPLICATION: LIMITS ON GRANTS. (a) (title) *Denial of application*. The department shall deny a ~~claim~~ application if:

1. The ~~claim~~ application is not within the scope of this section.

2. The ~~claimant~~ applicant submits a fraudulent claim.

3. The ~~claim~~ Except as provided in subs. (7)(a) and (10m), the application is for reimbursement of costs incurred before the department determined that the ~~claim~~ application was complete under sub. (5)(c).

4. One or more of the contaminants upon which the ~~claim~~ application is based was introduced into the well through the plumbing connected to the well.

5. One or more of the contaminants upon which the ~~claim~~ application is based was introduced into the well intentionally by a ~~claimant~~ applicant or a person who would be directly benefited by payment of the ~~claim~~ application.

Vetoed
in Part

6. All of the contaminants upon which the claim application is based are naturally occurring substances and the concentration of the contaminants in water produced by the well does not significantly exceed the background concentration of the contaminants in groundwater at that location.

7. Except as provided in sub. (14), an award a grant has been made under this section within the previous 10 years for the parcel of land where the private water supply is located.

SECTION 398cjm. 144.027 (11) (a) 4m of the statutes is created to read:

144.027 (11) (a) 4m. The negligent or intentional actions of the applicant or a person who would directly benefit from payment of a well compensation grant caused environmental pollution which contaminated the applicant's private water supply.

SECTION 398c. 144.027 (11) (am) of the statutes is amended to read:

144.027 (11) (am) *Emergency.* Notwithstanding par. (a) 3, the department may authorize expenditures before a claim an application is submitted if the department determines that an emergency situation exists. The department shall establish standards and procedures for the payment of claims grants in emergency situations.

SECTION 398cjm. 144.027 (11) (b) (title), 1, 2, 3, (intro.) and 4 of the statutes are amended to read:

144.027 (11) (b) (title) *Limits on grants; purposes.* 1. An award A grant may be issued for purchasing and installing a pump if a pump is necessary for the new or reconstructed private water supply.

2. An award A grant may be issued for water treatment only if the contamination cannot be remedied by reconstruction or replacement of the private water supply or connection to another water supply is not feasible.

3. (intro.) An award A grant may not be issued for the replacement of a sand point well with a drilled well unless:

4. An award A grant may not be issued for the reimbursement of costs of an alternative water supply incurred before the department confirmed that contamination existed.

SECTION 398ck. 144.027 (11) (b) 5 of the statutes is created to read:

144.027 (11) (b) 5. If the contaminated private water supply is a dug well, the eligible costs are limited to the cost of abandoning the dug well.

SECTION 398ckm. 144.027 (11) (c) and (d) of the statutes are amended to read:

144.027 (11) (c) (title) *Limits on grants; costs determined by rule.* The department shall determine by rule the usual and customary costs of each item for which an award a grant may be issued under sub. (7). The rule shall reflect the range of costs resulting from differences in costs of construction, labor, equipment and supplies throughout the state, various soil and bedrock conditions, sizes and depths of wells, types of

Vetoed
in Part

well construction and other factors which may affect the costs. The department shall determine the amount of an award according to the rules promulgated under this paragraph. Payments under sub. (7) shall be based on the costs determined by rule or on actual costs, whichever is less.

(d) *Limits on grants; amount.* Awards Grants shall be issued subject to the following limitations on amount:

1. If the contamination can be remedied by reconstruction of the private water supply, construction of a new private water supply or connection to an existing public or private water supply, the department shall issue an award a grant for the least expensive means of remedying the contamination.

2. If the contamination cannot be remedied by a new or reconstructed private water supply, the maximum award grant for connection to an existing public or private water supply is 150% of the cost of constructing a new private water supply.

3. An award a grant for an alternate water supply is limited to the amount necessary to obtain water for a one-year period, except as provided under sub. (13).

SECTION 398cl. 144.027 (11) (e) of the statutes is created to read:

144.027 (11) (e) *Conduct of applicant.* Except as otherwise provided in par. (a), the conduct of the applicant or of any person who would be directly benefited by payment of a grant is not a bar to recovery and no grant may be diminished or denied as the result of the conduct of the applicant or of any person who would be benefited by payment of a grant.

SECTION 398clm. 144.027 (11m) of the statutes is created to read:

144.027 (11m) *CONSTRUCTION OF TEST WELLS.* If the department determines that a reconstructed or replacement well may not produce uncontaminated water in an area where several applications have been submitted, the department may issue a grant to one or more designated applicants for a test well. If the test well is not contaminated, the grant amount shall be calculated under this section. If the test well is contaminated, the department shall pay the full cost of constructing the test well and, if necessary, the cost of abandoning the test well. Notwithstanding sub. (14), construction of a test well which is contaminated shall not limit an applicant's right to make additional applications.

SECTION 398cm. 144.027 (12) (intro.) of the statutes is amended to read:

144.027 (12) *RECONSTRUCTION OR REPLACEMENT OF WELLS.* (intro.) If the department determines that the claimant applicant is entitled to compensation for reconstruction of a private water supply or construction of a new private water supply, the department may issue the award grant only if all of the following conditions are satisfied:

SECTION 398cmm. 144.027 (13) of the statutes is amended to read:

Vetoed
in Part

~~144.027 (13) COORDINATION OF COMPENSATION AND REMEDIAL ACTION. If the secretary determines that the implementation of a response to groundwater contamination by a regulatory agency under s. 160.25 can be expected to remedy the contamination in a private water supply in 2 years or less, the secretary may order a delay in the issuance of an award a grant for up to a 2-year period. If the secretary issues an order under this subsection, the department shall issue an award a grant for an alternate water supply while the order is in effect or until the well is no longer contaminated, whichever is earlier. If, upon expiration of the order, the department determines that the private water supply is not contaminated, the department may not issue an award a grant under this section.~~

~~SECTION 398en. 144.027 (14) and (15) of the statutes are amended to read:~~

~~144.027 (14) (b)(c) NEW APPLICATIONS. (a) New contamination. A claimant An applicant who receives an award a grant for the purpose of constructing or reconstructing a private water supply or connection to a private water supply may submit a new claim application if the contamination is from a new source and, if the previous award grant was for a new or reconstructed private water supply, the well was constructed properly.~~

~~(b) Failure to eliminate contamination. 1. A claimant An applicant who receives an award a grant for the purpose of constructing or reconstructing a private water supply or connection to a private water supply may submit a new claim application if the contamination is not eliminated and, if the award grant was for a new or reconstructed private water supply, the well was constructed properly.~~

~~2. Only one additional claim application may be submitted under this paragraph within 10 years after an award a grant is made.~~

~~(15) TOLLING OF STATUTE OF LIMITATIONS. Any law limiting the time for commencement of an action is tolled by the filing of a claim an application. The law limiting the time for commencement of the action is tolled for the period from the first filing of a claim an application until the department issues an award a grant under this section. If a period of limitation is tolled by the filing of a claim an application, and the time remaining after issuance of the final award grant in which an action may be commenced is less than 30 days, the period within which the action may be commenced is extended to 30 days from the date of issuance of the final award grant.~~

~~SECTION 398em. 144.027 (16) (d) of the statutes is amended to read:~~

~~144.027 (16) (d) The state is subrogated to the rights of a claimant an applicant who obtains an award a grant under this section in an amount equal to the award grant. All moneys recovered under this paragraph shall be credited to the appropriation under s. 20.370 (2) (cg).~~

Vetoed
in Part

~~SECTION 398cp. 144.027 (16) (e) of the statutes is created to read:~~

~~144.027 (16) (e) 1. In any action taken by the state under par. (d), or in any other action taken by the state against a person alleged to have caused the contamination of a private water supply for which compensation was paid under this section, the state may seek recovery, on behalf of the owner of the contaminated private water supply, of those eligible costs in sub. (7) incurred by the owner in excess of the grant paid to the owner.~~

~~2. In addition to the authority of the department to bring an action under par. (d), the applicant may bring an action to recover damages.~~

~~SECTION 398cpm. 144.027 (17) (a) of the statutes is amended to read:~~

~~144.027 (17) (a) A claim An application may be submitted irrespective of the time when the contamination is or could have been discovered in the private water supply. A claim An application may be submitted for contamination which commenced before May 11, 1984, and either continues at the time a claim an application is submitted under this section or continues until the contaminated private water supply is replaced or reconstructed before application under sub. (10m).~~

~~SECTION 398cq. 144.027 (18m) of the statutes is created to read:~~

~~144.027 (18m) RECOVERY OF GRANTS. (a) If within 3 years after issuing a grant the department determines that sub. (11) (a) 4 to 5 applies to the application, the department shall revoke the grant and order the applicant to repay the grant.~~

~~(b) All moneys recovered under this subsection shall be credited to the appropriation under s. 20.370 (2) (cg).~~

~~SECTION 398cqm. 144.027 (19) of the statutes is renumbered 144.027 (19) (a) and amended to read:~~

~~144.027 (19) (a) Whoever does any of the following shall forfeit not less than \$100 nor more than \$1,000 and shall be required to repay an award a grant issued to that person under this section:~~

~~1. Causes or exacerbates the contamination of a private water supply for the purpose of submitting a claim an application under this section; or~~

~~2. Submits a fraudulent claim application under this section.~~

~~SECTION 398cr. 144.027 (19) (b) and (c) of the statutes are created to read:~~

~~144.027 (19) (b) The court shall require any person who is required to pay a forfeiture under par. (a) to repay the department any costs incurred by the department in conducting investigations necessary to obtain evidence of intentional contamination of the applicant's private water supply or of submission of a fraudulent claim.~~

Vetoed
in Part

Vetoed
in Part

(c) All grant moneys repaid under this subsection shall be credited to the appropriation under s. 20.370 (2) (eg).

SECTION 398cm. 144.028 (1) of the statutes is renumbered 144.028 (1) (a), and 144.028 (1) (a) (intro.) and 1, as renumbered, are amended to read:

144.028 (1) (a) (Intro.) A municipality may apply to the department for a municipal water supply grant if all of the following conditions are satisfied:

1. Three or more contaminated private water supplies which meet the eligibility requirements of s. 144.027 are located in the area to be served by the municipality are contaminated.

SECTION 398cs. 144.028 (1) (b) of the statutes is created to read:

144.028 (1) (b) A municipality may apply to the department on behalf of a private water utility for a municipal water supply grant if all of the following conditions are satisfied:

1. Three or more private water supplies in the area to be served by the private water utility are contaminated.

2. The private water utility agrees to provide a public water supply to replace contaminated private water supplies.

SECTION 398cm. 144.028 (2) (a) and (b) of the statutes are amended to read:

144.028 (2) (a) Within 30 days after receipt of an application under sub. (1), the department municipality shall hold a public hearing in the area proposed to be served to allow each person having a contaminated private water supply to public comment on the municipality's proposal. The department municipality shall notify, by first class mail, the department and each person whose private water supply has been determined to be contaminated is proposed to be replaced of the date, time and place of the public hearing.

(b) If the department determines that the conditions under sub. (1) are satisfied and that a municipal water supply is the most feasible solution to the problem of contaminated private water supplies in that area, the department may issue a preliminary determination of eligibility. In determining feasibility, the department shall consider the risk of future contamination to private water supplies, the cost of the project in relation to the cost of replacing private wells water supplies, the speed with which the municipality can construct a municipal water supply, the projected residential and industrial need for water in the area and the auxiliary benefits of a municipal water supply including fire protection benefits.

SECTION 398ct. 144.028 (3) of the statutes is renumbered 144.028 (3) (a) and amended to read:

144.028 (3) (a) The department shall establish standards and procedures for the issuance of municipal water supply grants.

(b) A grant may not exceed 60% of the cost to provide the municipal water supply to the contaminated

area, to provide tests and to provide an alternate water supply supplies, as provided in this paragraph. Eligible costs to provide a municipal water supply include the include:

1. The municipality's direct capital costs—costs of connection to provide a municipal water supply and to connect structures with contaminated private water supplies to the municipal water supply and associated costs related to the abandonment of a contaminated private well—Eligible testing costs include the water supplies.

2. The cost of providing for or reimbursing the cost of not more than 2 tests for each private water supply to determine if it is contaminated, using procedures and standards under s. 144.027 (6). Eligible alternate water supply costs include the

3. The cost of providing an alternate water supply for persons supplies from the date that contamination was confirmed by the municipality determined under s. 144.027 (6) to the time the municipal water supply is available.

SECTION 398cm. 144.028 (3) (c) of the statutes is created to read:

144.028 (3) (c) Eligible costs shall be calculated only for the following:

1. A principal residence which is served by a contaminated residential water supply.

2. An owner-operated property which is served by a contaminated livestock water supply.

SECTION 398cu. 144.028 (4) of the statutes is amended to read:

144.028 (4) PAYMENT. The department shall allocate money for the payment of grants according to the order in which completed applications are received. The department may conditionally approve a completed application even if the appropriations under s. 20.370 (2) (eb) and (eg) and (eb) are insufficient to pay the grant. The department shall allocate money for the payment of a grant which is conditionally approved as soon as funds become available.

SECTION 398cum. 144.028 (5) of the statutes is created to read:

144.028 (5) GRANT RESTRICTIONS. (a) Municipal water supply grants are subject to s. 144.027 (6), (9), (11) (a) 1 to 3 and 6 to 9 and (b) (13) and (15) to (18m).

(b) In determining the most feasible solution under sub. (2) (b), the department shall require the municipality to evaluate and provide cost estimates for all technically feasible options. The department shall calculate the eligible costs under this section based on the least-cost alternative. The municipality may use the grant to construct any technically feasible option, subject to department approval under s. 144.04.

SECTION 398cv. 144.028 (6), (7) and (8) of the statutes are created to read:

144.028 (6) COOPERATION WITH DEPARTMENT. An application constitutes consent by the applicant to

Vetoed
in Part

Vetoed
in Part

(a) Obtain permission or seek a special inspection warrant under s. 66.122 to enter the properties where the contaminated private water supplies are located during normal business hours and cooperate with and assist the department in any investigations or tests necessary to verify the application; and

(b) Cooperate with the state in any administrative, civil or criminal action involving a person or activity alleged to have caused the private water supplies to become contaminated.

(7) RECOVERY OF GRANTS. (a) If within 3 years after awarding a grant the department determines that s. 144.027 (1) (a) 4 to 5 applies to any private water supply included in the application, the department shall revoke that portion of the grant attributable to the inclusion of that private water supply in the application and order the person who directly received the benefit resulting from the inclusion of that private water supply in the application to repay that portion of the grant.

(b) All moneys recovered under this subsection shall be credited to the appropriation under s. 20.370 (2) (eg).

(8) PENALTIES. Whoever does any of the following shall forfeit not less than \$100 nor more than \$1,000 and shall repay to the state any portion of a grant under this section paid to that person:

(a) Causes or exacerbates the contamination of a private water supply for the purpose of obtaining compensation under this section.

(b) Submits fraudulent information to the department or a municipality regarding that person's eligibility for compensation under this section.

SECTION 398cm. 144.029 of the statutes is created to read:

144.029 Well contamination assessment. (1) In any action by the state against a person for a violation of any provision of statutory or administrative law, where the violation has resulted in a contaminated private water supply as defined under s. 144.027 (1) (b), a court may impose a well contamination assessment.

(2) A well contamination assessment imposed under this section is in addition to any other penalty, assessment, restitution payment or liability to which the person is subject and is in addition to any other remedy which is available to the court, the department or any other person.

(3) A well contamination assessment imposed under this section shall be credited to the appropriation under s. 20.370 (2) (eh).

(4) A well contamination assessment imposed under this section shall be equal in amount to any fine or forfeiture to which the person is subject.

(5) If a fine or forfeiture is suspended in whole or in part, the well contamination assessment shall be reduced in proportion to the reduction in the fine or forfeiture due to the suspension.

(6) The clerk of court shall collect and transmit to the county treasurer the well contamination assessment and other amounts required under s. 59.325 (5). The county treasurer shall then make payment to the state treasurer as provided in s. 59.20 (5) (b).

SECTION 398cw. 144.0295 of the statutes is created to read:

144.0295 Well compensation fee adjustment. (1) The department shall monitor, on a continuing basis, all of the following:

(a) The amount of moneys generated by the well compensation fee under s. 94.681, compared to the amount of grants approved for payment under ss. 144.027 and 144.028 for wells contaminated by pesticides, as defined under s. 94.67 (25), or substances derived from the breakdown of pesticides.

(b) The amount of moneys generated by the well compensation fee under s. 168.12 (1s), compared to the amount of grants approved for payment under ss. 144.027 and 144.028 for wells contaminated by petroleum products, as defined under s. 101.142 (1) (a), or by substances derived from the breakdown of petroleum products.

(c) The amount of moneys generated by the well compensation fee under s. 147.033 (3), compared to the amount of grants approved for payment under ss. 144.027 and 144.028 for wells contaminated due to the discharge of effluent or the disposal of sludge from a treatment work on land.

(2) (a) The department shall, at such times as the department deems necessary to maintain approximate equivalency between the amount of moneys generated by fees and the amount of grants approved, as identified in sub. (1) (a) to (d), establish by rule fees which shall supersede the well compensation fees under s. 94.681, 147.033 (3) or 168.12 (1s). The amount of moneys generated by fees and the amount of grants approved shall be considered approximately equivalent if they do not differ by more than 10% in any 12-month period.

(b) The department may establish by rule fees as described in par. (a) regardless of whether the amount of moneys generated by fees is approximately equivalent to the amount of grants approved, if such fees will reduce the difference between the amount of moneys generated by fees and the amount of grants approved.

(3) Rules promulgated under sub. (2) shall affect only the amount of fees assessed and shall not affect the manner in which the fees are collected.

SECTION 398cxg. 144.21 (6) (c) of the statutes is renumbered 144.21 (6) (c) 1 and amended to read:

144.21 (6) (c) 1. The department may enter into agreements with municipalities and school districts to make payments to them from the appropriation under s. 20.370 (4) (eb) (ca) to provide direct financial assistance for smaller projects for sewage treatment facilities, including but not limited to chlorination

treatment, phosphate removal and other improvements to sewage treatment capabilities.

SECTION 398cxr. 144.21 (6) (c) 2 to 4 of the statutes are created to read:

144.21 (6) (c) 2. After June 30, 1988, and before July 1, 1990, the department may enter into agreements with municipalities to provide grants under this section from the appropriation under s. 20.370 (4) (ca) for planning for projects that the department determines are necessary to prevent a municipality from significantly exceeding an effluent limitation, as defined in s. 147.015 (6).

3. A grant under subd. 1 or 2 may not exceed 25% of the eligible costs provided in subd. 1 or 2, or \$15,000, whichever is less.

4. After June 30, 1988, and before July 1, 1990, the department shall give priority to payments required under sub. (8) over agreements for grants under subd. 1 or 2, and shall give priority for grants under subd. 2 over grants under subd. 1.

SECTION 398cz. 144.24 (4) (c) 2 of the statutes is amended to read:

144.24 (4) (c) 2. If sources of funding for the facility planning prescribed under this paragraph are not available for these activities, grants provided under this section may pay ~~75%~~ 50% of the cost of facility planning.

SECTION 398czm. 144.24 (4) (c) 2m of the statutes is created to read:

144.24 (4) (c) 2m. Amendments or applications for facility planning grants received after March 1, 1987, shall be funded at 50% of the cost of the facility planning.

SECTION 398d. 144.24 (7) (a) of the statutes is renumbered 144.24 (7) (a) 1 and amended to read:

144.24 (7) (a) 1. Upon the completion by an applicant of all application requirements, the department may enter into an agreement with a municipality for a grant of up to 60% of the eligible costs of a project, except as provided under sub. (4) (c), if the municipality is awarded a grant before July 1, 1989.

SECTION 398e. 144.24 (7) (a) 2 of the statutes is created to read:

144.24 (7) (a) 2. Upon the completion by an applicant of all application requirements, the department may enter into an agreement with a municipality for a grant of up to 55% of the eligible costs of the project, except as provided under sub. (4) (c), if the municipality is awarded a grant after June 30, 1989, but before July 1, 1990.

SECTION 398f. 144.24 (7) (c) 1 of the statutes is amended to read:

144.24 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are limited in each fiscal year to receiving total grant awards not to exceed 33% of the sum of the amounts in the schedule for that fiscal year for the appropriations under s. 20.370 (4) (cb) and (cf) and the amount authorized under sub. (10) for that fiscal year plus the unencumbered balances at

the end of the preceding fiscal year for the appropriation under s. 20.370 (4) (cb) and the amount authorized under sub. (10). This subdivision is not applicable to grant awards provided during fiscal years 1985-86 ~~and~~, 1986-87, ~~1988-89 and 1989-90.~~

SECTION 398g. 144.24 (7) (c) 2 of the statutes is amended to read:

144.24 (7) (c) 2. Metropolitan sewerage districts that serve 1st class cities are limited to new project grant awards of not more than \$29,900,000 in fiscal year 1985-86 ~~and~~, of not more than \$35,300,000 in fiscal year 1986-87, of not more than \$70,000,000 in fiscal year 1988-89 and of not more than \$45,600,000 in fiscal year 1989-90 from the amounts authorized under sub. (10), plus any unallocated balances from the previous fiscal year as listed in this subdivision which the department determines, in accordance with its rules establishing a priority funding list under sub. (6), will be available for obligation during the succeeding fiscal year.

SECTION 398h. 144.24 (7) (c) 3 of the statutes is created to read:

144.24 (7) (c) 3. Sewerage districts that do not serve 1st class cities are limited to new project grant awards that, in the aggregate for all those sewerage districts, are not more than \$70,500,000 in fiscal year 1988-89 and not more than \$36,400,000 in fiscal year 1989-90 from the amounts authorized under sub. (10), plus any unallocated balances from the previous fiscal year as listed in this subdivision which the department determines, in accordance with its rules establishing a priority funding list under sub. (6), will be available for obligation during the succeeding fiscal year.

SECTION 398i. 144.24 (9) (c) of the statutes is amended to read:

144.24 (9) (c) The maximum state assistance the department may commit in each fiscal year before fiscal year 1989-90 for future reimbursement under this subsection is an amount equal to the amount authorized under sub. ~~(10) (7) (c)~~ for that the subsequent fiscal year.

SECTION 398im. 144.24 (9m) (a) of the statutes is amended to read:

144.24 (9m) (a) ~~The~~ For fiscal year 1989-90, the advance commitment shall include a provision making the reimbursement of engineering design costs conditional on the award or making of a construction grant under this section or a loan under s. 144.241. If the financial assistance that the municipality receives for construction of a treatment work is a loan, the engineering design cost reimbursement shall be a loan. After June 30, 1990, and before September 1, 1990, the department may enter into an agreement with a municipality to provide engineering design costs under this subsection if the department makes an advance commitment for the reimbursement of those costs before July 1, 1990, and the municipality receives financial assistance under this section for construction.

SECTION 398k. 144.24 (10) of the statutes is amended to read:

144.24 (10) EXPENDITURE AUTHORIZATION. ~~From The department may expend, from the appropriation under s. 20.866 (2) (tn), the department is authorized an additional \$49,400,000 in fiscal year 1985-86 and an additional \$62,800,000 in fiscal year 1986-87 total amount which is authorized under that paragraph to be contracted for public debt and has not been expended, for new grants under this section for engineering design costs, construction costs and other costs which can be funded from bond revenue.~~

SECTION 398L. 144.24 (12) of the statutes is created to read:

144.24 (12) SUNSET. (a) Notwithstanding sub. (6), the department may not issue a grant award under the state program for a municipality that has not submitted to the department by January 2, 1989, a facility plan which meets the requirements of this section and is approvable by the department under this chapter.

(b) Notwithstanding sub. (6), the department may not issue a grant award under the state program for planning or construction work after June 30, 1990.

SECTION 398Ld. 144.241 of the statutes is created to read:

144.241 Clean water fund program. (1) DEFINITIONS. In this section:

(a) "Effluent limitation" has the meaning designated in s. 147.015 (6).

(b) "Enforceable requirement" means any of the following:

1. Those conditions or limitations of a permit under ch. 147 which, if violated, could result in the initiation of a civil or criminal action under s. 147.29.

2. Those provisions of s. 144.025 (2) (r) which, if violated could result in a departmental order under s. 144.025 (2) (s).

3. If a permit under ch. 147 has not been issued, those conditions or limitations which, in the department's judgment, would be included in the permit when issued.

4. If no permit under ch. 147 applies, any requirement which the department determines is necessary for the best practicable waste treatment technology to meet applicable criteria.

(c) "Industrial user" means any of the following:

1. Any nongovernmental, nonresidential user of a publicly owned treatment work which discharges more than the equivalent of 25,000 gallons per day of sanitary wastes, other than domestic wastes or discharges from sanitary conveniences, or discharges a volume that has the weight of biochemical oxygen demand or suspended solids at least as great as the weight found in 25,000 gallons per day of sanitary waste from residential users, and which is identified in the standard industrial classification manual, 1972, federal office of management and budget, as amended

and supplemented as of October 1, 1978, under one of the following divisions:

- a. Division A: agriculture, forestry, and fishing.
- b. Division B: mining.
- c. Division D: manufacturing.
- d. Division E: transportation, communications, electric, gas, and sanitary services.
- e. Division I: services.

2. Any nongovernmental user of a publicly owned treatment work which discharges wastewater to the treatment work which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.

3. All commercial users of an individual system constructed with grant assistance under s. 144.24.

(d) "Treatment work" has the meaning designated in s. 147.015 (18).

(e) "Violator of an effluent limitation" means a person or municipality that after the effective date of this paragraph [revisor inserts date], is not in substantial compliance with the enforceable requirements of its permit issued under ch. 147 for a reason that the department determines is or has been within the control of the person or municipality.

(2) RULES. The department shall promulgate rules that are necessary for the proper execution of this section.

(3) ACCEPTANCE OF FEDERAL CAPITALIZATION GRANTS. The department may enter into an agreement under 33 USC 1382 with the administrator of the U.S. environmental protection agency to receive a capitalization grant under 33 USC 1381 to 1387. The agreement may contain any provision required by 33 USC 1381 to 1387 and any regulation, guideline or policy adopted under 33 USC 1381 to 1387.

(4) ANNUAL FINANCE PLAN. (a) By August 1 of each year, the department shall develop an annual finance plan. The department shall submit the annual finance plan to the building commission under s. 13.48 (26), to the joint committee on finance and to the chief clerk of each house of the legislature, for distribution under s. 13.172 (3) to the appropriate legislative standing committees generally responsible for legislation related to environmental issues. Within 30 days after receipt of the proposal, the joint committee on finance and each standing committee may submit to the building commission its recommendations and comments regarding whether the annual finance plan should be approved or disapproved. If the building commission disapproves an annual finance plan, the department shall submit a different annual finance plan to the building commission.

(b) The annual finance plan shall include all of the following information:

1. An estimate of wastewater treatment needs of the state for the current fiscal year and for each of the next 4 fiscal years.

2. The total amount of financial assistance that the department plans to provide or commit to municipalities for projects during that fiscal year and an estimate of the total financial assistance that the department plans to provide or commit to municipalities in each of the next 4 fiscal years.

3. The sources of the financial assistance that the department plans to provide or commit to municipalities during that fiscal year and in each of the next 4 fiscal years.

4. The composite annual interest rate which the financial assistance provided or committed to municipalities will yield, how the yield is calculated and how the department plans to achieve the yield.

5. The extent to which the clean water fund will be maintained in perpetuity, and the extent to which the clean water fund will retain its purchasing power, meet the requirements of this section to provide financial assistance for water quality pollution abatement needs and nonpoint source water pollution management needs, and provide a stable and sustainable annual level of financial assistance under this section proportional to the state's long-term water pollution abatement and management needs and priorities.

6. A fund balance sheet, cash flow of existing loans and commitments, report of loans and commitments, fund profits and losses including yield on prior year loans, the estimated fund capital available for commitments in each of the next 5 fiscal years, and the projected clean water fund balance for each of the next 20 years given existing commitments and financial conditions.

7. The estimated spending level and interest rate for the types of projects specified under sub. (7) (b) 1 or 2.

(5) REVENUE OBLIGATIONS. (a) Transfers to the clean water fund for the purposes specified in s. 25.43 (3) may be funded with the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18.

(b) The department may, under s. 18.56 (5) and (9) (j), deposit in a separate and distinct fund in the state treasury or in an account maintained by a trustee outside the state treasury, revenues derived under s. 25.43 (1). The revenues deposited are the trustee's revenues in accordance with the agreement between this state and the trustee or in accordance with the resolution pledging the revenues to the repayment of revenue obligations issued under this subsection.

(c) The secretary may pledge revenues received or to be received in the fund established in par. (b) or the clean water fund to secure revenue obligations issued under this subsection. The pledge shall provide for the transfer to this state of all pledged revenues, including any interest earned on the revenues, which are in

excess of the amounts required to be paid under s. 20.370 (4) (jc) and (jr) for the purposes specified in s. 25.43 (3). The pledge shall provide that the transfers be made at least twice yearly, that the transferred amounts be deposited in the clean water fund and that the transferred amounts are free of any prior pledge.

(d) The department shall have all other powers necessary and convenient to distribute the pledged revenues and to distribute the proceeds of the revenue obligations in accordance with subch. II of ch. 18.

(e) The department may enter into agreements with the federal government or its agencies, political subdivisions of this state, individuals or private entities to insure or in any other manner provide additional security for the revenue obligations issued under this subsection.

(f) Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this subsection can be fully paid from moneys received or anticipated and pledged to be received on a timely basis. Revenue obligations issued under this subsection shall not exceed \$1,000 in principal amount, excluding obligations issued to refund outstanding revenue obligation notes. Not more than \$900 of the \$1,000 may be used for transfers to the clean water fund.

(g) Unless otherwise expressly provided in resolutions authorizing the issuance of revenue obligations or in other agreements with the holders of revenue obligations, each issue of revenue obligations under this subsection shall be on a parity with every other revenue obligation issued under this subsection and in accordance with subch. II of ch. 18.

(6) PURPOSES OF FINANCIAL ASSISTANCE. (a) The department may approve financial assistance under this section to municipalities for any of the following:

1. Planning, designing and constructing or replacing a treatment work.

2. Implementing a management program established under 33 USC 1329 (b).

3. Developing and implementing a conservation and management plan under 33 USC 1330.

(b) In approving financial assistance, the department may use the following methods of providing financial assistance:

1. Purchasing or refinancing the debt obligation of a municipality if the debt was incurred to finance the cost of constructing a water pollution control project located in this state and the debt was initially incurred on or after the effective date of this subdivision [revisor inserts date].

2. Purchasing or refinancing the debt obligation of a municipality if the debt was incurred to finance the cost of constructing a water pollution control project located in this state and the debt was initially incurred after March 7, 1985, and before the effective date of this subdivision [revisor inserts date], if after giving

the notice of commitment under sub. (15) the requirements of 33 USC 1382 (b) (3) have still not been met.

3. Guaranteeing, or purchasing insurance for, municipal obligations for the construction or replacement of a treatment work if the guarantee or insurance would improve credit market access or reduce interest rates.

4. Making loans at or below the market interest rate.

5. Providing financial hardship assistance under sub. (13) from the account under s. 25.43 (2) (b).

6. Making loans under sub. (20) for the purposes of that subsection.

(7) **ELIGIBILITY.** (a) The department shall, by rule, establish criteria for determining which applicants and which projects are eligible to receive financial assistance under this section. The primary criteria for eligibility shall be water quality and public health. The rules for projects funded from the account under s. 25.43 (2) (a) shall be consistent with 33 USC 1251 to 1376 and 33 USC 1381 to 1387 and the regulations promulgated thereunder. The rules for projects funded from the account under s. 25.43 (2) (b) may be consistent with 33 USC 1251 to 1376 and 33 USC 1381 to 1387 and the regulations promulgated thereunder.

(b) The department may approve financial assistance under this section for any of the following types of projects:

1. Projects that the department determines are necessary to prevent a municipality from significantly exceeding an effluent limitation contained in a permit issued under ch. 147.

2. Projects needed to provide treatment to achieve compliance with an enforceable requirement changed or established after the effective date of this subdivision [revisor inserts date], if the project is for a municipality that is in substantial compliance with its permit, issued under ch. 147, in regard to the changed or established enforceable requirements.

3. Projects for treatment work planning and design, except the planning and design listed under subd. 6.

4. Projects for unsewered municipalities.

5. Projects for the treatment of nonpoint source pollution and urban storm water runoff.

6. Projects for the planning, design, construction or replacement of treatment works that violate effluent limitations contained in a permit issued under ch. 147.

(8) **INELIGIBILITY FOR AND LIMITATIONS ON FINANCIAL ASSISTANCE.** (a) The following are not eligible for financial assistance under this section:

1. A person or municipality that has failed to substantially comply, as specified by the rules promulgated under sub. (2), with the terms of a federal or state grant or loan used to pay the costs of studies, investigations, plans, designs or construction associated with wastewater collection, transportation, treatment or disposal.

2. Connection laterals and sewer lines that transport wastewater from structures to municipally owned or individually owned wastewater systems.

(b) The amount of reserve capacity for a project eligible for loans with interest rates below the market rate, financial hardship assistance or financial assistance of a method specified under sub. (6) (b) 1, 2 or 3 is limited to that future capacity required to serve the users of the project expected to exist within the service area of the project 10 years after the project is estimated to become operational. The department, in consultation with the demographic services center in the department of administration under s. 16.96, shall promulgate rules defining procedures for projecting population used in determining the amount of reserve capacity.

(c) Financial assistance may be provided for the design, planning and construction of a treatment work project in an unsewered municipality or an unsewered area of a municipality, if the department finds that at least two-thirds of the expected flow will be for wastewater originating from residences in existence on October 17, 1972.

(d) An unsewered municipality that is not constructing a treatment work and will be disposing of wastewater in the treatment work of another municipality is not eligible for financial assistance under this section until it executes an agreement under s. 66.30 with another municipality to receive, treat and dispose of the wastewater of the unsewered municipality.

(e) Financial assistance may be provided to a municipality for a project only if the financial assistance is used for a project that is the most cost-effective alternative for the municipality without regard to financial assistance from the federal government and this state.

(f) Loans with interest rates below the market interest rate, financial hardship assistance or a method of financial assistance specified under sub. (6) (b) 1, 2 or 3 may not be provided for the portion of a project for the treatment of industrial wastes.

(g) The sum of all of the financial assistance to a municipality approved under this section for a project may not result in the municipality paying less than 10% of the cost of the project.

(9) **APPLICATION.** (a) A municipality which desires to participate in the program under this section shall submit an application for participation to the department. The application shall be in such form and include such information as the department prescribes. The department shall review applications for participation in the program under this section. The department shall determine which applications meet the requirements and criteria under subs. (4), (6), (7), (8), (10) and (13).

(b) A municipality seeking financial assistance for a project under this section shall complete a staged facility plan, design plans and specifications and an envi-

ronmental analysis sequence as required by the department by rule.

(c) If a municipality is serviced by more than one sewerage district for wastewater pollution abatement, each service area of the municipality shall be considered a separate municipality for purposes of obtaining financial assistance under this section.

(d) The department may charge and collect service fees, established by rule, which shall cover the estimated costs of reviewing and acting upon the application and servicing the financial assistance agreement.

(10) PRIORITY. (a) The department shall establish a priority list under 33 USC 1381 to 1387 which ranks each project. The ranking on the priority list shall be based on all of the following:

1. The type of project and the order in which it is listed under sub. (7) (b) 1 to 6.
2. The impact of the project on groundwater and surface water quality.
3. The impact of the project on public health.
4. Any other factor determined by the department.

(b) Each municipality shall, in a writing post-marked no later than December 31, notify the department of its intent to apply for financial assistance under this section in the next state fiscal year. Only those municipalities that so notify the department and that before July 1 of the next year submit a complete application meeting the requirements under sub. (9) (a), design plans and specifications if required under s. 144.04 which are approvable by the department under this chapter and a sequence meeting the requirements of sub. (9) (b) may be included on the funding list under par. (c) and considered for financial assistance under this section in the next state fiscal year.

(c) The department shall annually establish a funding list for each fiscal year that ranks projects of municipalities that submit a financial assistance application under sub. (9) and meet the requirements specified in par. (b) in the same order as they appear on the priority list established under par. (a).

(d) If sufficient funds are not available to fund all applications for financial assistance under this section in any fiscal year, the department shall allocate available funding to projects in the order in which they appear on the funding list under par. (c) for that year. The department may not issue a notice of commitment for financial assistance for a project that is on the funding list if the municipality is not ready to begin construction of the project within 3 months after the department is ready to issue a notice of commitment for financial assistance.

(e) If funds remain available for a fiscal year after providing financial assistance to all municipalities on the funding list under par. (c), the department may issue a notice of commitment for financial assistance to a municipality that meets all of the requirements under this section, except the requirement under par. (b) to submit a complete application and design plans

and specifications, if required under s. 144.04, before July 1.

(f) Before July 1, 1991, the department may not approve applications for treatment work projects specified under sub. (7) (b) 4 for which financial assistance would total, for all of those treatment work projects, more than 5% of the total capital dollar amount established under s. 13.48 (26) for that fiscal year, unless all other applications on the funding list are approved first. Before July 1, 1991, the department may not approve applications for projects not specified under sub. (7) (b) 4 for which financial assistance would total, for all of those projects, more than 95% of the total capital dollar amount established under s. 13.48 (26) for that fiscal year, unless all applications under sub. (7) (b) 4 on the funding list are approved first.

(g) The requirements under pars. (b), (c), (d) and (f) do not apply to projects under sub. (7) (b) 3.

(11) APPROVAL. (a) The department shall specify the method by which financial assistance is to be provided for each application that it approves. The methods by which the department may provide financial assistance are the methods specified under sub. (6) (b).

(b) For municipalities meeting the financial hardship assistance requirements under sub. (13), the department may approve financial hardship assistance and shall specify the method by which it will provide financial hardship assistance, including but not limited to a combination of loans at or below the market rate and grants, deferred payment loans, state payment of the loan for a number of years, or longer amortization periods.

(c) The department may not approve financial assistance under this section for a project that is not on the priority list under sub. (10) (a).

(d) In approving financial assistance under this section, the department shall adhere, to the extent practicable, to the total capital dollar amount, by source, and the composite annual interest rate approved by the building commission under s. 13.48 (26).

(12) LOAN INTEREST RATES. (a) The department shall set the interest rate on loans under this section based on the type of project being funded as specified under sub. (7) (b) 1 to 6 and on any other factor that affects the market value of the loan that the department, by rule, provides. The interest rate may be set at different levels for the different types of projects. If interest rates are set at different levels for the different types of projects, the projects listed higher in order in which they are listed under sub. (7) (b) 1 to 6 shall receive lower interest rates and projects listed lower in the order in which they are listed under sub. (7) (b) 1 to 6 shall receive higher interest rates.

(b) A municipality that is a violator of an effluent limitation at the time that the loan is made may not receive a loan with interest below the market rate for that part of a treatment work project that is needed to correct the violation.

(c) The department may not provide a loan under this section, other than a market rate loan, for a project specified under sub. (8) (b) or for the part of the costs of a project that is for the treatment of industrial waste.

(13) FINANCIAL HARDSHIP ASSISTANCE. (a) The department shall rank each municipality applying for financial assistance under this section based on its ability to pay for the construction and operation costs of its project. The department shall establish, by rule, the economic, socioeconomic and other factors it uses to rank the municipalities.

(b) The department shall consider all of the following factors in deciding which financial hardship assistance to approve:

1. The project's placement on the priority funding list under sub. (10) (c).
2. Each municipality's rank under par. (a).
3. The operational and construction costs of each project.
4. The total financial hardship assistance available under this subsection.

(c) The department may approve financial hardship assistance under this subsection only for a municipality for which the department approves financial assistance under sub. (11). A municipality that is a violator of an effluent limitation may not receive financial hardship assistance under this subsection for that part of a treatment work project that is needed to correct the violation.

(d) The department may approve financial hardship assistance under this subsection to a municipality meeting the requirements of this subsection.

(e) The total amount of financial hardship assistance approved in any year under this subsection may not exceed 15% of the financial assistance approved annually under this section.

(f) The department may not approve financial hardship assistance under this section before January 1, 1991.

(14) CONDITIONS OF FINANCIAL ASSISTANCE. (a) A loan approved under this section shall be for no longer than 20 years, as determined by the department, be fully amortized not later than 20 years after the completion of the project that it funds except as provided under subs. (11) (b) and (13), as determined by the department, and require the repayment of principal and interest to begin not later than 12 months after the date of completion of the project that it funds, as determined by the department.

(b) As a condition of receiving financial assistance under this section, a municipality shall do all of the following:

1. Establish a dedicated source of revenue for the repayment of any financial assistance.
2. Pledge the security, if any, required by the rules promulgated by the department under this section.

3. Demonstrate to the satisfaction of the department the financial capacity to assure sufficient revenues to operate and maintain the project for its useful life and to pay the debt service on the obligations that it issues for the project.

4. Comply with those provisions of 33 USC 1381 to 1387, this chapter and ch. 147 and the regulations and rules promulgated thereunder that the department specifies.

5. Develop and adopt a program of water conservation as required by the department.

6. Develop and adopt a program of systemwide operation and maintenance of the treatment work, including the training of personnel, as required by the department.

7. Develop and adopt a system of equitable user charges to ensure that each recipient of treatment work services pays its proportionate share of the costs of the operation and maintenance of the treatment work. The user fee system shall be in compliance with 33 USC 1284 (b) and the regulations promulgated thereunder. The department may issue an exemption from the requirement imposed under this subdivision if a city or village imposes a system of equitable dedicated charges based upon assessed property values, if the city or village does not operate a treatment work but is served by a regional wastewater treatment plant operated by a metropolitan sewerage district created under ss. 66.88 to 66.918 and if the user charges imposed by that district are approved by the department and comply with 33 USC 1284 (b).

8. Demonstrate to the satisfaction of the department that the municipality is ready to begin construction within 90 days after it receives a notice of commitment for financial assistance under sub. (15).

(15) FINANCIAL ASSISTANCE COMMITMENTS. (a) Subject to pars. (b) and (c), the department shall issue a notice of financial assistance commitment to a municipality within 90 days after it approves the application under sub. (9) (a) and plans and specifications under s. 144.04. The notice shall include the conditions that the municipality must meet to secure the financial assistance and shall include the loan payment and repayment schedules and other terms of the financial assistance.

(b) The department may not issue a loan commitment notice to a municipality that the department determines is unlikely to be able to repay the principal and interest on it according to the terms of the financial assistance.

(c) The department may issue a financial assistance commitment notice to a municipality only after the annual finance plan for that year has been approved by the building commission under s. 13.48 (26).

(d) In each state fiscal year the department may issue, before building commission approval under s. 13.48 (26), a provisional notice of commitment for financial assistance for a project. The provisional

notice shall be contingent on approval of the annual finance plan.

(16) FINANCIAL ASSISTANCE PAYMENTS. (a) The department may make a financial assistance commitment to a municipality for which the department issues a notice of commitment under this section if the municipality meets the condition under sub. (14) (b) 8 and the other requirements established by the department under this section.

(b) If a municipality fails to make a principal repayment or interest payment within 180 days after its due date, the department shall file a certified statement of all amounts due under this section with the department of administration. After consulting the department, the department of administration may collect all amounts due by deducting those amounts from any state payments due the municipality 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 state treasurer and notify the department of that action.

(c) The department may not make the last payment under a financial assistance agreement until the department determines that the project is completed and the conditions of the financial assistance are met.

(17) ADVANCED COMMITMENTS. (a) The department shall, by rule, implement and administer reimbursement funding to municipalities as part of the financial assistance program under this section.

(b) The department shall promulgate rules specifying reimbursement eligibility and procedures for commitments of financial assistance. The rules shall specify that a reimbursement offer shall be made or committed:

1. To municipalities willing to apply for financial assistance conditioned upon capital available in the clean water fund and meeting the requirements of s. 13.48 (26).

2. To municipalities successfully completing all facility planning and design plans and specifications requirements under sub. (9) (b).

3. For all eligible costs consistent with subs. (7) and (8).

4. Before the start of construction of any reimbursable project under this section.

5. Subject to a priority determination system consistent with sub. (10).

6. Subject to the same provisions of payment under sub. (14).

7. Only if all required procedures under this section have been complied with.

(c) The maximum amount of financial assistance that the department may commit in any fiscal year for future financial assistance under this subsection is 25% of the amount approved for that fiscal year.

(18) INITIAL FINANCIAL ASSISTANCE. The department shall administer this section so as to permit the

first financial assistance to be committed no later than February 1, 1990.

(19) MUNICIPAL OBLIGATIONS. The investment board may purchase or refinance debt obligations specified in sub. (6) (b) 1 or 2 and guarantee or purchase insurance for municipal obligations specified in sub. (6) (b) 3 if the department approves the financial assistance under this section and gives a notice of commitment for the financial assistance under this section.

(20) LOANS FOR TRANSITION PROJECTS. (a) Notwithstanding any other provision of this section, a municipality that submits to the department by January 2, 1989, a facility plan meeting the requirements of s. 144.24 which is approvable under this chapter and that does not receive a grant award before July 1, 1990, only because there is insufficient grant funds under s. 144.24, is eligible to receive financial assistance under this subsection. The form of the financial assistance is a loan with an interest rate of 3.5% per year.

(b) Notwithstanding any other provision of this section, the department shall make all loans under par. (a) to municipalities ready to construct treatment works before the department provides or approves any other financial assistance under this section.

(21) CONSTRUCTION. This section shall be liberally construed in aid of the purposes of this section.

~~SECTION 398Lm. 144.25 (4) (g) 5 of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:~~

**Vetoed
in Part**

~~144.25 (4) (g) 5. Determine whether any county, city, village or town within the area which is the subject of the plan, as a condition of a grant under this section, should be required to develop a construction site erosion control ordinance under s. 59.974 or a manure storage ordinance under s. 92.16 in order to meet the water quality goals established in the plan.~~

~~SECTION 398m. 144.25 (8m) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:~~

~~144.25 (8m) If the department determines under sub. (4) (g) 5 that a county, city, village or town should be required to develop a construction site erosion control ordinance under s. 59.974 or a manure storage ordinance under s. 92.16, that county, city, village or town shall develop and adopt the ordinance at least one year before completion of the nonpoint source water pollution abatement project for which it receives a grant under this section.~~

~~SECTION 398n. 144.266 (1) of the statutes is amended to read:~~

~~144.266 (1) OBJECTIVES. To aid in the fulfillment of the state's role as trustee of its navigable waters, to promote public health, safety and general welfare and to protect natural resources, it is declared to be in the public interest to make studies, establish policies, make plans, authorize require municipal construction site erosion control ordinances and authorize municipal storm water management zoning ordinances for the efficient use, conservation, development and pro-~~

**Vetoed
in Part**

tection of this state's groundwater, surface water, soil and related resources and establish a state construction site erosion control and storm water management plan for the efficient use, conservation, development and protection of this state's groundwater, surface water, soil and related resources while at the same time encouraging sound economic growth in this state. The purposes of the municipal ordinances and state plan shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; prevent and control the adverse effects of storm water; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

**Vetoed
in Part**

SECTION 398nm. 144.266 (2) of the statutes is amended to read:

144.266 (2) STATE CONSTRUCTION SITE EROSION CONTROL AND STORM WATER MANAGEMENT PLAN. The department shall promulgate by rule a state construction site erosion control and storm water management plan. This state plan is applicable to construction activities contracted for or conducted by any agency, as defined under s. 227.01 (1) but also including the office of district attorney, unless that agency enters into a memorandum of understanding with the department in which that agency agrees to regulate activities related to construction site erosion control and storm water management. The department shall coordinate the activities of agencies, as defined under s. 227.01 (1), in construction site erosion control and storm water management and make recommendations to these agencies concerning activities related to construction site erosion control and storm water management.

**Vetoed
in Part**

SECTION 398o. 144.266 (3) (a) 3 of the statutes is amended to read:

144.266 (3) (a) 3. Minimum standards established under this paragraph are applicable to the state construction site erosion control and storm water management plan. The department shall encourage a county, city or village to comply with these minimum standards for any construction site erosion control ordinance and any storm water management zoning ordinance enacted under s. 59.974, 61.354 or 62.234.

SECTION 398p. 144.266 (4) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

144.266 (4) MODEL ORDINANCES; STATE PLAN; DISTRIBUTION. The department shall prepare a model construction site erosion control ordinance and a model storm water management zoning ordinance in the form of an administrative rule rules. The model ordinance ordinances shall be based upon the state construction site erosion control and storm water management plan. The model ordinance is ordinances are subject to s. 227.19 and other provisions of

ch. 227 in the same manner as other administrative rules. Following the promulgation of the model ordinance ordinances as a rule rules, the department shall distribute a copy of the model ordinance ordinances upon request to any county, city or village which submits a request. The department shall distribute a copy of the state plan to any agency which submits a request.

**Vetoed
in Part**

SECTION 398q. 144.30 (25) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

144.30 (25) "Volatile organic compound accommodation area" means Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha counties and any other county specified by the department by rule in response to a finding by the federal environmental protection agency that the county is to be included in the volatile organic compound accommodation area.

SECTION 398qm. 144.393 (9) of the statutes is created to read:

144.393 (9) RESTRICTION ON EMISSION REDUCTION OPTION PROGRAMS. (a) No emissions of volatile organic compounds may be used in an emission reduction option program if:

1. The program involves a grantee of emissions of volatile organic compounds that is different than the grantor of emissions of volatile organic compounds; and
2. The emissions of volatile organic compounds specified in the program are from a recorded source.

(b) In this subsection, "recorded source" means a stationary source in the volatile organic compound accommodation area owned or operated by any person who owns or operates on the effective date of this paragraph [revisor inserts date], a stationary source whose actual 1980 emissions of volatile organic compounds are recorded as zero in the 1982 plan approved by the U.S. environmental protection agency under 42 USC 7502 (a).

SECTION 398r. 144.40 (1) (e) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

144.40 (1) (e) Net offset credits are the sum of all allowable emissions of volatile organic compounds authorized to date attributable to sources subject to an annual volatile organic compounds emission limitation that is specified in an air pollution control permit to operate under an emission reduction option or specified as an emission credit in the under a plan approved by the U.S. environmental protection agency under 42 USC 7502 (a) or in reports submitted to the U.S. environmental protection agency under the plan minus the sum of the actual annual emissions of volatile organic compounds for the year 2 years before the specified year attributable to sources subject to an annual volatile organic compounds emission limitation that is specified in an air pollution control permit to operate under an emission reduction option or specified as an emission credit in the under a plan

approved by the U.S. environmental protection agency under 42 USC 7502 (a) or in reports submitted to the U.S. environmental protection agency under the plan.

Vetoed in Part

SECTION 398fb. 144.44 (1) (a) of the statutes is renumbered 144.44 (1) (am).

SECTION 398fbm. 144.44 (1) (a) of the statutes is created to read:

144.44 (1) (a). "Approved facility" has the meaning under s. 144.441 (1) (a).

SECTION 398fc. 144.44 (1) (b) and (c) of the statutes are created to read:

144.44 (1) (b). "Hazardous waste disposal facility" means a hazardous waste facility, as defined under s. 144.61 (5m), for disposal as defined under s. 144.61 (3).

(c). "Recycling facility" means a facility which is used for the recycling of solid waste or for the recovery of resources from solid waste and is licensed by the department.

SECTION 398fd. 144.44 (1r) of the statutes is created to read:

144.44 (1r). NEGOTIATION AND ARBITRATION PROCESS. No person may construct a solid waste disposal facility or a hazardous waste facility unless all procedures of s. 144.445 which are applicable to the facility have been completed or until 18 months have elapsed after the department approves the plan of operation under sub. (3), whichever is earlier.

SECTION 398fe. 144.44 (2) (n) 4 of the statutes is amended to read:

144.44 (2) (n) 4. The department may not approve a feasibility report for a solid or hazardous waste disposal facility unless the design capacity of that facility does not exceed the expected waste to be disposed of at that facility within 15 years after that facility begins operation. The department may not approve a feasibility report for a solid or hazardous waste disposal facility unless the design capacity of that facility exceeds the expected waste to be disposed of at that facility within 18 years after that facility begins operation except that this condition does not apply to the expansion of an existing facility. The department may not approve a feasibility report for a solid or hazardous waste disposal facility if operation of the facility will divert sufficient waste from an existing approved solid or hazardous waste facility so that the length of operation of the existing facility is expected to be extended by more than 5 years or from an existing recycling facility or incinerator so as to make operation of the recycling facility or incinerator uneconomical.

SECTION 398ff. 144.44 (2) (nm) (intro.), 1, 2 and 3. (intro.) of the statutes are amended to read:

144.44 (2) (nm) (title). *Determination of need factors considered.* (intro.) A feasibility report shall contain an evaluation to justify the need for the proposed facility unless the facility is exempt under par. (m).

The department shall consider the following issues in evaluating the need for the proposed facility:

Vetoed in Part

1. An approximate service area for the proposed facility which takes into account encompasses all sources of waste which could potentially be handled at the facility. The service area shall be delineated based on the economics of waste collection, transportation and disposal.

2. The quantity of waste suitable for disposal which could potentially be handled at the proposed facility and which is generated within the anticipated service area.

3. (intro.) The design remaining capacity of the following facilities, if those facilities are currently providing or are expected to provide solid waste disposal services for any sources of solid waste located within the anticipated service area of the proposed facility.

SECTION 398fg. 144.44 (2) (nn) 3, d of the statutes is renumbered 144.44 (2) (nn) 3e, a and amended to read:

144.44 (2) (nn) 3e, a. Facilities for the recycling of solid waste or for the recovery of resources from solid waste which are licensed by the department. *Recycling facilities.*

SECTION 398fh. 144.44 (2) (nn) 3, e and f of the statutes are renumbered 144.44 (2) (nn) 3e, b and c.

SECTION 398fi. 144.44 (2) (nn) 3, g of the statutes is renumbered 144.44 (2) (nn) 3e, d and amended to read:

144.44 (2) (nn) 3e, d. Proposed solid waste incinerators which have plans a plan of operation which are approved by the department or a permit.

SECTION 398fj. 144.44 (2) (nn) 3e, (intro.) of the statutes is created to read:

144.44 (2) (nn) 3e, (intro.) The design capacity of the following facilities, if those facilities are currently providing or are expected to provide solid waste recycling or incineration services for any sources of solid waste located within the anticipated service area of the proposed facility:

SECTION 398fk. 144.44 (2) (nn) 4 of the statutes is repealed and recreated to read:

144.44 (2) (nn) 4. The extent to which the sources of solid or hazardous waste to be disposed of at the proposed facility will be diverted from existing solid or hazardous waste facilities or from existing recycling facilities.

SECTION 398fle. 144.44 (2) (np) of the statutes is created to read:

144.44 (2) (np). *Adjacent facilities.* Except as provided under this paragraph, the department may not issue a determination of need under par. (am) or approve a feasibility report under this subsection for a solid waste disposal facility if an approved facility, which is a solid waste disposal facility is in operation and is located within 5 miles of the proposed facility. This prohibition does not apply to any of the following:

Vetoed in Part

Vetoed in Part

1. An expansion of or addition to an existing approved facility which is a solid waste disposal facility by the owner or operator of that approved facility or property which is contiguous or adjoining property on which that existing approved facility is located and which is property owned or under option to lease or purchase by the owner or operator of the existing approved facility.

2. A proposed solid waste disposal facility owned or operated by a generator of high volume industrial waste as defined under sub. (7) (a) which is designed and operated to accommodate wastes generated on-site and which primarily accepts high volume industrial waste.

3. A proposed solid waste disposal facility when the existing operating solid waste disposal facility within a 5-mile radius of that proposed disposal facility is a high-volume industrial waste disposal facility owned or operated by the generator of wastes to accommodate wastes generated on-site.

4. A proposed solid waste disposal facility in a county with a population greater than 750,000.

5. A proposed solid waste disposal facility which is identified in a county solid waste management plan adopted under s. 144.437 (1) which is adopted after January 1, 1985.

SECTION 398rks. 144.44 (2) (nr) 3 of the statutes is created to read:

144.44 (2) (nr) 3. A municipal facility which is proposed to replace other facilities of that municipality at the time that those facilities are projected to be closed in the plans of operation.

SECTION 398Le. 144.44 (7) (a) (intro.) and 1 of the statutes are consolidated, renumbered 144.44 (7) (a) and amended to read:

144.44 (7) (a) (title) *Definition*. In this subsection: 1. "High-volume," "high-volume industrial waste" means fly ash, bottom ash, paper mill sludge or foundry process waste.

SECTION 398Lm. 144.44 (7) (a) 2 of the statutes is renumbered 144.44 (1) (d).

SECTION 398Lp. 144.44 (7) (title), (a) to (c), (e) to (h) and (i) (title), 1, 2, 3, a and 5 of the statutes are amended to read:

144.44 (7) (title) **GROUNDWATER AND WELL COMPENSATION FEES**. (a) (title) *Imposition of groundwater and well compensation fees on generators*. Except as provided under par. (f), a generator of solid or hazardous waste shall pay a separate groundwater fee and well compensation fees for each ton or equivalent volume of solid or hazardous waste which is disposed of at a licensed solid or hazardous waste disposal facility. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the groundwater fee and well compensation fees to the licensed solid or hazardous waste disposal facility or to any intermediate hauler used to transfer wastes from collection points to a licensed facility. An

Vetoed in Part

intermediate hauler who receives groundwater and well compensation fees under this paragraph shall pay the fees to the licensed solid or hazardous waste disposal facility. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under sub. (3).

(b) *Collection*. The owner or operator of a licensed solid or hazardous waste disposal facility shall collect the groundwater fee and well compensation fees from the generator, a person who arranges for disposal on behalf of one or more generators or an intermediate hauler and shall pay to the department the amount of the fees required to be collected according to the amount of solid or hazardous waste received and disposed of at the facility during the preceding reporting period.

(c) (title) *Amount of groundwater and well compensation fees*. Except as provided under par. (d) the groundwater fee imposed under par. (a) is 10 cents per ton for solid or hazardous waste. The well compensation fee imposed under par. (a) for solid or hazardous waste, excluding prospecting or mining waste and high-volume industrial waste, as defined under s. 144.44 (7) (a) 1, is 5 cents per ton.

(e) *In addition to other fees*. The groundwater fee and well compensation fees collected and paid under par. (b) is in addition to the tonnage fee imposed under sub. (3), the waste management base fee imposed under sub. (5), the environmental repair base fee imposed under s. 144.442 (2) and the environmental repair surcharge imposed under s. 144.442 (3).

(f) (title) *Exemption from groundwater and well compensation fees; certain materials used in operation of the facility*. Solid waste materials approved by the department for lining, daily cover or capping or for constructing berms, dikes or roads within a solid waste disposal facility are not subject to the groundwater fee and well compensation fees imposed under par. (a).

(g) *Reporting period*. The reporting period under this subsection is the same as the reporting period under sub. (3). The owner or operator of any licensed solid or hazardous waste disposal facility shall pay groundwater and well compensation fees required to be collected under par. (b) at the same time as any tonnage fees under sub. (3) and the waste management base fee under sub. (5) are paid.

(h) (title) *Use of groundwater and well compensation fees*. The groundwater fees collected under par. (b) shall be credited to the groundwater fund. The well compensation fees collected under par. (b) shall be credited to the appropriation under s. 20.370 (2) (eh).

(i) (title) *Failure to pay groundwater and well compensation fees*. 1. If a person required under par. (a) to pay a groundwater fee and well compensation fees to a licensed solid or hazardous waste disposal facility fails to pay the fee fees, the owner or operator of the licensed solid or hazardous waste disposal facility

Vetoed
in Part

shall submit to the department with the payment required under par. (b) an affidavit stating facts sufficient to show the person's failure to comply with par. (a).

2. If the person named in the affidavit under subd. 1 is a generator or a person who arranges for collection or disposal services on behalf of one or more generators and the person holds a license for the collection and transportation of solid or hazardous waste, the department shall immediately notify the person that the license will be suspended 30 days after the date the notice is mailed unless the person submits to the department an affidavit stating facts sufficient to show that it has paid the fee fees as required under par. (a).

3. a. The person named in the affidavit under subd. 1 received the required fee fees from a generator, from a person who arranges for collection or disposal services on behalf of one or more generators or from an earlier intermediate hauler, and paid the fee fees to the licensed solid or hazardous waste disposal facility or to a subsequent intermediate hauler.

5. When a person whose license is suspended under subd. 4 provides the department with proof that the person has paid the owner or operator of the licensed solid or hazardous waste facility the amount of the unpaid fee fees, the department shall immediately reinstate the suspended license.

SECTION 398rLg. 144.442 (1m) (e) of the statutes is amended to read:

144.442 (1m) (s). *In addition to other fees.* The environmental repair fee collected and paid under par. (b) is in addition to the base fee imposed under sub. (2), the surcharge imposed under sub. (3), the tonnage fee imposed under s. 144.441 (3), the waste management base fee imposed under s. 144.441 (5) and the ground-water fee and well compensation fees imposed under s. 144.441 (7).

SECTION 398rLr. 144.425 of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

SECTION 398rLs. 144.445 (7) (f) of the statutes is renumbered 144.445 (7) (f) 1 and amended to read:

144.445 (7) (f) 1. A ~~Except as provided in subd. 2,~~ a majority of the membership of the local committee constitutes a quorum to do business and a majority of that quorum may act in any matter before the local committee. Each member of the local committee has one vote in any matter before the committee and no member may vote by proxy.

SECTION 398rne. 144.445 (7) (f) 2 of the statutes is created to read:

144.445 (7) (f) 2. The local committee, by a majority vote of a majority of its membership, taken in open session, may delegate specific decision-making responsibilities to one or more local committee members.

SECTION 398rnm. 144.445 (7n) of the statutes is created to read:

144.445 (7n) PAYMENT OF LOCAL COMMITTEE COSTS. The applicant shall pay the reasonable costs incurred by the local committee for negotiation, mediation and arbitration activities under this section, but not to exceed \$40,000. A negotiated agreement or arbitration award under this section may require the applicant to pay local committee costs in excess of \$40,000. The local committee, on a monthly basis, may submit to the board an application for reimbursement of expenses. The board shall review the application and reject that portion of any request for reimbursement which the board determines to be unreasonable. The board shall direct the applicant to reimburse the local committee's expenses when the board has completed its review of the application.

SECTION 398rmn. 144.445 (7n) of the statutes is created to read:

144.445 (7n) ADDITIONAL MUNICIPAL PARTIES. (a) *Agreement to add.* Upon the written agreement of all parties to a negotiation and arbitration proceeding commenced under this section, a municipality which does not qualify as an affected municipality under s. 144.43 (1) may be added as a party to the proceeding.

(b) *Siting resolution.* If a municipality is added to the negotiation and arbitration proceeding under par. (a), it shall adopt a siting resolution under sub. (6) within 30 days of the agreement and otherwise comply with the other provisions of this section.

SECTION 398rmo. 144.445 (8) of the statutes, as affected by 1987 Wisconsin Act 27, is repealed and recreated to read:

144.445 (8) SUBJECTS OF NEGOTIATION AND ARBITRATION. A negotiated agreement or arbitration award under this section may include provisions related to any subject, except:

(a) Any proposal to make the applicant's responsibilities under the approved feasibility report or plan of operation less stringent.

(b) The need for the facility.

SECTION 398rne. 144.445 (9) (b) of the statutes is amended to read:

144.445 (9) (b) *Determination of negotiability.* Either party may petition the board in writing for a determination as to whether a proposal is excluded from negotiation under sub. (8) (a) or (b). A petition may be submitted to the board before a proposal is offered in negotiation. A petition may not be submitted to the board later than 7 days after the time a proposal is offered for negotiation. The board shall conduct a hearing on the matter and issue its decision within 14 days after receipt of the petition. The decision of the board is binding on the parties and is not subject to judicial review. Negotiation on any issue, including issues subject to a petition under this paragraph, may continue pending the issuance of the board's decision.

SECTION 398rnn. 144.445 (9) (f) of the statutes is amended to read:

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

~~144.445 (9) (f). *Submission of certain items to the department.* Any item proposed to be included in a negotiated agreement which affects an applicant's responsibilities under an approved feasibility report or plan of operation may be submitted to the department for consideration. An item may be submitted to the department under this paragraph after agreement on the item is reached by the applicant and the local committee either during or at the conclusion of negotiation. The department shall approve or reject items submitted under this paragraph within 2 weeks after receipt of the item. The department shall determine whether the items would make the applicant's responsibilities less stringent than required under the approved feasibility report or plan of operation. The department shall reject only those items which would make the applicant's responsibilities less stringent than required under the approved feasibility report or plan of operation. The department may not reject those items which would make the applicant's responsibilities as or more stringent than required under the approved feasibility report or plan of operation. The department shall provide written reasons for the rejection. Items which are rejected may be revised and resubmitted. The department may incorporate all items which are not rejected under this paragraph into the approved feasibility report or the plan of operation. The department shall inform the applicant, the local committee and the board of its decisions under this paragraph.~~

~~SECTION 398ra. 144.445 (10) (c) of the statutes is renumbered 144.445 (10) (c) 1.~~

~~SECTION 398ro. 144.445 (10) (c) 3 of the statutes is created to read:~~

~~144.445 (10) (c) 3. The board may issue a decision ordering the applicant and the local committee to submit written arguments on the appropriateness of the location of the facility and the past performance of the applicant within 30 days after the date of the notice.~~

~~SECTION 398rp. 144.445 (10) (d) (title) of the statutes is repealed.~~

~~SECTION 398rq. 144.445 (10) (d) of the statutes is renumbered 144.445 (10) (c) 2.~~

~~SECTION 398rr. 144.445 (10) (e) of the statutes is repealed.~~

~~SECTION 398rs. 144.445 (10) (es) of the statutes is created to read:~~

~~144.445 (10) (es) *Public meeting on site appropriateness and applicant performance.* Within 30 days after the last day for submitting written arguments under par. (c) 3, the board shall conduct a public meeting in a place reasonably close to the location of the facility to provide an opportunity for the applicant and the local committee to explain or present supporting arguments regarding the appropriateness of the location of the facility or the past performance of the applicant. The board may conduct additional meetings with the applicant and the local committee as necessary.~~

Vetoed
in Part

~~SECTION 398r. 144.445 (10) (em) of the statutes is created to read:~~

~~144.445 (10) (em) *Criteria for decision on site appropriateness and applicant performance.* In determining whether the location of the facility is appropriate, the board shall consider the amount of the residential population affected by either the facility or the transportation routes to the facility, the sensitive nonresidential institutions affected by either the facility or the transportation routes to the facility, such as schools, churches, hospitals, nursing homes or retail stores, the effect of the facility on open space or recreational land uses and the adverse visual impact of the facility. In determining whether the applicant's past performance is adequate, the board shall consider the performance of the applicant, the parent corporation of the applicant and any subsidiary corporation of the applicant with respect to the ownership or operation of any solid or hazardous waste facility in this state or elsewhere.~~

~~SECTION 398ru. 144.445 (10) (es) of the statutes is created to read:~~

~~144.445 (10) (es) *Decision on site appropriateness and applicant performance.* 1. Within 60 days after the last day for submitting written arguments under par. (c) 3 on the appropriateness of the location of the facility, the board may issue a decision on the appropriateness of the location of the facility and the performance of the applicant with the approval of a minimum of 5 board members. If the board fails to issue a decision within this period, the governor shall issue a decision on the appropriateness of the location of the facility and the performance of the applicant within 90 days after the last day for submitting written arguments under par. (c) 3 on the appropriateness of the location of the facility.~~

~~2. The board or the governor shall determine that the location of the facility is not appropriate if the costs and burdens of the facility which are imposed on nearby residents and affected municipalities outweigh the benefits of the facility. In making the determination under this subdivision, the board or the governor shall consider the extent to which the costs and burdens of the facility on nearby residents and affected municipalities are mitigated in a negotiated agreement or in other compensation provided by the applicant.~~

~~3. The board or the governor shall determine that the applicant's past performance is inadequate if the applicant, the parent corporation of the applicant or any subsidiary corporation of the applicant, in the ownership or operation of any solid or hazardous waste facility, committed serious violations of state or federal law, the consequences of which seriously affected public health, safety or welfare or the environment.~~

~~4. A copy of the decision shall be served on the applicant and the local committee.~~

Vetoed
in Part

5. If the board or the governor determines that the location of the facility is not appropriate or the applicant's past performance is not adequate, the applicant may not construct or operate the facility.

SECTION 398r. 144.445 (10) (f) of the statutes is amended to read:

144.445 (10) (f) *Order for final offers.* The Upon issuance of a decision under par. (e), the board may issue a decision ordering the applicant and the local committee to submit their respective final offers on issues other than those considered under pars. (e) to (g) to the board within 90 days after the date of the notice.

SECTION 398r. 144.469 (1) (a) of the statutes is amended to read:

144.469 (1) (a) No person may treat, store or dispose of high-volume industrial waste, as defined under s. 144.44 (7) (a) 1, in violation of a testing requirement or condition of an exemption under s. 144.44 (7) (f) 4.

SECTION 398s. 144.838 (1) (g) of the statutes is created to read:

144.838 (1) (g) Negotiating a local agreement under s. 144.839 (3).

SECTION 398t. 144.839 of the statutes is created to read:

144.839 Local agreements. (1) A county, town, village, city or tribal government which requires an operator to obtain an approval or permit under a zoning or land use ordinance may, individually or in conjunction with other counties, towns, villages, cities, or tribal governments enter into one or more agreements with an operator for the development of a mining operation.

(2) An agreement under sub. (1) shall include all of the following:

- (a) A legal description of the land subject to the agreement and the names of its legal and equitable owners.
- (b) The duration of the agreement.
- (c) The uses permitted on the land.
- (d) A description of any conditions, terms, restrictions or other requirements determined to be necessary by the county, town, village, city or tribal government for the public health, safety or welfare of its residents.
- (e) A description of any obligation undertaken by the county, town, village, city or tribal government to enable the development to proceed.
- (f) The applicability or nonapplicability of county, town, village, city or tribal ordinances, approvals or resolutions.
- (g) A provision for the amendment of the agreement.
- (h) Other provisions deemed reasonable and necessary by the parties to the agreement.

(3) A county, town, village, city or tribal government may authorize the local impact committee appointed under s. 144.838 to negotiate an agreement

under this section, but the agreement may not take effect until approved by the county, town, village, city or tribal government in accordance with sub. (4).

(4) The county, town, village, city or tribal government shall hold a public hearing on an agreement under sub. (1) before its adoption. Notice of the hearing shall be provided as a class 2 notice, under ch. 985. After the public hearing, the governing body of each county, town, village, city or tribal government which is to be a party to the agreement must approve the agreement in a public meeting of the governing body.

SECTION 398u. 144.96 (3) (c) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

144.96 (3) (c) The annual fee shall be designed to generate revenues equal to 35% of the state cost of departmental activities for the administration of air pollution control under this section and ss. 144.39 to 144.42 and water resources under this section and ss. 144.025, 144.03 and 144.04 and ch. 147, except that the costs of departmental inland lake renewal activities under ch. 33, water supply activities under ss. 144.025 (2) (h), (l) and (r) and 144.04, high capacity well activities under s. 144.025 (2) (e) and solid waste activities under ss. 144.44 and 144.445 shall not be included in determining such costs.

SECTION 398v. 145.23 of the statutes is renumbered 145.23 (1).

SECTION 398w. 145.23 (2) of the statutes is created to read:

145.23 (2) The department may promulgate and enforce rules applicable to the development and maintenance of a condominium, as defined in s. 703.02 (4), that is not served by a public sewer, if provision for public sewer service has not been made, for the purpose of assuring that the condominium has the soil and site conditions necessary for proper sanitary conditions.

SECTION 399. 146.022 (2) (intro.) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

146.022 (2) DISTRIBUTION OF FUNDS. (intro.) From the appropriations under s. 20.435 (1) (a) and (am), the department shall allocate a total of \$242,200 in each of state fiscal years year 1987-88 and \$292,200 in state fiscal year 1988-89, from the appropriation under s. 20.435 (1) (a) the department may allocate up to \$164,800 in state fiscal year 1988-89 and from the appropriations under s. 20.435 (1) (mc) and (md) and (4) (m) the department shall allocate a total of \$318,100 in each of state fiscal years 1987-88 and 1988-89 for the provision of services to individuals with or at risk of contracting acquired immunodeficiency syndrome, as follows:

SECTION 400. 146.022 (2) (i) of the statutes is created to read:

146.022 (2) (i) *Contracts for counseling and laboratory testing services.* The department shall contract with organizations to provide, at alternate testing

Vetoed
in Part

Vetoed
in Part

sites, anonymous counseling services and laboratory testing services for the presence of HIV.

SECTION 400m. 146.027 of the statutes is created to read:

146.027 Cancer control grants. (1) DEFINITIONS. In this section:

(a) "Institution" means any hospital, nursing home, county home, county mental hospital, tuberculosis sanatorium, community-based residential facility or other place licensed or approved by the department under ss. 49.14, 49.16, 49.171, 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 149.01 and 149.02.

(b) "Nonprofit corporation" means a nonstock, nonprofit corporation organized under ch. 181.

(c) "Organization" means a nonprofit corporation or a public agency which proposes to provide services to individuals.

(d) "Public agency" means a county, city, village, town or school district or an agency of this state or of a county, city, village, town or school district.

(2) From the appropriation under s. 20.435 (1) (cc), the department shall allocate up to \$400,000 in state fiscal year 1988-89 to provide grants to applying individuals, institutions or organizations for the conduct of projects on cancer control and prevention. Funds shall be awarded on a matching basis, under which, for each grant awarded, the department shall provide 50%, and the grantee 50%, of the total grant funding.

(3) The department shall promulgate rules establishing the criteria and procedures for the awarding of grants for projects under sub. (2).

SECTION 401e. 146.25 (1) of the statutes, as created by 1987 Wisconsin Act (Assembly Bill 247), is repealed and recreated to read:

146.25 (1) Before July 1, 1990, the department shall initially certify a laboratory or renew certification for a certified laboratory for performance of chemical analyses, or confirmations of chemical analyses, or both, of urine to detect the presence of a controlled substance, as defined under s. 161.01 (4), if all of the following occur:

(a) The department determines that the applicant laboratory meets or, if certified, continues to meet the requirements of sub. (5) (a) to (c), (f) and (g).

(b) The applicant laboratory submits an application for initial certification or certification renewal, together with an initial or renewal certification fee.

SECTION 401g. 146.25 (1m) of the statutes is created to read:

146.25 (1m) After June 30, 1990, the department shall initially certify a laboratory or renew certification for a certified laboratory for performance of chemical analyses and confirmations of chemical analyses of urine to detect the presence of a controlled substance, as defined under s. 161.01 (4), if all of the following occur:

(a) The department determines that the applicant laboratory meets or, if certified, continues to meet the requirements of sub. (5) (a) to (c), (f) and (g).

(b) The applicant laboratory submits an application for initial certification or certification renewal, together with an initial or renewal certification fee.

SECTION 401j. 146.25 (2) of the statutes, as created by 1987 Wisconsin Act (Assembly Bill 247), is repealed and recreated to read:

146.25 (2) (a) Before July 1, 1990, the initial certification or certification renewal under sub. (1) expires on December 31 of each year.

(b) After June 30, 1990, the initial certification or certification renewal under sub. (1m) expires on December 31 of each year.

SECTION 401L. 146.25 (4) of the statutes, as created by 1987 Wisconsin Act Assembly Bill 247), is repealed and recreated to read:

146.25 (4) (a) Before July 1, 1990, the department shall publish and periodically update a list of laboratories certified under sub. (1) that indicates the controlled substances for which the laboratory is certified to perform analyses, or confirmations of chemical analyses, or both, and shall provide a copy of the list to an employer, as defined in s. 103.155 (1) (c), upon request.

(b) After June 30, 1990, the department shall publish and periodically update a list of laboratories certified under sub. (1m) that indicates the controlled substances for which the laboratory is certified to perform analyses and confirmations of chemical analyses and shall provide a copy of the list to an employer, as defined in s. 103.155 (1) (c), upon request.

SECTION 401n. 146.25 (5) (c) of the statutes, as created by 1987 Wisconsin Act (Assembly Bill 247), is repealed and recreated to read:

146.25 (5) (c) 1. Before July 1, 1990, standards for ensuring the integrity of a urine sample throughout the collection and analysis process.

2. After June 30, 1990, standards for ensuring the integrity of a urine sample throughout the collection and analysis process, including the requirement that performing an analysis, confirming positive results of an analysis, interpreting analysis results and communicating analysis results to the employer be undertaken by the same laboratory for any particular urine sample.

SECTION 401p. 146.25 (5) (g) of the statutes, as created by 1987 Wisconsin Act (Assembly Bill 247), is repealed and recreated to read:

146.25 (5) (g) 1. Before July 1, 1990, the length of time, and conditions under which, a laboratory is required to retain a urine sample for which chemical analysis or confirmation of a chemical analysis is requested.

2. After June 30, 1990, the length of time, and conditions under which, a laboratory is required to retain a urine sample for which chemical analysis and, if

analysis results are positive, confirmation of a chemical analysis are requested.

SECTION 401q. 146.25 (6) of the statutes, as created by 1987 Wisconsin Act (Assembly Bill 247), is repealed and recreated to read:

146.25 (6) (a) Before July 1, 1990, no laboratory certified under sub. (1) may provide to an employer information concerning a positive result of a chemical analysis of urine for the presence of a controlled substance for an employe unless the result has been confirmed under the standards established under sub. (5) (b).

(b) After June 30, 1990, no laboratory certified under sub. (1m) may provide to an employer information concerning a positive result of a chemical analysis of urine for the presence of a controlled substance for an employe unless the result has been confirmed under the standards established under sub. (5) (b).

SECTION 401r. 146.35 (6) of the statutes is repealed and recreated to read:

146.35 (6) LICENSE RENEWAL. Every holder of an emergency medical technician — advanced (paramedic) license shall renew it biennially on July 1 by applying to the department on forms provided by the department. As a prerequisite to renewal of an emergency medical technician — advanced (paramedic) license, the licensee shall complete the training, education or examination requirements specified in rules which the department shall promulgate in conjunction with the board of vocational, technical and adult education. Upon receipt of an application for renewal containing documentation acceptable to the department that the requirements of this subsection have been met, the department shall renew the license unless the department finds that the applicant has acted in a manner or under circumstances constituting grounds for suspension or revocation of the license.

SECTION 403b. 146.35 (9) (b) of the statutes, as created by 1987 Wisconsin Act 70, is amended to read:

146.35 (9) (b) Notwithstanding par. (a), a licensed emergency medical technician — advanced (paramedic) who is an authority, as defined in s. 19.32 (1), may make available, to any requester, information contained in a record covered under par. (a) which identifies the emergency medical technician — advanced (paramedic) involved; date of the call; ambulance dispatch and response times; reason for the dispatch; location to which the ambulance was dispatched; ~~and~~, destination, if any, to which a patient was transported by ambulance; and name, age and gender of the patient. No information disclosed under this paragraph may contain ~~patient names or~~ details of the medical history or condition of or emergency treatment rendered to any patient.

SECTION 403bg. 146.37 (1) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

146.37 (1) ~~No~~ Except as provided in s. 153.85, no person acting in good faith who participates in the review or evaluation of the services of health care providers or facilities or the charges for such services conducted in connection with any program organized and operated to help improve the quality of health care, to avoid improper utilization of the services of health care providers or facilities or to determine the reasonable charges for such services, or who participates in the obtaining of health care information under ch. 153, is liable for any civil damages as a result of any act or omission by such person in the course of such review or evaluation. Acts and omissions to which this subsection applies include, but are not limited to, acts or omissions by peer review committees or hospital governing bodies in censuring, reprimanding, limiting or revoking hospital staff privileges or notifying the medical examining board under s. 50.36 or taking any other disciplinary action against a health care provider or facility.

~~SECTION 403bh. 146.38 (3) (g) of the statutes is created to read:~~

~~146.38 (3) (g) To the department, with respect to a hospital, as defined in s. 50.33 (2), that is owned or operated by the state or by a local unit of government,~~

SECTION 403bk. 146.50 (10) of the statutes is repealed and recreated to read:

146.50 (10) LICENSE RENEWAL. Every holder of an ambulance service provider license or an ambulance attendant license shall renew it biennially on July 1 by applying to the department on forms provided by the department. As a prerequisite to renewal of an ambulance attendant license, the licensee shall complete the training, education or examination requirements specified in rules which the department shall promulgate in conjunction with the board of vocational, technical and adult education. The department may not require training, education or an examination as a prerequisite for renewal of an ambulance service provider license. Upon receipt of an application for renewal containing documentation acceptable to the department that the requirements of this subsection have been met, the department shall renew the license unless the department finds that the applicant has acted in a manner or under circumstances constituting grounds for suspension or revocation of the license.

SECTION 403bm. 146.50 (12) (b) of the statutes, as created by 1987 Wisconsin Act 70, is amended to read:

146.50 (12) (b) Notwithstanding par. (a), a licensed ambulance service provider, who is an authority, as defined in s. 19.32 (1), may make available, to any requester, information contained on a record of an ambulance run which identifies the ambulance service provider and ambulance attendants involved; date of the call; dispatch and response times of the ambulance; reason for the dispatch; location to which the ambulance was dispatched; ~~and~~, destination, if any, to which the patient was transported by ambulance; and

**Vetoed
in Part**

name, age and gender of the patient. No information disclosed under this paragraph may contain ~~names or~~ details of the medical history, condition or emergency treatment of any patient.

SECTION 403br. 146.81 (1) of the statutes, as affected by 1987 Wisconsin Act 264, is amended to read:

146.81 (1) "Health care provider" means a nurse licensed under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, podiatrist or physical therapist licensed or an occupational therapist or occupational therapy assistant certified under ch. 448, an optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a partnership thereof, a corporation thereof that provides health care services, an operational cooperative sickness care plan organized under ss. 185.981 to 185.985 that directly provides services through salaried employes in its own facility, or an inpatient health care facility or community-based residential facility, as defined in s. 140.85 (1) or 140.86.

SECTION 403c. 146.817 (title) and (1) of the statutes, as created by 1987 Wisconsin Act 27, are amended to read:

146.817 (title) Preservation of fetal monitor tracings and microfilm copies. (1) In this section, "fetal monitor ~~tracings~~ tracing" means documentation of the heart tones of a fetus during labor and delivery of the mother of the fetus that are recorded from an electronic fetal monitor machine.

SECTION 403d. 146.817 (2) of the statutes, as created by 1987 Wisconsin Act 27, is repealed and recreated to read:

146.817 (2) (a) Unless a health care provider has first made and preserved a microfilm copy of a patient's fetal monitor tracing, the health care provider may delete or destroy part or all of the patient's fetal monitor tracing only if 35 days prior to the deletion or destruction the health care provider provides written notice to the patient.

(b) If a health care provider has made and preserved a microfilm copy of a patient's fetal monitor tracing and if the health care provider has deleted or destroyed part or all of the patient's fetal monitor tracing, the health care provider may delete or destroy part or all of the microfilm copy of the patient's fetal monitor tracing only if 35 days prior to the deletion or destruction the health care provider provides written notice to the patient.

(c) The notice specified in pars. (a) and (b) shall be sent to the patient's last-known address and shall inform the patient of the imminent deletion or destruction of the fetal monitor tracing or of the microfilm copy of the fetal monitor tracing and of the patient's right, within 30 days after receipt of notice, to obtain the fetal monitor tracing or the microfilm copy of the fetal monitor tracing from the health care provider.

(d) The notice requirements under this subsection do not apply after 5 years after a fetal monitor tracing was first made.

SECTION 403e. 146.82 (2) (a) 9 of the statutes is amended to read:

146.82 (2) (a) 9. To staff members of the protection and advocacy agency designated under s. 51.62 (2) or to staff members of the private, nonprofit corporation with which the agency has contracted under s. 51.62 (3) (a) 3, if any, for the purpose of protecting and advocating the rights of a person with development disabilities, as defined under s. 51.62 (1) (a), who resides in or who is receiving services from an inpatient health care facility, as defined under s. 51.62 (1) (b), or a person with mental illness, as defined under s. 51.62 (1) (bm), except that if the patient has a guardian information concerning the patient obtainable by staff members of the agency or nonprofit corporation with which the agency has contracted is limited to the name, birth date and county of residence of the patient, information regarding whether the patient was voluntarily admitted, involuntarily committed or protectively placed and the date and place of admission, placement or commitment, and the name and address of any guardian of the patient and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's guardian in writing of the request and of the guardian's right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within 15 days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within 15 days after the notice is mailed, the staff member may not obtain the additional information.

~~SECTION 403em. 147.033 (title) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

Vetoed
in Part

~~147.033 (title) Groundwater fee, waste water management fee, well compensation fee.~~

~~SECTION 403er. 147.033 (3) of the statutes is created to read:~~

~~147.033 (3) (a) If the department determines that the discharge of effluent or disposal of sludge on land is a source of well contamination for which compensation has been paid under s. 144.027 or 144.028, the department shall impose a well compensation fee on a holder of a permit who discharges effluent on land or produces sludge from a treatment work which is disposed of on land. The well compensation fee shall be in addition to the groundwater fee imposed under sub. (1) and the wastewater management fee imposed under sub. (2).~~

~~(b) The amount of the well compensation fee under this subsection shall be determined according to the procedures in s. 144.0295.~~

Vetoed
in Part

~~(c) The moneys collected for well compensation fees under this subsection shall be credited to the appropriation under s. 20.370 (2) (c).~~

SECTION 403ev. 147.26 (2) (intro.) of the statutes is amended to read:

147.26 (2) (intro.) All plans submitted under s. 144.04 after July 22, 1973, for new treatment works, or modifications of treatment works, which will be eligible for construction grants under s. 144.21 ~~or~~ 144.24 ~~or 144.241~~, shall contain:

SECTION 403ex. 147.30 (2) of the statutes is amended to read:

147.30 (2) Financial assistance under s. 144.21 ~~or~~ 144.24 ~~or 144.241~~; and

SECTION 403f. 149.07 (3) of the statutes is amended to read:

149.07 (3) The department shall appoint an advisory committee on tuberculosis control to assist the department in developing rules and standards for tuberculosis treatment and operation of tuberculosis facilities giving inpatient and outpatient tuberculosis care, consisting of ~~9~~ 8 members appointed for staggered 3-year terms, consisting of a member of the ~~health policy council nominated by the chairman thereof~~, a member of the Wisconsin sanatorium trustees association nominated by that organization, a member of the Wisconsin hospitals association, a member of a nursing home association, a member of the Wisconsin counties association representing a county operating a tuberculosis treatment facility, a member of a local public health organization, 2 public members with a demonstrated interest in the care and treatment of tuberculosis and a specialist in the care and treatment of tuberculosis nominated by the section on chest diseases of the state medical society of Wisconsin.

SECTION 403g. 150.01 (2) of the statutes is amended to read:

150.01 (2) "Affected party" means the applicant, ~~health systems agencies and other~~ local planning agencies, governmental agencies, other persons providing similar services in the applicant's service area, the public to be served by the proposed project, 3rd party payers and any other person who the department determines to be affected by an application for approval of a project.

SECTION 403h. 150.01 (11) of the statutes is repealed.

SECTION 403i. 150.33 (3m) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

150.33 (3m) The department shall review each application it receives for completeness. If the department finds that the application is incomplete, it shall notify the applicant of the information required within 10 working days after receiving the application. Each applicant shall provide any required additional information within 30 days following the closing date for accepting applications specified in sub. (3). The

department may not accept for review any incomplete application if it fails to receive the additional information within this 30-day period until it issues another public notice soliciting applications under sub. (1). The department shall declare the application complete on the date on which ~~both the department and the applicable health systems agency receive~~ receives all the required information.

SECTION 403j. 150.34 (2) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

150.34 (2) The department shall review each application it receives for completeness. If the department finds that the application is incomplete, it shall notify the applicant of the information required within 10 working days after receiving the application. The department shall declare the application complete on the date on which both the department ~~and the applicable health systems agency receive~~ receives all the required information.

SECTION 403k. 150.35 (2) to (3m) and (4) (a) of the statutes, as affected by 1987 Wisconsin Act 27, are amended to read:

150.35 (2) ~~Each health systems agency~~ The department shall hold a public meeting upon the request of an affected party to review applications under s. 150.33 or 150.34 ~~seeking approval in its service area~~, at which all affected parties may present testimony. ~~The health systems agency department shall make recommendations on these applications within 60 days after the department issues its notice under s. 150.33 (4) or 150.34 (3) declaring all applications complete. The health systems agency department shall keep minutes or other record of testimony presented at the public meeting and shall send a copy of this record and its formulate recommendations to the department. If an applicant seeks approval of a project outside the service area of any health systems agency, the department shall conduct the public meeting under this subsection and formulate recommendations based on the testimony.~~

(3) Except as provided under sub. (3m), the department shall issue an initial finding to approve or reject the application within 75 days after the date it publishes its notice under s. 150.33 (4) or 150.34 (3), unless all applicants consent to an extension of this period. The department may extend by 60 days the review cycle of all applications being concurrently reviewed if it finds that completing the reviews within 75 days after the date it publishes its notice under s. 150.33 (4) or 150.34 (3) is not practicable due to the volume of applications received ~~from any health planning area~~. The department shall base its initial finding on a comparative analysis of applications, relying on the criteria specified in s. 150.39 and the recommendations ~~received from the health systems agency formulated~~ under sub. (2). The applicant has the burden of proving, by a preponderance of the evidence, that each of the criteria specified in s. 150.39 has been met or does not apply to the project. The department may

approve fewer additional nursing home beds than allowed by the statewide bed limit if the cost of adding those beds exceeds the medical assistance allocation for new beds projected in s. 150.31 (1) (e). Unless an adversely affected applicant or health systems agency makes a timely request for a public hearing under sub. (4), the department's initial finding under this subsection is its final action.

(3m) The department may receive any application which was developed under a plan of correction, as defined in s. 50.01 (4r), previously approved by the department and which does not add beds to the current licensed bed capacity of a health planning area, or any application involving a cost overrun submitted under s. 150.11 (3). Subsection (2) does not apply to these applications. ~~The applicable health systems agency shall submit its recommendation on applications submitted under this subsection within 55 days after receipt of a complete application by both the health systems agency and the department.~~ Within 60 days after it receives a completed application, the department shall, according to procedures it promulgates by rule, review the application and issue its initial finding. No public meeting need be held on any project submitted under this subsection. Unless an adversely affected applicant or health systems agency makes a timely request for a public hearing under sub. (4), the department's initial finding under this subsection is its final decision.

(4) (a) Any applicant whose project is rejected or any adversely affected health systems agency may request a public hearing to review the department's initial finding under sub. (3) or (3m), if the request is submitted in writing within 10 days after the department's decision. The department shall commence the hearing within 30 days after receiving a timely request, unless all parties consent to an extension of this period.

SECTION 403L. 150.39 (intro.) of the statutes is amended to read:

150.39 Review criteria and standards. (intro.) The department shall use the following criteria in reviewing each application under this subchapter, plus any additional criteria it develops by rule. The department shall consider cost containment as its first priority in applying these criteria, and shall consider ~~the recommendations of health systems agencies and the comments of affected parties.~~ The department may not approve any project under this subchapter unless the applicant demonstrates:

SECTION 403Lg. 150.39 (9) of the statutes is amended to read:

150.39 (9) The project is consistent with the state health plan created under s. ~~14.25(1)(e)~~ 140.82(1)(b).

SECTION 403Lr. 150.43 (intro.) and (2) of the statutes are amended to read:

150.43 Judicial review. (intro.) Any applicant or health systems agency adversely affected by a decision

of the department under s. 150.35 (4) may petition for judicial review of the decision under s. 227.52. The scope of judicial review shall be as provided in s. 227.57 and the record before the reviewing court shall consist of:

(2) The recommendations of ~~the health systems agency or of the department~~ under s. 150.35 (2).

~~SECTION 403m. 150.87 of the statutes is created to read:~~

~~**150.87 Moratorium.** (1) No person may, by or on behalf of a hospital, add psychiatric or chemical dependency beds by new construction or by conversion of a bed existing for a purpose other than as a psychiatric or chemical dependency bed on or after March 1, 1988.~~

~~(2) Whoever violates sub. (1) or a rule promulgated under the authority of sub. (1) shall be fined not more than \$200 for each bed established in violation of sub. (1) or a rule promulgated under the authority of sub. (1). Each day of violation shall constitute a separate offense.~~

SECTION 403md. 151.01 (4) of the statutes is amended to read:

151.01 (4) "Lead poisoning" means a level of lead in the blood beyond ~~60~~ 25 micrograms per 100 milliliters of blood, or the corresponding erythrocyte protoporphyrin level as determined by the department by rule.

SECTION 403mh. 151.09 (7) of the statutes is created to read:

151.09 (7) Notwithstanding s. 151.01 (4), whenever the center for disease control of the federal department of health and human services specifies a standard for the determination of lead poisoning that differs from that specified in s. 151.01 (4), promulgate rules defining "lead poisoning" to correspond to the specification of the center for disease control. Rules promulgated under this subsection shall supersede s. 151.01 (4) with respect to the requirements of this chapter.

SECTION 403mhg. Chapter 153 of the statutes is created to read:

CHAPTER 153

HEALTH CARE INFORMATION

153.01 Definitions. In this chapter:

(1) "Ambulatory surgery center" has the meaning given under 42 CFR 416.2.

(2) "Board" means the board on health care information.

(3) "Charge element" means any service, supply or combination of services or supplies that is specified in the categories for payment under the charge revenue code for the uniform billing form UB-82/HCFA-1450.

(4) "Department" means the department of health and social services.

(5) "Hospital" has the meaning given under s. 50.33 (2).

Vetoed
in Part

(6) "Office" means the office of health care information.

(7) "Patient" means a person who receives health care services from a health care provider.

(8) "Payer" means a 3rd party payer, including an insurer, as defined in s. 600.03 (27), federal, state or local government or another who is responsible for payment of a hospital charge.

(9) "Uniform patient billing form" means, for a hospital, the uniform billing form UB-82/HCFA-1450 developed by the national uniform billing committee or, for an ambulatory surgery center, the health insurance claim form HCFA-1500.

153.05 Collection and dissemination of health care and related information. (1) In order to provide to hospitals, health care providers, insurers, consumers, governmental agencies and others information concerning hospital service utilization, charges, revenues, expenditures, mortality and morbidity rates and care of indigents, and in order to provide information to assist in peer review for the purpose of quality assurance, the office shall collect, analyze and disseminate, in language that is understandable to lay persons, health care information obtained from the following data sources:

- (a) Uniform patient billing forms.
- (b) Federal medicare cost reports.
- (c) Hospital reports that include all of the following:

1. Identification of charges in each hospital's most recent entire fiscal year for up to 100 charge elements, as selected by the office, and identification of the increase or decrease in charges for each of these charge elements from amounts charged during the hospital's entire fiscal year that is nearest in time to the hospital's most recent entire fiscal year.

Vetoed in Part 2. The dollar amount of total gross and net revenue increases or decreases from each hospital's most recent entire fiscal year that is budgeted or projected for the hospital's current entire fiscal year.

Vetoed in Part 3. The dollar amount of gross and net revenue increases or decreases from each hospital's most recent entire fiscal year that is projected or budgeted for the hospital's current entire fiscal year and that is attributable to the sum of increases or decreases in all charge elements.

(d) Hospital-specific charity care reports, plans and projections.

(e) Final audited financial statements of hospitals, which statements shall include all of the following:

Vetoed in Part 1. For the hospital's most recent entire fiscal year, as a dollar amount, the amount of gross revenue, net revenue, other operating revenue and nonoperating revenue of the hospital, in categories specified by the department by rule.

2. For the hospital's most recent entire fiscal year, as a dollar amount, the amount of total expenditures for the hospital.

~~3. The difference between each item specified under subs. 1 and 2 and the same item for the hospital's entire fiscal year that is nearest in time to the hospital's most recent entire fiscal year, expressed as a dollar amount and as a percentage of change.~~

Vetoed in Part

(2) The office shall provide copies of reports published under ss. 153.10 to 153.35 at no charge to hospitals assessed under s. 153.60 (1) and, if assessed, at no charge to ambulatory surgery centers assessed under s. 153.60 (2). The office shall provide copies of the reports to any person, upon the person's request, and the board shall advise the bureau as to whether the copies shall be provided at no charge or at a charge not to exceed the cost of printing, copying and mailing the report to the person.

(3) Upon request of the office, state agencies shall provide health care information to the office for use in preparing reports under ss. 153.10 to 153.35.

(4) (a) Before July 1, 1990, the office, under rules promulgated by the department, shall require hospitals to use, and private-pay patients and payers who are insurers to accept, uniform patient billing forms, shall require hospitals to submit to the office the information provided on the billing forms and may require payers who are insurers to use a standard set of definitions for base data reporting under a uniform patient billing form.

(b) Before April 1, 1992, the office, under rules promulgated by the department, may require ambulatory surgery centers to use uniform patient billing forms and other information, and, if so requiring, shall require ambulatory surgery centers to submit to the office the information provided on the billing forms using a standard set of definitions for base data reporting.

(5) The office:

(a) Shall require hospitals to submit information regarding medical malpractice, staffing levels and patient case-mix, and expenditures related to labor relations consultants, as specified by the office.

(b) May require hospitals to submit to the office information from sources identified under sub. (1) (a) to (e) that the office deems necessary for the preparation of reports, plans and recommendations under ss. 153.10 to 153.35 and any other reports required of the office in the form specified by the office.

(bm) Shall require a hospital to submit to the office information from sources identified under sub. (1) (e) by the date that is 4 months following the close of the hospital's fiscal year unless the office grants an extension of time to file the information.

(6) If the requirements of s. 153.07 (2) are first met, the office may contract with a public or private entity that is not a major purchaser, payer or provider of health care services in this state for the provision of data processing services for the collection, analysis and dissemination of health care information under sub. (1) or the department shall provide the services under s. 153.07 (2).

(7) The office may require each insurer, as defined in s. 600.03 (27), authorized to write disability insurance to submit to the office information obtained on uniform patient billing forms regarding reported claims for health care services which insureds who are residents of this state obtain in another state.

(8) Beginning April 1, 1992, the office shall collect, analyze and disseminate, in language that is understandable to lay persons, health care information under the provisions of this chapter, as determined by rules promulgated by the department, from health care providers, as defined by rules promulgated by the department, other than hospitals and ambulatory surgery centers. Data from physicians shall be obtained through sampling techniques in lieu of collection of data on all patient encounters and data collection procedures shall minimize unnecessary duplication and administrative burdens.

(9) The office shall provide orientation and training to physicians, hospital personnel and other health care providers to explain the process of data collection and analysis and the procedures for data verification, interpretation and release.

(10) The office shall require hospitals to publish a class 1 notice under ch. 985 at least 10 days prior to the institution by a hospital of a rate increase. This notice shall state the percentage level of rate changes and the resulting increase in dollars in the hospital's annual revenue over its previous fiscal year's total actual revenue. This notice shall also include the rate change, if any, that the hospital made for each of 25 charge elements that the office specifies by rule.

Vetoed
in Part

(11) In order to elicit public comment concerning the reports required under ss. 153.10 to 153.35, the office shall, following the release of the reports and by a date that is determined by the board, and annually thereafter, provide notice of and hold public hearings in 5 regions of the state, as determined by the subunit of the department having responsibility for health.

Vetoed
in Part
Vetoed
in Part

(12) The office shall, to the extent possible and upon request, assist members of the public in interpreting data in health care information disseminated by the office.

153.07 Board powers and duties. (1) The board shall advise the director of the office with regard to the collection, analysis and dissemination of health care information required by this chapter.

(2) The board, upon advice of the office, shall first determine whether to contract for services pursuant to s. 153.05 (6). If the board determines to contract for such services, it shall approve specifications for a contract including the length of the contract and the standards for determining potential contractor conflicts with the purposes of the office as specified under s. 153.05 (1). In the alternative, the board may direct the office to have the department provide the services under s. 153.05 (6). The board may subsequently determine to contract for these services in subsequent

years. If the board decides to bid the contract for services under s. 153.05 (6), the department may offer a bid as would any other potential contractor. The board shall evaluate a contractor's performance 6 months prior to the close of each existing contract.

(3) The board shall approve all rules which are proposed by the department for promulgation to implement this chapter.

153.10 Health care data reports. (1) Beginning in 1990 and quarterly thereafter, the office shall prepare and submit to the governor and the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2), in a manner that permits comparisons among hospitals, a report setting forth all of the following for every hospital for the preceding quarter:

(a) The charges for up to 100 health care services or diagnostic-related groups selected by the office.

(b) The utilization and charge information for ambulatory surgery and other outpatient health care services selected by the office.

(2) Beginning in 1990 and annually thereafter, the office shall prepare and submit to the governor and the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) a report analyzing the relative rate of growth of health care costs in this state compared to the rest of the nation and compared to the midwest region. The report shall include, to the extent the data are available, comparisons among this state, the rest of the nation and the midwest region of all of the following for the preceding year:

(a) Health care costs per person.

(b) Hospital revenues and expenditures per person.

(c) Changes in total hospital revenues and expenditures.

(d) Average charges for health care services provided by hospitals and for diagnostic-related groups provided by hospitals.

153.15 Small area analysis reports. Beginning in 1990 and annually thereafter, the office shall prepare and submit to the governor and the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) reports identifying health care services or procedures provided by one or more hospitals in specific areas of the state for which the rate of utilization of the service or procedure is significantly different than the state or area average.

153.20 Indigent health care report. (1) Beginning in 1990 and annually thereafter, the office shall prepare and submit to the governor and to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) a report setting forth the number of patients to whom uncompensated health care services were provided by each hospital and the total costs of the health care services provided to the patients for the preceding year, together with the number of patients and the total costs that were pro-

jected by the hospital for that year in the plan filed under sub. (2).

(2) Beginning in 1990 and annually thereafter, every hospital shall file with the office a plan setting forth the projected number of patients to whom uncompensated health care services will be provided by the hospital and the projected total costs of the health care services to be provided to the patients for the ensuing year.

153.25 Mortality and morbidity report. Beginning in 1990 and annually thereafter, the office shall prepare and submit to the governor and to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) reports setting forth mortality and morbidity rates for every hospital. Before the release of a report under this section, the office shall provide the physicians, hospitals or other health care providers identified in the report with the opportunity to review and comment under s. 153.40 (6).

153.30 Health care insurance report. Beginning in 1990 and annually thereafter, the office and the office of the commissioner of insurance may jointly prepare and submit to the governor and to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) a report specifying, to the extent possible, on a regional basis, the number, nature of coverage and costs of health care coverage plans covering residents of this state during the preceding year.

153.35 Report by the office. The office shall, by October 1, 1989, and annually thereafter, under rules promulgated by the department, submit under s. 13.172 (3) a report to the chief clerk of each house of the legislature for distribution to standing committees with jurisdiction over health matters, that shall include all of the following:

(1) The range, median and mean of charges and increases or decreases in specific charges by hospitals for up to 100 charge elements, as selected by the office, as reported to the office under s. 153.05 (1) (c) 1.

(2) Comparisons, among hospitals, of increases or decreases in gross revenues, net revenues, ~~one operating revenues, nonoperating revenues and expenditures~~, as reported under s. 153.05 (1) (c) 2 and 3 and (e).

153.40 Procedures for data verification and review.

(1) Prior to data submission, hospitals, ambulatory surgery centers or, beginning April 1, 1992, other health care providers shall review discharge data for accuracy and shall obtain verification by the physician of the principal and secondary diagnoses and primary and secondary procedures. The verification shall occur within the time specified by rules promulgated by the department for data submission to the office. If the verification is not made on a timely basis, the hospital or other health care provider shall submit the data noting the lack of verification.

(2) The office shall be responsible for assuring that appropriate editing is conducted for all submitted data to identify systematic errors, missing data, values beyond an allowed range, illegal codes within a range, illogical sequence of dates, diagnoses and procedures inconsistent with age and sex, other data failing internal consistency checks and other patterns inconsistent with what would be expected. The office shall notify hospitals, ambulatory surgery centers or, beginning October 1, 1991, other health care providers of missing or incorrect information under this subsection.

(3) Hospitals, ambulatory surgery centers or, beginning October 1, 1991, other health care providers shall be responsible for resolving the errors found by the editing under sub. (2) and shall resubmit corrected data within 10 working days after receiving written notification from the office of the errors.

(4) The office shall send edited and corrected data to hospitals, ambulatory surgery centers or, beginning April 1, 1992, other health care providers for a 10-working-day review period before the data are released.

(5) The office may, by rules promulgated by the department, require that other forms of data verification, including reabstracting studies and comparisons with information collected from other data systems, be conducted prior to the release of physician-specific data.

(6) At least 30 calendar days prior to the release of a report under s. 153.25, the office shall notify a physician, hospital or other health care provider identified in the report of the office's intent to release the report. The notification shall include a copy of the draft report and a statement that those identified may submit comments on the report to the office. If the office receives comments prior to the release of the report, the office shall append the comments to the report. If the office receives comments after the report is released, the office shall make the comments available to anyone requesting the comments.

153.45 Release of data. (1) After completion of data verification and review procedures under s. 153.40, the office shall release data in the following forms:

(a) Standard reports in accordance with ss. 153.10 to 153.35.

(b) Public use tapes which do not permit the identification of specific patients, physicians, employers or other persons. The identification of these groups shall be protected by all necessary means, including the deletion of patient identifiers and the use of calculated variables and aggregated variables.

(c) Custom-designed subfile tapes, other electronic media, special data compilations or reports containing portions of the public use tape data under par. (b).

(2) The office shall provide to other entities the data necessary to fulfill their statutory mandates for epidemiological purposes or to minimize the duplicate collection of similar data elements.

Vetoed
in Part

(3) The office shall release physician-specific and employer-specific data, except in public use tapes as specified under sub. (1) (b), in a manner that is specified in rules promulgated by the department.

153.50 Protection of patient confidentiality. Case-specific data obtained under this chapter and contained in the discharge data base of the office is not a public record under s. 19.35 and may not be released by the office, except to the patient or to a person granted permission for release by the patient and except that a hospital, a physician, the agent of a hospital or physician or the department may have access to case-specific data to ensure the accuracy of the information in the discharge data base. The department may also have access to the data discharge system for the purposes of completing epidemiological reports and eliminating the need to maintain a data base that duplicates that of the office, if the department does not release or otherwise provide access to the case-specific data.

153.60 Assessments to fund operations of office and board. (1) Commencing on the effective date of this subsection [revisor inserts date], the office shall, by the first October 1 after the commencement of each fiscal year, estimate the total amount of expenditures for the office and the board for that fiscal year. The office shall assess the estimated total amount for that fiscal year less the estimated total amount to be received under s. 20.435 (1) (hi), (hj) and (mr) during the fiscal year and the unencumbered balances of the amounts received under s. 20.435 (1) (hg), (hi), (hj) and (mr) from the prior fiscal year, to hospitals in proportion to each hospital's respective gross private-pay patient revenues during the hospital's most recently concluded entire fiscal year. Any costs incurred by the office in fiscal year 1987-88 shall be included in the estimate of total expenditures and assessment for fiscal year 1988-89. Each hospital shall pay the assessment on or before December 31. All payments of assessments shall be deposited in the appropriation under s. 20.435 (1) (hg).

(2) Beginning July 1, 1989, the office may assess ambulatory surgery centers under this section, using as the basis for individual ambulatory surgery center assessments criteria promulgated by rule by the department under s. 153.75 (1) (b).

153.65 Provision of special information; user fees. The office may provide, upon request from a person, a data compilation or a special report based on the information collected by the office under s. 153.05 (1), (3), (4) (b), (5), (7), (8) or (10). The office shall establish user fees for the provision of these compilations or reports, payable by the requester, which shall be sufficient to fund the actual necessary and direct cost of the compilation or report. All moneys collected under this section shall be credited to the appropriation under s. 20.435 (1) (hi).

153.75 Rule making. (1) Following approval by the board, the department shall promulgate the following rules:

(a) Providing procedures to ensure the protection of patient confidentiality under s. 153.50.

(b) Establishing procedures under which hospitals and health care providers are permitted to review and verify patient-related information prior to its submission to the office.

(c) Regarding the scope of health care information required under s. 153.05 (8) from health care providers other than hospitals and ambulatory surgery centers, and defining the term "health care provider" for this purpose and specifying forms to be used to collect the information.

(d) Determining the 100 charge elements most frequently used by hospitals in the aggregate.

(e) Implementing requirements for use of uniform patient billing forms and other information under s. 153.05 (4).

(f) Governing the release of physician-specific and employer-specific data under s. 153.45 (3).

(g) Establishing criteria for the publication and contents of a notice under s. 153.05 (10) and specifying ~~25 charge elements for an increase in the rates of which notice must be specified by a hospital.~~ **Vetoed in Part**

(h) Defining the term "major purchaser, payer or provider of health care services" for the purposes of s. 153.05 (6).

(i) Regarding the scope and implementation of the reporting requirements under s. 153.35.

(j) Specifying the categories for reporting ~~amounts of gross revenue, net revenue, other operating revenues and nonoperating revenue~~ under s. 153.05 (1) (e) 1. **Vetoed in Part**

(2) With the approval of the board, the department may promulgate all of the following rules:

(a) Exempting certain classes of health care providers from providing all or portions of the data required under this chapter.

(b) Establishing forms of data verification which may be required under s. 153.40 (5).

(c) Providing for the efficient collection, analysis and dissemination of health care information which the office may require under this chapter.

153.85 Civil liability. Any person violating s. 153.50 or rules promulgated under s. 153.75 (1) (a) is liable to the patient for actual damages and costs, plus exemplary damages of up to \$1,000 for a negligent violation and up to \$5,000 for an intentional violation.

153.90 Penalties. (1) Whoever intentionally violates s. 153.50 or rules promulgated under s. 153.75 (1) (a) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(2) Any person who violates this chapter or any rule promulgated under the authority of this chapter, except ss. 153.50 and 153.75 (1) (a), as provided in s. 153.85 and sub. (1), shall forfeit not more than \$100

for each violation. Each day of violation constitutes a separate offense, except that no day in the period between the date on which a request for a hearing is filed under s. 227.44 and the date of the conclusion of all administrative and judicial proceedings arising out of a decision under this section constitutes a violation.

SECTION 403mm. 160.58 of the statutes is created to read:

Vetoed in Part

160.58 Pilot local groundwater management grant program. (1)(a) The department may award grants to units of local government, as defined in s. 25.50(1)(d), for local groundwater management demonstration projects. A grant under this paragraph may be awarded for up to 88% of eligible costs of a unit of local government for a local groundwater management demonstration project.

(b) The department shall determine the amount of eligible costs for a grant under par. (a). Eligible costs for a grant under par. (a) shall be limited to costs for staff and supplies. Eligible costs shall not include equipment costs.

(c) The department shall establish eligibility priorities for grants under par. (a). In establishing the eligibility priorities the department shall do all of the following:

1. Encourage innovative planning and management practices.
2. Encourage studies and planning activities to address a variety of area-specific groundwater contamination problems.
3. Encourage cooperation between units of local government and institutions of higher education in conducting studies and implementing management practices.
4. Give greater priority to the counties having the greater number of sites included in the July 1987 inventory of environmental repair sites under s. 144.442(4).

(2) The groundwater coordinating council shall assign a subcommittee, appointed under s. 160.50(2), to submit reports to the groundwater coordinating council on projects conducted by units of local government which receive grants under sub. (1)(a). The subcommittee shall also provide information concerning the local groundwater management grant program to units of local government and to state agencies, upon request.

(3) This section applies until June 30, 1989.

SECTION 403mhr. 162.03(7) of the statutes is created to read:

Vetoed in Part

162.03(7) The department shall cooperate with the department of industry, labor and human relations in the testing of equipment proposed for use in the treatment of contaminated drinking water under s. 145.02(3)(b).

SECTION 403mhx. 163.93(2) of the statutes is amended to read:

163.93(2) No raffle ticket may exceed \$5 \$10 in cost.

SECTION 403mia. 165.25(1) of the statutes is amended to read:

Vetoed in Part

165.25(1) REPRESENT STATE. Except as provided in s. 59.47(7), 978.05(5), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party; and, if requested by the governor or either house of the legislature, appear for and represent the state, any state department, agency, official, employe or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. The radioactive waste review board may request under s. 16.08(7) that the attorney general intervene in federal proceedings. All expenses of the proceedings shall be paid from the appropriation under s. 20.455(1)(d).

SECTION 403mim. 165.25(3m) of the statutes is created to read:

Vetoed in Part

165.25(3m) REVIEW HARD-CORE OBSCENE MATERIAL CASES. Review cases submitted to the department by district attorneys under s. 944.21(4). The attorney general shall determine whether a prosecution may be commenced.

SECTION 403mib. 165.25(8r) of the statutes is created to read:

Vetoed in Part

165.25(8r) ASSIST PROSECUTORS COUNCIL. The department shall provide adequate office space for the executive secretary of the prosecutors council under s. 15.83 and clerical and other assistance to the prosecutors council and executive secretary as necessary for the performance of the duties assigned to the council under s. 978.11.

SECTION 403mic. 165.70(4) of the statutes is amended to read:

165.70(4) Local district attorneys, sheriffs and chiefs of police shall cooperate and assist the personnel of the department in the performance of their duties.

SECTION 403mm. 165.95 of the statutes is created to read:

165.95 Special prosecutor cost reimbursement. The department of justice shall reimburse counties from the appropriation under s. 20.455(1)(cm) for the costs of special prosecutors incurred on or after January 1, 1987, in cases involving a conflict of interest resulting from an appointment to the office of district attorney by the governor of a person who served as an assistant state public defender immediately prior to the appointment. Counties may submit cost vouchers to the department of justice. The department shall review the vouchers to determine if the criteria under this section have been met. If the amount claimed exceeds the moneys available in any fiscal year, the department shall prorate the payments to counties in

accordance with the percentage of reimbursable costs attributable to each county.

SECTION 403mj. 167.34 of the statutes is created to read:

167.34 Safe disposal of deer causing damage to land.

(1) DEFINITION. In this section, "department" means the department of natural resources.

(2) PROCEDURE WHERE DEER DAMAGE IS EXTENSIVE. Upon complaint in writing by an owner or lessee of land to the department that deer are causing damage thereon, the department shall determine within 48 hours if the alleged damage exceeds, or is likely to exceed within one calendar year, \$1,000. If the department determines that the damage exceeds or is likely to exceed \$1,000, then the department shall immediately issue to the owner or lessee of the land on which the deer are causing damage a permit to destroy the deer causing damage. Permits issued under this subsection shall authorize the holder of the permit to destroy deer at any time, except during the open season for the hunting of deer with firearms. All such deer destroyed by permit shall be turned over immediately to authorized agents of the department, who shall dispose of them as provided in s. 29.06.

(3) PROCEDURE WHERE DEPARTMENT DOES NOT ACT. If the department fails to determine, within 48 hours after receiving a complaint under sub. (2), whether the alleged damage exceeds, or is likely to exceed within one calendar year, \$1,000, the owner or lessee of land on which deer are causing damage may engage in the activities authorized by a permit under sub. (2) as if the department had issued a permit to the person.

SECTION 403mk. 168.12 (1m) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

168.12 (1m) The department shall charge an additional oil inspection fee in an amount prescribed by the department that would generate the amount specified under s. 101.143 (2) (a), to be deposited in the petroleum storage environmental cleanup fund.

SECTION 403mn. 168.12 (1s) of the statutes is created to read:

168.12 (1s) In addition to any other fees, the department shall collect a well compensation fee from the owner or any other person for whom it inspects any petroleum product. The well compensation fee under this subsection shall be 0.33 cent for each 50 gallons from which a sample is taken or the amount determined under s. 144.0295. The well compensation fee collected under this subsection shall be credited to the appropriation under s. 20.370 (2) (eb).

SECTION 403nb. 175.40 (1) of the statutes, as affected by 1987 Wisconsin Act 231, is repealed and recreated to read:

175.40 (1) In this section:

(a) "Highway" has the meaning specified in s. 340.01 (22).

(b) "Intersection" has the meaning specified in s. 340.01 (25).

(c) "Peace officer" has the meaning specified in s. 939.22 (22).

SECTION 403p. 175.40 (4) of the statutes is created to read:

175.40 (4) A peace officer whose boundary is a highway may enforce any law or ordinance that he or she is otherwise authorized to enforce by arrest or issuance of a citation on the entire width of such a highway and on the entire intersection of such a highway and a highway located in an adjacent jurisdiction. This subsection does not extend an officer's jurisdiction outside the boundaries of this state.

SECTION 403pe. 177.06 (3) of the statutes is renumbered 177.06 (3) (intro.) and amended to read:

177.06 (3) (intro.) With respect to property described in sub. (1), a holder shall not impose do any of the following:

(a) Impose a charge during a period of dormancy or inactivity which exceeds the charge regularly imposed by that holder on that class of account, and shall not or cease payment of interest during such a period solely because of dormancy or inactivity.

SECTION 403pf. 177.06 (3) (b) of the statutes is created to read:

177.06 (3) (b) Assess a service charge after December 31 of the 2nd calendar year covered in the report filed under s. 177.17 concerning that property.

SECTION 403pg. 177.17 (2) (a) of the statutes is amended to read:

177.17 (2) (a) Except with respect to travelers checks and money orders, the name, if known, and last-known address, if any, of each person appearing from the records of the holder to be the owner of property with a value of ~~\$25~~ \$50 or more presumed abandoned under this chapter.

SECTION 403ph. 177.17 (2) (b) of the statutes is amended to read:

177.17 (2) (b) In the case of unclaimed funds of ~~\$25~~ \$50 or more held or owing under any life or endowment insurance policy or annuity contract, the full name and last-known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds.

SECTION 403pi. 177.17 (2) (d) of the statutes is amended to read:

177.17 (2) (d) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, but items with a value of less than ~~\$25~~ \$50 each may be reported in the aggregate.

SECTION 403pj. 177.19 (1) of the statutes is amended to read:

177.19 (1) Except as provided in ~~subs. sub. (2) and (3)~~, a person required to file a report under s. 177.17 shall, by the December 1 following the filing of the report, pay or deliver to the administrator all abandoned property required to be reported.

Vetoed
in Part

SECTION 403pk. 177.19 (3) of the statutes is repealed.

SECTION 403pL. 177.23 (1) of the statutes is amended to read:

177.23 (1) Except as provided in sub. (2), the administrator shall deposit in the school fund all funds received under this chapter, including the clear proceeds from the sale of abandoned property under s. 177.22. Before making the deposit, the administrator shall record the name and last-known address of each person appearing from the holders' reports to be entitled to the property and the name and last-known address of each insured person or annuitant and beneficiary and, with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. ~~The record shall be available for public inspection at all reasonable business hours~~ information recorded by the administrator under this subsection is not available for inspection or copying under s. 19.35 (1) until 24 months after payment or delivery of the property is due under s. 177.19 (1).

SECTION 403pm. 177.35 of the statutes is repealed and recreated to read:

177.35 Agreement to locate reported property. (1) Except for agreements made under s. 177.33, if a person agrees, for compensation and on behalf of the owner of property reported under s. 177.17, to locate, deliver, recover or assist in the recovery of the reported property, the agreement shall be in writing and shall include all of the following:

- (a) A description of the property and the value of the property.
- (b) A clear and prominent statement of the fee or other compensation to be paid by or on behalf of the owner, which may not exceed 20% of the actual value of the property recovered.
- (c) A clear and prominent statement disclosing the name and address of the holder and whether the property has been paid to the administrator.
- (d) The notarized signature of the owner.

(2) An agreement entered into under this section is not enforceable if the agreement is entered into within 24 months after payment or delivery of the property is due under s. 177.19 (1).

SECTION 403q. 180.72 (1) and (4) of the statutes are amended to read:

180.72 (1) Any shareholder of a corporation shall have the right to file with the corporation a written objection, at least 48 hours prior to the meeting of shareholders at which any of the following corporate actions are proposed to be voted upon: a) Any plan of merger or consolidation to which the corporation is a party; ~~or~~ b) Any sale or exchange of all or substantially all of the property and assets of the corporation not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash, with or without

an assumption of liabilities of the seller, on terms requiring that all or substantially all of the net proceeds of sale be distributed to the shareholders in accordance with their respective interests within one year after the date of sale; or c) Any conversion under s. 180.975 of a corporation to a nonprofit nonstock corporation subject to ch. 181. A shareholder may object as to less than all of the shares registered in his name; and in that event, his rights shall be determined as if the shares as to which he has objected and his other shares were registered in the names of different shareholders. A shareholder in a statutory close corporation formed under s. 180.995 need not file a written objection prior to a meeting of shareholders or the corporate action in order to preserve his or her right to receive the fair value of his or her shares. This subsection shall not apply to the shareholders of the surviving corporation in a merger if a vote of the shareholders of such corporation is not necessary to authorize such merger. Except in a business combination, as defined in s. 180.725 (1) (d), which is subject to s. 180.725 (2) or exempt under s. 180.725 (3), this subsection shall not apply to the holders of shares of any class or series if the shares of such class or series were registered on a national securities exchange or quoted on the national association of securities dealers, inc., automated quotations system on the date fixed to determine the shareholders entitled to vote at the meeting of shareholders at which a plan of merger or consolidation ~~or~~, a proposed sale or exchange of property and assets, or a proposed conversion under s. 180.975 is to be acted upon unless the articles of incorporation of the corporation shall otherwise provide.

(4) Within 10 days after such corporate action is effected, the corporation or, in the case of a merger or consolidation, the surviving or new corporation, domestic or foreign, or, in the case of a conversion under s. 180.975, the corporation, as defined in s. 181.02 (4), shall give written notice thereof to each objecting shareholder who has made demand as herein provided, and shall make a written offer to each such shareholder to pay for such shares at a specified price deemed by such corporation to be the fair value thereof. Such notice and offer shall be accompanied by a balance sheet of the corporation the shares of which the objecting shareholder holds, as of the latest available date and not more than 12 months prior to the making of such offer, and a profit and loss statement of such corporation for the 12-month period ended on the date of such balance sheet.

SECTION 403r. 180.975 of the statutes is created to read:

180.975 Conversion of certain corporations to ch. 181 corporations. (1) CONVERSION PERMITTED. A corporation organized under the laws of this state before July 1, 1953, whose only asset since its organization has been real estate used for the operation of a country club may convert its form of organization to a nonprofit nonstock corporation that is subject to ch. 181, if all of the following conditions are satisfied:

(a) *Resolution by board of directors.* The board of directors adopts a resolution recommending conversion of the corporation to a nonprofit nonstock corporation and directing submission of the proposed conversion to a vote of shareholders at an annual or special meeting of shareholders.

(b) *Notice of shareholder meeting.* Written notice of the meeting at which the proposed conversion will be submitted to a vote of shareholders is given to each shareholder of record in the manner provided under s. 180.24 except that the notice shall satisfy all of the following:

- 1. Be delivered to shareholders not less than 20 days before the meeting.
- 2. Whether the meeting is an annual or special meeting, state that the purpose, or one of the purposes, is to consider the proposed conversion.
- 3. If applicable, state that any shareholder desiring to be paid the fair value of his or her shares must file a written objection to the proposed conversion at least 48 hours before the meeting.

(c) *Shareholder vote.* Shareholders approve the proposed conversion. The proposed conversion is approved by shareholders if, at the meeting for which notice is given under par. (b), the proposal receives the affirmative vote of the holders of two-thirds of all outstanding shares and of each class or series thereof.

(d) *Restated articles of incorporation.* If the proposed conversion is approved by shareholders under par. (c), the corporation restates its articles of incorporation following the same procedures as provided in s. 180.51 for amending articles of incorporation. Notwithstanding s. 180.55, the restated articles of incorporation shall satisfy all of the following conditions:

- 1. Contain all of the information required under s. 181.39 (1).
- 2. Contain a statement that the corporation elects to convert itself to a nonprofit nonstock corporation subject to ch. 181.
- 3. Be executed, filed and recorded as provided in s. 181.39 (2).

(2) **CONVERSION EFFECTIVE.** The conversion of a corporation to a nonprofit nonstock corporation subject to ch. 181 is effective upon the filing with the secretary of state restated articles of incorporation satisfying sub. (1) (d).

(3) **EFFECT OF CONVERSION ON LEGAL ACTIONS AND OBLIGATIONS.** (a) *Legal actions.* Any cause of action against a corporation or its directors, officers or shareholders that accrues before conversion of the corporation is effective under sub. (2) may be maintained against the corporation or its directors, officers or shareholders as if the conversion had not taken place.

(b) *Obligations.* 1. Except as provided in subd. 2, once conversion of a corporation is effective under sub. (2), the nonprofit nonstock corporation is responsible and liable for all obligations of the con-

verted corporation. Neither the rights of creditors nor any liens on the property of the converted corporation shall be impaired by the conversion.

2. Any contractual obligation relating to ownership of the converted corporation's stock, including any obligation to issue or redeem stock options, shall terminate when the conversion is effective under sub. (2). The contractual obligations described in this subdivision shall terminate without compensation, except that a nonprofit nonstock corporation shall provide reasonable compensation for any terminated contracts that were entered into before the effective date of this subdivision [revisor inserts date].

SECTION 403t. 181.09 (3) of the statutes is renumbered 181.09 (3) (a) (intro.) and amended to read:

181.09 (3) (a) (intro.) In lieu of a change pursuant to subs. (1) and (2), a corporation may change the name or address of its registered agent, or both, by setting forth the name and address of its registered agent, as changed, in articles any of the following:

1. Articles of amendment of its the corporation's articles of incorporation or in restated articles of incorporation filed and recorded as provided in this chapter.

SECTION 403v. 181.09 (3) (a) 2 of the statutes is created to read:

181.09 (3) (a) 2. The corporation's annual report required under s. 181.651.

SECTION 403w. 181.09 (3) (b) of the statutes is created to read:

181.09 (3) (b) A change made under par. (a) 2 is effective upon the filing of the annual report under s. 181.653.

SECTION 403y. 181.651 (1) (bm) of the statutes is created to read:

181.651 (1) (bm) The name and address, including street and number, if any, of its registered agent.

SECTION 403z. 181.68 (1) (e) of the statutes is amended to read:

181.68 (1) (e) Filing statement of change of registered agent, or address of registered agent under s. 181.09 (1), or a statement of resignation of registered agent, \$10, except that no fee may be collected for a change of address resulting from the action of a governmental agency if there is no corresponding change in physical location and if 2 copies of the notice of the action are submitted to the secretary of state;

~~SECTION 403zb. 184.09 of the statutes is amended to read:~~

~~184.09 Penalties. (1) Any public service corporation, or any agent, director or officer thereof, who shall directly or indirectly issue issues or cause causes to be issued, any securities for whose which issuance a certificate is required contrary to the provisions of this chapter, or who shall apply applies the proceeds from the sale thereof of any securities to any purpose other than that specified in the certificate of the commission, shall forfeit to the state not less than five hundred dol-~~

Vetoed in Part

Vetoed
in Part

is \$500 nor more than ten thousand dollars \$25,000 for each offense.

(2) Every director, president, secretary or other official or agent of any public service corporation who shall practice practices fraud or knowingly make makes any false statement to secure a certificate of authority to issue any security, or issue issues under a certificate so obtained and with knowledge of such fraud, or false statement, or negotiate negotiates, or cause causes to be negotiated, any security, in violation of this chapter, shall be punished by a fine of fined not less than five hundred dollars, \$50,000 or by imprisonment in the state prison imprisoned for not less than one or year nor more than 10 years, or by both fine and imprisonment.

SECTION 403zd. 196.03 (3) of the statutes is renumbered 196.03 (3) (a) and amended to read:

196.03 (3) (a) In the case of a public water utility furnishing water, the commission shall include, in the determination of water rates, the cost of fluoridating the water in the area served by the public water utility furnishing water if the governing body of the municipality city, village or town which owns or is served by the public water utility furnishing water authorizes the fluoridation of water by the public water utility furnishing water.

SECTION 403zdm. 196.03 (3) (b) of the statutes is created to read:

196.03 (3) (b) In the case of a public utility furnishing water, the retail charges for the production, storage, transmission, sale and delivery or furnishing of water for public fire protection purposes not included in general service charges shall be included in the water utility bill of each customer of the public utility in a city, village or town unless the governing body of that city, village or town adopts a resolution providing that the city, village or town will pay those charges to the public utility furnishing the water. If such charges are included in each customer's water utility bill, such charges need not be uniform among classes of customers and may not be based on property value.

Vetoed
in Part

SECTION 403zf. 196.197 of the statutes is created to read:

196.197. Increase in water rates due to change in billing system. (1) If a public utility furnishing water establishes a system of retail charges based on billing each customer in a city, village or town rather than billing the city, village or town for the production, storage, transmission, sale and delivery or furnishing of water for public fire protection purposes and the establishment of that system results in a rate increase for one or more classes of customers, the initial rate increase related to public fire protection is not subject to s. 196.20, 196.26, 196.28 or 196.37 (1) unless at least one of the following occurs:

(a) One percent of the total customers of that public utility in the city, village or town or 100 customers in that city, village or town, whichever is less, submit a written petition to the commission requesting that the

increase be subject to ss. 196.20, 196.26, 196.28 and 196.37 (1).

(b) The governing body of the city, village or town adopts and submits a resolution to the commission requesting that the increase be subject to ss. 196.20, 196.26, 196.28 and 196.37 (1).

(2) The commission shall establish procedures to implement sub. (1), including procedures for a public utility to notify its customers and the commission of proposed changes in rates for public fire protection and for customers to petition the commission.

SECTION 403zn. 196.374 (2) of the statutes is amended to read:

196.374 (2) The commission may prescribe all or part of any program to be funded under sub. (1). The commission may require that a utility establish a program funded under sub. (1) which is applicable only to a group of consumers specified by the commission because the group has special energy conservation needs. Such a group may include, but is not limited to, low-income utility consumers, under guidelines established by the commission. The commission may require that a utility subject to this section provide warnings to customers about the potential danger of radon gas accumulation as a result of weatherization.

SECTION 403znb. 196.525 (3) of the statutes is amended to read:

196.525 (3) Any director, treasurer or other officer or agent of a public utility who makes or votes to authorize a transaction in violation of this section may be fined not more than \$10,000 \$25,000.

SECTION 403znd. 196.60 (1) (b) and (3) of the statutes are amended to read:

196.60 (1) (b) A public utility which violates par. (d) shall be deemed guilty of unjust discrimination and shall forfeit not less than \$100 nor more than \$1,000 \$25,000 for each offense. An agent or officer who violates par. (a) shall be fined not less than \$50 nor more than \$100 \$10,000 for each offense.

(3) If a public utility gives an unreasonable preference or advantage to any person or subjects any person to any unreasonable prejudice or disadvantage, the public utility shall be deemed guilty of unjust discrimination. A public utility violating this subsection shall forfeit not less than \$50 nor more than \$1,000 \$25,000 for each offense.

SECTION 403zmf. 196.604 of the statutes is amended to read:

196.604. Rebates, concessions and discriminations unlawful. No person may knowingly solicit, accept or receive any rebate, concession or discrimination from a public utility for any service in or affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power or the conveying of telephone messages within this state or for any connected service whereby the service is rendered or is to be rendered free or at a rate less than the rate named in the schedules and tariffs in force, or whereby any

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

other service or advantage is received. Any person violating this section shall be fined not less than \$50 nor more than \$1,000 ~~\$10,000~~ for each offense.

SECTION 403znh. 196.625 of the statutes is amended to read:

196.625 Discrimination by telecommunications utilities. Every telecommunications utility shall receive and transmit without discrimination messages from and for any person upon tender or payment of the usual or customary charges therefor, whenever requested to do so, without regard to the character of the messages to be transmitted. Any person public utility neglecting or refusing to comply with any of the provisions of this section shall forfeit not less than \$25 nor more than \$100 ~~\$25,000~~ for each day of such neglect or refusal. Any officer, agent or employe neglecting or refusing to comply with any of the provisions of this section shall forfeit not less than \$25 nor more than \$10,000. One-half of the forfeitures recovered under this section shall be paid to the person prosecuting under this section.

SECTION 403zmj. 196.65 (1) (intro.) and (2) of the statutes are amended to read:

196.65 (1) (intro.) Any officer, agent or employe of any public utility shall be fined not less than \$100 nor more than \$1,000 ~~\$10,000~~ for each offense if he or she does any of the following:

(2) A penalty of not less than \$500 nor more than \$1,000 ~~\$25,000~~ shall be recovered from the public utility for each offense under sub. (1) if the officer, agent or employe of the public utility acted in obedience to the direction, instruction or request of the public utility or any general officer of the public utility.

SECTION 403zml. 196.66 (1) of the statutes is amended to read:

196.66 (1) If any public utility violates this chapter or ch. 197 or fails or refuses to perform any duty enjoined upon it for which a penalty has not been provided, or fails, neglects or refuses to obey any lawful requirement or order of the commission or the governing body of a municipality or a sanitary commission or any judgment or decree of any court upon its application, for every violation, failure or refusal the public utility shall forfeit not less than \$25 nor more than \$1,000 ~~\$25,000~~.

SECTION 403zp. 196.66l of the statutes is created to read:

196.66l. Assessment of forfeitures. (1) Subject to subs. (3) and (4), if any act or omission subject to a proceeding to impose a forfeiture under this chapter constitutes a violation of one or more of the following, that act or omission is subject to not more than one forfeiture:

- (a) Any section of the statutes.
- (b) Any rule, order or requirement of the commission.

(2) Subject to sub. (3), if more than one act or omission comprises a single incident or event which is sub-

Vetoed
in Part

ject to a proceeding to impose a forfeiture under this chapter, those acts or omissions shall be deemed to be a single violation and shall be subject to a single forfeiture.

(3) Notwithstanding subs. (1) and (2), each day of a violation of this chapter or any rule, order or requirement of the commission is a separate violation.

(4) If an act or omission subject to a proceeding to impose a forfeiture under this chapter involves a death or life-threatening personal injury or a continuing failure to comply with this chapter or with any commission rule, order or requirement after the commission has given written notice specifying the failure, the maximum forfeiture shall be treble the amount otherwise assessable.

(5) A judgment against a person on the merits in a proceeding to impose a forfeiture under this chapter bars any other proceeding against that person to impose a forfeiture for the same act or omission.

SECTION 403zpg. 196.67 (3) of the statutes is amended to read:

196.67 (3) Any person violating this section shall be fined not less than \$50 nor more than \$300 ~~\$5,000~~ for each offense.

SECTION 403zc. 196.675 (1) of the statutes is amended to read:

Vetoed
in Part

196.675 (1) No common carrier operating within this state and no public utility, except a municipal public utility, may retain or employ a district attorney or an assistant district attorney, city attorney or assistant city attorney or any person holding a judicial office.

SECTION 403zi. 196.675 (2) of the statutes is amended to read:

196.675 (2) If any district attorney or assistant district attorney, city attorney or assistant city attorney or any person holding a judicial office violates this section, the attorney's or judge's office shall be deemed vacant.

SECTION 403zta. 196.68 of the statutes is amended to read:

Vetoed
in Part

196.68 Municipal officers, malfeasance. If any officer of a municipality which owns or operates a public utility does, causes or permits to be done any matter, act or thing prohibited or declared to be unlawful under this chapter or ch. 197 or omits, fails, neglects or refuses to perform any duty which is enjoined upon him or her and which relates directly or indirectly to the enforcement of this chapter and ch. 197 or if the officer omits, fails, neglects or refuses to obey any lawful requirement or order of the commission or any judgment or decree of a court upon its application, for every such violation, failure or refusal the officer shall forfeit not less than \$50 nor more than \$300 ~~\$5,000~~.

SECTION 403zu. 196.69 of the statutes is amended to read:

Vetoed
in Part

~~196.09 Interference with commission's equipment. (1) If any person destroys, injures or interferes with any apparatus or appliance owned, in the charge of or operated by the commission or its agent, the person shall be fined not more than \$100 \$5,000 or imprisoned for not more than 30 days or both.~~

~~(2) Any public utility permitting a violation of this section shall forfeit not more than \$1,000 \$25,000 for each offense.~~

~~SECTION 403zum. 196.745(2)(a) of the statutes is amended to read:~~

~~196.745(2)(a) Any person violating sub. (1), or any order or rule issued under sub. (1), shall forfeit an amount not exceeding \$1,000 \$2,500. Each day of violation is a separate violation of sub. (1). No person may forfeit an amount exceeding \$200,000 \$500,000 for a single persisting violation of sub. (1) or any order or any rule issued under sub. (1).~~

SECTION 404. 196.857 of the statutes, as created by 1987 Wisconsin Act 27, is repealed and recreated to read:

196.857 Assessment for stray voltage program. (1) The commission shall establish and administer a program to provide to farmers on-site technical assistance related to stray voltage. In cooperation with the department of agriculture, trade and consumer protection, the commission shall investigate the causes of stray voltage on individual farms, recommend to farmers solutions to stray voltage problems and evaluate the effectiveness of on-site technical assistance. The commission shall assess annually all of the following amounts to public utilities which produce electricity and which have annual gross operating revenues related to electricity in excess of \$100,000,000 in proportion to their respective electric gross operating revenues during the last calendar year, derived from intrastate operations:

(a) The amount appropriated under s. 20.155 (1) (L), less any amount received under s. 20.155 (1) (Lb). The amounts received under this paragraph shall be credited to the appropriation made in s. 20.155 (1) (L).

(b) The amount appropriated under s. 20.115 (8) (j), less any fees received from farmers under s. 93.41. The amounts received under this paragraph shall be credited to the appropriation made in s. 20.115 (8) (j).

(2) A public utility shall pay the total amount that it is assessed under sub. (1) within 30 days after it receives a bill for that amount from the commission. The bill constitutes notice of the assessment and demand of payment.

(2m) If the commission, at the request of an electric cooperative organized under ch. 185 or any public utility which is not assessed under sub. (1), conducts an investigation of the causes of stray voltage on any farm receiving electrical service from that electric cooperative or public utility, that electric cooperative or public utility shall pay a reasonable fee, not exceeding \$500 per investigation, which the commission shall establish separately for each request. The amounts

received under this subsection shall be credited to the appropriation made in s. 20.155 (1) (L).

(3) This section does not apply after August 31, 1991.

SECTION 404c. 220.02 (2) (e) of the statutes is created to read:

220.02 (2) (e) The disposition of certain assets of a charitable trust, as defined in s. 701.107 (3), under ss. 701.107 to 701.109.

SECTION 404e. 221.14 (7) of the statutes is created to read:

221.14 (7) Real estate conveyed by the bank to an entity engaged solely in holding property of the bank, to a bank holding company, as defined in 12 USC 1841 (a), of which the bank is a subsidiary or to any other subsidiary of that bank holding company. Any liability of the entity holding property of the bank, bank holding company or subsidiary of the bank holding company to the bank that results from a conveyance under this subsection is not subject to the limitations under s. 221.29 (1) and (2).

SECTION 404k. 221.29 (1) (a) of the statutes is amended to read:

221.29 (1) (a) The total liabilities of any person or partnership, including the liabilities of the several partners except special partners, computed individually as to each partner on the basis of his or her direct liability, or corporation, other than a municipal corporation, to any bank for money borrowed shall at no time exceed 20 ~~per cent~~ % of the capital stock and surplus or 15 ~~per cent~~ % of the capital and surplus of such bank with the exceptions stated in this subsection and s. 221.14 (7).

SECTION 404L. 221.29 (2) (a) of the statutes is amended to read:

221.29 (2) (a) Except as otherwise provided in this subsection and s. 221.14 (7), the total liabilities of any municipal corporation to any bank for money borrowed shall at no time exceed 25 ~~per cent~~ % of the capital and surplus of such bank.

SECTION 404p. 221.30 (title) of the statutes is amended to read:

221.30 (title) Bank purchase of its own stock.

SECTION 404q. 221.30 (1) of the statutes is renumbered 221.30 (1m) and amended to read:

221.30 (1m) ~~No A~~ bank shall may be the holder of or purchaser of ~~any portion more than 5%~~ of its capital stock, capital notes or debentures ~~unless such if the purchase shall be is~~ necessary to prevent loss upon a debt previously contracted in good faith. Stock, notes or debentures ~~so purchased under this subsection~~ shall in no case be held by the bank for a longer time than 6 months if the stock, notes or debentures can be sold for the amount of the claim of the bank against the same, and it must be sold for the best price obtainable within one year, or it shall be canceled, and shall then amount to a reduction of the capital stock, capital notes or debentures; provided, that, if such reduction shall reduce the capital stock below the minimum

required by law, such capital stock shall be again increased to the amount required by law as provided herein.

SECTION 404r. 221.30 (1) of the statutes is created to read:

221.30 (1) A bank may be the holder of or purchaser of not more than 5% of its capital stock, capital notes or debentures, except as provided in sub. (1m).

SECTION 404rc. 221.56 (1) of the statutes is amended to read:

221.56 (1) Any domestic corporation, investment trust, or other form of trust or any regional state bank holding company which shall own, hold or in any manner control a majority of the stock in a state bank or trust company, or a bank or bank holding company which through a transaction under s. 701.108 acquires control of a majority of the stock in a state bank, shall be deemed to be engaged in the business of banking and shall be subject to the supervision of the office of the commissioner of banking. It shall file reports of its financial condition when called for by the commissioner of banking, and the commissioner may order an examination of its condition and solvency whenever in his or her opinion such examination is required, and the cost of such examination shall be paid by such corporation or association. Whenever in the opinion of the commissioner the condition of such corporation or association shall be such as to endanger the safety of the deposits in any bank or trust company which is owned or in any manner controlled by such corporation, or the operation of such corporation, association or trust shall be carried on in such manner as to endanger the safety of such bank or trust company or its depositors, the commissioner may order such corporation or trust to remedy such condition or policy within 90 days and if such order be is not complied with, the commissioner shall have power to fully direct the operation of such banks or trust companies until such order be is complied with, and may withhold all dividends from such corporation or trust during the period in which the commissioner may exercise such authority.

Vetoed in Part

~~SECTION 404rg. 221.58 (5) of the statutes is renumbered 221.58 (5) (a) and amended to read:~~

~~221.58 (5) (a) If Except as provided in par. (b), if a regional state bank holding company acquires an in-state bank holding company that owns one or more in-state banks that have been chartered on or after May 9, 1986, and that have been in existence for less than 5 years, the regional state bank holding company shall divest itself of those in-state banks within 2 years after the date of acquisition of the in-state bank holding company by the regional state bank holding company.~~

~~SECTION 404rh. 221.58 (5) (b) of the statutes is created to read:~~

~~221.58 (5) (b) Paragraph (a) does not apply with respect to an in-state bank which is chartered on or~~

~~after May 9, 1986, and which is owned by an in-state bank holding company that is acquired by a regional state bank holding company if the in-state bank is the surviving bank of a merger with an in-state bank chartered before May 9, 1986.~~

Vetoed in Part

~~SECTION 404r. 227.01 (1) of the statutes is amended to read:~~

~~227.01 (1) "Agency" means a board, commission, committee, department or officer in the state government, except the governor, a district attorney or a military or judicial officer.~~

Vetoed in Part

SECTION 404sm. 227.01 (13) (zd) of the statutes, as created by Wisconsin Act 27, is amended to read:

227.01 (13) (zd) Establishes procedures for oil inspection fee collection and setting an additional oil inspection fee under s. 144.4425 (2m) ss. 101.143 and 168.12 (1m).

~~SECTION 404st. 227.01 (13) (zh) of the statutes is created to read:~~

~~227.01 (13) (zh) Establishes eligibility priorities under s. 160.58 for local groundwater management grants.~~

Vetoed in Part

SECTION 405. 227.10 (1) of the statutes is amended to read:

227.10 (1) Each agency shall promulgate as a rule each statement of general policy and each interpretation of a statute which it specifically adopts to govern its enforcement or administration of that statute. A statement of policy or an interpretation of a statute made in the decision of a contested case, in a private letter ruling under s. 73.035 or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts does not render it a rule or constitute specific adoption of a rule and is not required to be promulgated as a rule.

SECTION 405m. 227.53 (1) (c) of the statutes is amended to read:

227.53 (1) (c) Copies A copy of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties each party who appeared before the agency in the proceeding in which the order decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision under s. 227.47 or the person's attorney of record.

SECTION 406. 230.08 (2) (p) of the statutes is repealed and recreated to read:

230.08 (2) (p) All employes of the investment board, except blue collar and clerical employes.

Vetoed in Part SECTION 406g. 230.08 (2) (q) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

~~230.08 (2) (q) The state public defender and staff attorney positions in the office of the state public defender.~~

Vetoed in Part SECTION 406h. 230.08 (2) (sg) of the statutes is created to read:

~~230.08 (2) (sg) Deputy district attorney and assistant district attorney positions in the office of district attorney.~~

~~SECTION 406i. 230.08 (2) (sm) of the statutes is created to read:~~

~~230.08 (2) (sm) The executive secretary and support staff of the prosecutors council.~~

SECTION 406t. 230.08 (2) (ym) of the statutes is created to read:

230.08 (2) (ym) The director of the office of health care information, created under s. 15.194 (1).

Vetoed in Part SECTION 407m. 230.10 (2) of the statutes is amended to read:

~~230.10 (2) The compensation plan in effect at the time that a representative is recognized or certified to represent employees in a collective bargaining unit and the employe salary and benefit provisions under s. 230.12 (3) (c) in effect at the time that a representative is certified to represent employees in a collective bargaining unit under subch. V of ch. 111 constitute the compensation plan or employe salary and benefit provisions for employees in the collective bargaining unit until a collective bargaining agreement becomes effective for that unit. If a collective bargaining agreement under subch. V of ch. 111 expires prior to the effective date of a subsequent agreement, and a representative continues to be recognized or certified to represent employees specified in s. 111.81 (7) (a) or certified to represent employees specified in s. 111.81 (7) (b) or (c) in that collective bargaining unit, the wage rates of the employees in such a unit shall be frozen until a subsequent agreement becomes effective, and the compensation plan under s. 230.12 and salary and benefit changes adopted under s. 230.12 (3) (c) do not apply to employees in the unit.~~

SECTION 408. 230.12 (1) (a) 1. b of the statutes, as affected by 1987 Wisconsin Act 33, is amended to read:

230.12 (1) (a) 1. b. The provisions governing the pay of all unclassified positions except positions for employes of the university of Wisconsin system which are not identified under s. 20.923 (4) or (8), for employes of the legislature which are not identified under s. 20.923 (4), for employes of a service agency under subch. IV of ch. 13, for employes of the state court system, for employes of the investment board identified under s. 230.08 (2) (p) and for one stenographer employed by each elective executive officer under s. 230.08 (2) (g).

SECTION 409. 230.12 (10) (c) of the statutes, as affected by 1987 Wisconsin Act 83, is amended to read:

230.12 (10) (c) *Exceptions.* This subsection does not apply to any person employed by the office of the governor or lieutenant governor, by the university of Wisconsin system except in a position identified under s. 20.923 (4) or (8), by the legislature except in a position identified under s. 20.923 (4), by a service agency under subch. IV of ch. 13, by the investment board in a position identified under s. 230.08 (2) (p), or by the courts, or to one stenographer employed by each elective executive officer under s. 230.08 (2) (g).

SECTION 410. 230.16 (7) of the statutes is amended to read:

230.16 (7) A preference shall be given to any qualifying veteran who gains eligibility on any competitive employment register and who does not currently hold a permanent appointment or have mandatory restoration rights to a permanent appointment to any position. A preference means that if a veteran gains eligibility on any competitive employment register and does not currently hold a permanent appointment or have mandatory restoration rights to a permanent appointment to any position, 5 points shall be added to his or her grade. If a veteran has a disability which is directly traceable to war service, the veteran shall be accorded a total of 10 points. "Veteran" as used in this subsection means any person who served on active duty under honorable conditions in the U.S. armed forces who was entitled to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965, or who served in Grenada or Lebanon or a Middle East crisis under s. 45.34 or any person who served for at least one day during a war period, as defined in s. 45.35 (5) (a) to (g) or under section 1 of executive order 10957 dated August 10, 1961. This subsection applies to the award of credit to veterans under ss. 62.13 (4) (d), 63.08 (1) (f), 63.37 and 66.19 (1).

SECTION 411. 230.35 (1m) (a) (intro.) of the statutes is amended to read:

230.35 (1m) (a) (intro.) Employes appointed to career executive positions under the program established under s. 230.24 or positions designated in s. 19.42 (10) (k) or 20.923 (4), (8) and (9) shall be entitled to annual leave of absence without loss of pay based upon accumulated continuous state service at the rate of:

SECTION 412. 230.35 (2) of the statutes is amended to read:

230.35 (2) Leave of absence with pay owing to sickness and leave of absence without pay, other than annual leave, shall be regulated by rules of the secretary, except that unused sick leave shall accumulate from year to year. After July 1, 1973, employes appointed to career executive positions under the pro-

gram established under s. 230.24 or positions designated in s. 19.42 (10) (k) or 20.923 (4), (8) and (9) shall have any unused sick leave credits restored if they are reemployed in a career executive position or in a position under s. 19.42 (10) (k) or 20.923 (4), (8) and (9), regardless of the duration of their absence. Restoration of unused sick leave credits if reemployment is to a position other than those specified above shall be in accordance with rules of the secretary.

Vetoed
in Part

SECTION 413c. 230.45 (1) (k) of the statutes is created to read:

230.45 (1) (k) Promulgate rules under s. 230.86 (1) and (2).

SECTION 413g. 230.85 (1) and (2) of the statutes are amended to read:

230.85 (1) An employe who believes that a supervisor or appointing authority has initiated or administered, or threatened to initiate or administer, a retaliatory action against that employe in violation of s. 230.83 may file a written complaint with the commission, specifying the nature of the retaliatory action or threat thereof and requesting relief, within 60 days after the retaliatory action allegedly occurred or was threatened or after the employe learned of the retaliatory action or threat thereof, whichever occurs last. An employe may request that the complaint be assigned to an arbitrator under s. 230.86.

(2) The commission shall receive and investigate any complaint under sub. (1). The commission may refer the complaint to an arbitrator under s. 230.86. In the course of investigating or otherwise processing such a complaint, the commission may require that an interview with any employe described in s. 230.80 (3), except a management or supervisory employe who is a party to or is immediately involved in the subject matter of the complaint, be conducted outside the presence of the appointing authority or any representative or agent thereof unless the employe voluntarily requests that presence. An appointing authority shall permit an employe to be interviewed without loss of pay and to have an employe representative present at the interview. An appointing authority of an employe to be interviewed may require the commission to give the appointing authority reasonable notice prior to the interview. If the commission finds probable cause to believe that a retaliatory action has occurred or was threatened, it may endeavor to remedy the problem through conference, conciliation or persuasion. If that endeavor is not successful, the commission shall issue and serve a written notice of hearing, specifying the nature of the retaliatory action which has occurred or was threatened, and requiring the person named, in this section called the "respondent" to answer the complaint at a hearing. The notice shall specify the place of hearing and a time of hearing not less than 30 days after service of the complaint upon the respondent nor less than 10 days after service of the notice of hearing. If, however, the commission determines that

an emergency exists with respect to a complaint, the notice of hearing may specify a time of hearing within 30 days after service of the complaint upon the respondent, but not less than 10 days after service of the notice of hearing. The testimony at the hearing shall be recorded or taken down by a reporter appointed by the commission.

SECTION 413n. 230.85 (6) (b) of the statutes is amended to read:

230.85 (6) (b) Paragraph (a) applies to a disciplinary action under s. 230.80 (2) (a) which occurs or is threatened within 2 1/2 years, or to a disciplinary action under s. 230.80 (2) (b), (c) or (d) which occurs or is threatened within one year 4 years after an employe discloses information under s. 230.81 which merits further investigation or after the employe's appointing authority, agent of an appointing authority or supervisor learns of that disclosure, whichever is later.

SECTION 413r. 230.86 of the statutes is created to read:

230.86 Arbitration. (1) The commission shall promulgate rules to establish an expedited procedure using arbitration in cases arising under this subchapter. The rules shall provide all of the following:

(a) Procedures under which an employe, or both parties jointly, may request arbitration as an alternative to a proceeding before the commission.

(b) Situations in which the commission may refer a case arising under this subchapter for arbitration.

(c) The procedure for choosing an arbitrator from a panel of arbitrators selected under sub. (2) to serve in a particular case.

(d) The procedure for status conferences held by arbitrators prior to a hearing, including all of the following:

1. Scheduling.
2. Amendment of pleadings.
3. Discovery.
4. Evidentiary issues.
5. Attempts at informal dispute resolution.

(e) The procedure to be followed by an arbitrator at a hearing in an action under this section, including all of the following:

1. Preservation of a record for review.
2. The form of the arbitrator's decision.

(f) The time periods during which a case must be scheduled for a status conference and hearing, and the situations under which the parties may waive the time period requirements.

(g) The time period during which an arbitrator shall render a decision after a hearing.

(h) The limits on the arbitrator's authority, if any, to act in the place of the commission under s. 230.85 (2) to (5).

(i) Allocation of the costs of arbitration under this section, including a per diem rate for the arbitrator, among the parties.

Vetoed
in Part

Vetoed
in Part

~~(1) Other procedures, or duties of an arbitrator, to implement arbitration under this section.~~

~~(2) The commission shall promulgate rules to establish the procedure for the selection of individuals to compose a panel of arbitrators and to provide training for arbitrators.~~

~~(3) An arbitrator acting under this section is bound by ss. 230.80 to 230.83 and 230.85 (6).~~

~~SECTION 413w. 230.87 (1) of the statutes is amended to read:~~

~~230.87 (1) Findings and orders of an arbitrator under s. 230.86 or of the commission under this subchapter are subject to judicial review under ch. 237. Upon that review, or in any enforcement action, the department of justice shall represent the arbitrator of the commission unless a conflict of interest results from that representation. A court may order payment of a prevailing appellant employee's reasonable attorney fees by a governmental unit respondent, or by a governmental unit employing a respondent who is a natural person if that governmental unit received notice and an opportunity to appear before the court.~~

SECTION 415. Chapter 233 (title) of the statutes is repealed.

SECTION 416. 233.01 of the statutes is repealed.

SECTION 417. 233.02 (intro.) of the statutes is repealed.

SECTION 418. 233.02 (1) of the statutes is repealed.

SECTION 419. 233.02 (2) of the statutes is renumbered 234.94 (1).

SECTION 420g. 233.02 (3) (intro.) and (a) of the statutes are renumbered 234.94 (2) (intro.) and (a).

SECTION 420r. 233.02 (3) (b) and (c) of the statutes are repealed.

SECTION 421. 233.02 (4) of the statutes is renumbered 234.94 (3) and amended to read:

234.94 (3) "Community development finance company" means a corporation or a limited partnership organized for profit under s. ~~233.05~~ 234.95.

SECTION 422. 233.02 (5) and (7) to (10) of the statutes are renumbered 234.94 (4) to (8).

SECTION 423. 233.03 of the statutes is repealed.

SECTION 424. 233.04 (title) of the statutes is repealed.

SECTION 425. 233.04 (1) of the statutes is repealed.

SECTION 426. 233.04 (2) (intro.) of the statutes is repealed.

SECTION 427. 233.04 (2) (a) to (c) of the statutes are repealed.

SECTION 428. 233.04 (2) (d) of the statutes is repealed.

SECTION 429. 233.04 (2) (e) of the statutes, as affected by 1987 Wisconsin Act 27, is repealed.

SECTION 430. 233.05 of the statutes is renumbered 234.95 and amended to read:

234.95 Community development finance company.

(1) ~~The authority shall create a community development finance company as a~~ is the corporation organized for profit under ch. 180, ~~or as a~~ limited partnership organized under ch. 179, ~~which was created under s. 233.05 (1), 1985 stats.~~ The chairperson of the authority, ~~or his or her designee,~~ is a director of the community development finance company. The shareholders of the community development finance company shall elect 4 other people to the company's board of directors. To the extent practicable, 3 people elected to the board of directors shall have substantial business and financial experience and one person shall represent a community development corporation. If the community development finance company is organized as a limited partnership its general partner shall, to the extent practicable, have substantial business and financial experience.

(2) The community development finance company shall issue stock or partnership interests. The community development finance company shall invest funds it receives from the sale of stock or partnership interests by purchasing capital participation instruments under s. ~~233.06~~ 234.96.

SECTION 431. 233.06 of the statutes is renumbered 234.96.

SECTION 432. 233.07 (title) of the statutes is repealed.

SECTION 433. 233.07 (1) of the statutes is renumbered 560.03 (20) and amended to read:

560.03 (20) ~~The authority shall provide~~ Provide technical assistance to community development corporations, as defined in s. 234.94 (2), and to persons who are forming community development corporations.

SECTION 434. 233.07 (2) of the statutes is repealed.

SECTION 435. 233.08 of the statutes is repealed.

SECTION 436. 233.09 of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

SECTION 437g. 234.02 (5) of the statutes is created to read:

234.02 (5) No cause of action of any nature may arise against and no civil liability may be imposed upon a member of the authority, or other officer or employe of the authority appointed by the governor, for any act or omission in the performance of his or her powers and duties under this chapter, unless the person asserting liability proves that the act or omission constitutes wilful misconduct.

SECTION 437m. 234.03 (28m) of the statutes is created to read:

234.03 (28m) To apply for and receive grants from the department of transportation for the purpose of guaranteeing loans to disadvantaged businesses as specified in the disadvantaged business mobilization assistance program under s. 85.25.

SECTION 438. 234.03 (31) of the statutes is created to read:

234.03 (31) To purchase, sell or contribute voting stock or partnership interests from the community development finance company under s. 234.95.

SECTION 439. 234.03 (32) of the statutes is created to read:

234.03 (32) To accept gifts, contributions and grants made to the authority in connection with the community development finance company, as defined in s. 234.94 (3).

SECTION 441. 234.94 (intro.) of the statutes is created to read:

234.94 Community development finance company. (intro.) In ss. 234.94 to 234.98:

SECTION 441m. 234.94 (2) (b) of the statutes is created to read:

234.94 (2) (b) A nonprofit corporation organized under ch. 181:

1. That is organized to operate within specific geographic boundaries;
2. That permits all adults residing in the area of operation to become members of the corporation and limits voting membership of persons not residing in the area to not more than 10% of the total membership;
3. That has a board of directors, a majority of whom reside in a target area or are members of a target group;
4. That makes a demonstrable effort to hire low-income or underemployed residents of the operating area;
5. Whose purpose is to promote the employment of members of a target group through projects that meet the conditions specified in s. 234.96 (1) (a) to (d);
6. That demonstrates a commitment to involving residents of target areas or members of target groups in projects; and
7. That petitions the authority for designation as a community development corporation.

SECTION 442. 234.97 of the statutes is created to read:

234.97 Sale or purchase of stock or interest. Subject to s. 234.96 (1) (h), the authority shall do all of the following:

- (1) Use any funds received from the sale of community development finance company stock or partnership interest to purchase additional stock or partnership interests.
- (2) Use funds received from contributions, gifts or grants under s. 234.03 (32) to purchase community development finance company stock or partnership interests or make grants or loans to community development corporations.

SECTION 442b. 234.98 of the statutes is created to read:

234.98 Transferred assets. The assets and liabilities transferred from the community development finance authority under 1987 Wisconsin Act (this act), sec-

tion 3011 (2) (a) shall be separate from all other assets and liabilities of the Wisconsin housing and economic development authority. The outstanding obligations or liabilities of the community development finance authority shall be paid only from the assets transferred to the Wisconsin housing and economic development authority from the community development finance authority under 1987 Wisconsin Act (this act), section 3011 (2) (a).

SECTION 442m. 236.02 (4) of the statutes is amended to read:

236.02 (4) "Department" means the department of development agriculture, trade and consumer protection.

SECTION 442p. 340.01 (18) of the statutes is renumbered 340.01 (18) (a) (intro.) and amended to read:

340.01 (18) (a) (intro.) "Farm truck" means a either of the following:

1. A motor truck having a gross weight of less than 38,000 pounds that is owned or leased and operated by a farmer and used primarily for the transportation of supplies, farm equipment and products on the owner's farm or between his or her farms, the transportation of farm products from the owner's farm to market, and the transportation of supplies to his or her farm. As used in this subsection, the term "farmer" includes persons who are engaged in those activities specified in the definition of "operation of farm premises" contained in s. 102.04 (3), provided that such activities are directly or indirectly for the purpose of producing a commodity or commodities for market, or as an accessory to such production. As used in this subsection "leased" means that the farmer has entered into a written agreement with a person in the business of leasing vehicles to lease the motor truck for a period of one year or more.

SECTION 442pm. 340.01 (18) (a) 2 of the statutes is created to read:

340.01 (18) (a) 2. A motor truck having a gross weight of 38,000 pounds or more that is owned or leased and operated by a farmer and used exclusively for the transportation of supplies, farm equipment and products on the owner's farm or between his or her farms, the transportation of farm products from the owner's farm to market, and the transportation of supplies to his or her farm.

SECTION 442pr. 340.01 (18) (b) of the statutes is created to read:

340.01 (18) (b) In this subsection, the term "farmer" includes persons who are engaged in those activities specified in the definition of "operation of farm premises" contained in s. 102.04 (3), provided that such activities are directly or indirectly for the purpose of producing a commodity or commodities for market, or as an accessory to such production. In this subsection, "leased" means that the farmer has entered into a written agreement with a person in the

business of leasing vehicles to lease the motor truck for a period of one year or more.

SECTION 442pt. 340.01 (18g) of the statutes is created to read:

340.01 (18g) "Farm truck tractor" means a truck tractor that is owned or leased and operated by a farmer as defined in sub. (18), used exclusively for the transportation of supplies, farm equipment and products on the owner's farm or between his or her farms, the transportation of farm products from the owner's farm to market and the transportation of supplies to his or her farm and is exempt from payment of the heavy vehicle use tax imposed by section 4481 of the internal revenue code. In this subsection, "leased" means that the farmer has entered into a written agreement with a person in the business of leasing vehicles to lease the truck tractor for a period of one year or more.

SECTION 442pu. 340.01 (35) of the statutes is amended to read:

340.01 (35) "Motor vehicle" means a vehicle which is self-propelled, except that a snowmobile and an all-terrain vehicle shall only be considered a motor vehicle for purposes made specifically applicable by statute.

SECTION 442pv. 341.045 of the statutes is amended to read:

341.045 Use of registered farm trucks regulated. A motor truck under s. 340.01 (18) (a) 1 registered as a farm truck under s. 341.26 (3) (a) may be used for personal and family purposes if the primary use of that motor truck is for purposes specified in s. 340.01 (18) (a) 1, except that a registered farm truck may not be used in furtherance of any nonfarm occupation, trade, profession or other employment, including commuting to or from the place of such nonfarm occupation, trade, profession or employment. A motor truck under s. 340.01 (18) (a) 2 may not be used for personal and family purposes. This section does not apply to dual purpose farm trucks registered under s. 341.26 (3) (am). Any violations of this section are subject to the penalty prescribed for violations of s. 341.04 (2).

SECTION 443. 341.14 (6) (a) of the statutes, as affected by 1987 Wisconsin Act 64, is amended to read:

341.14 (6) (a) Upon application to register an automobile or station wagon or a motor truck or dual purpose farm truck which has a gross weight of not more than 8,000 pounds by any person who was a member of any of the U.S. armed services and who was held as a prisoner of war during any of the conflicts described in s. 45.35 (5) (b) to (g) or in Grenada or Lebanon or a Middle East crisis under s. 45.34, and upon submission of a statement from the U.S. veterans administration certifying that the person was a prisoner of war during one of the conflicts described in s. 45.35 (5) (b) to (g) or in Grenada or Lebanon or a Middle East crisis under s. 45.34, the department shall issue to the person a special plate which is colored red, white and

blue and which has the words "ex-prisoner of war" placed on the plate in the manner designated by the department.

SECTION 443ac. 341.26 (3) (ar) of the statutes is created to read:

341.26 (3) (ar) For each farm truck tractor, a fee which is 25% of the fee under s. 341.25 (2) for a truck tractor having the same gross weight, determined on the basis of the maximum combined gross weight of the farm truck tractor and any trailer or semitrailer which the applicant proposes to combine with the farm truck tractor. Maximum combined gross weight shall be determined by adding together the weight in pounds of the combination of vehicles when equipped to carry a load and the maximum load in pounds which the applicant proposes to carry on the combination of vehicles.

SECTION 443ae. 341.26 (3) (b) of the statutes is amended to read:

341.26 (3) (b) For each farm trailer, a fee which is one-fourth of the fee prescribed by s. 341.25 (2) for a motor truck having the same gross weight, except that a farm trailer used with a farm truck tractor shall be registered at a fee of \$5.

~~SECTION 443ag. 343.17 (1) (a) of the statutes is amended to read:~~

~~343.17 (1) (a) The department shall issue to every applicant qualifying and who has paid the required fee a license as applied for. The license shall be in one part and consist of 2 sides. The front side shall bear a distinguishing number assigned to the licensee, the date of expiration of the license, the full name, date of birth and residence address and a brief description of the licensee, a space for the sticker under sub. (3) (a) and either a facsimile of the licensee's signature or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed, unless the facsimile signature of the licensee appears on the license. The brief description of the licensee may not include any mention of race.~~

Vetoed in Part

SECTION 443ai. 343.305 (5) (b) of the statutes, as affected by 1987 Wisconsin Acts 3 and 27, is amended to read:

343.305 (5) (b) Blood may be withdrawn from the person arrested for violation of s. 346.63 (1), (2) or (2m), ~~350.10 (3)~~ or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or a local ordinance in conformity with s. 346.63 (1) or (2m) ~~or 350.10 (3)~~, or as provided in sub. (3) (b) to determine the presence or quantity of alcohol, a controlled substance, a combination of alcohol and a controlled substance, any other drug or a combination of alcohol and any other drug in the blood only by a physician, registered nurse, medical technologist, physician's assistant or person acting under the direction of a physician.

SECTION 443an. 343.305 (6) (a) of the statutes, as affected by 1987 Wisconsin Act 3, is amended to read:

343.305 (6) (a) Blood may be withdrawn from the person arrested for violation of s. 346.63 (1), (2) or (2m), 350.10 (3) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or a local ordinance in conformity with s. 346.63 (1) or (2m) or 350.10 (3), or as provided in sub. (2) (c) to determine the presence or quantity of alcohol or controlled substance or a combination of alcohol and a controlled substance in the blood only by a physician, registered nurse, medical technologist, physician's assistant or person acting under the direction of a physician.

SECTION 443b. 343.305 (8) (e) of the statutes is created to read:

343.305 (8) (e) If the operating privilege of a person licensed as a chauffeur is administratively suspended under this subsection and the person was not driving or operating a vehicle as a chauffeur at the time of violation, his or her chauffeur's license shall not be administratively suspended under this subsection.

SECTION 443bbg. 343.31 (1) (a) of the statutes is amended to read:

343.31 (1) (a) Homicide or great bodily harm resulting from the operation of a motor vehicle and which is criminal under s. 346.62 (4), 940.06, 940.08, 940.09, 940.245 940.10 or 940.25.

Vetoed in Part

SECTION 443bc. 343.32 (2) (bg) of the statutes is created to read:

343.32 (2) (bg) The scale adopted by the secretary may not assess any demerit points for a first violation of s. 344.10 (1) (a) committed within a 12-month period but shall assess one demerit point for each subsequent violation of s. 344.10 (1) (a) committed within a 12-month period.

Vetoed in Part

SECTION 443bcb. 343.32 (2) (bt) of the statutes, as affected by 1987 Wisconsin Act 132, is amended to read:

343.32 (2) (bt) The scale adopted by the secretary may not assess any demerit points for a violation of s. 347.48 (3m) (b), (c) or (d) or (4) (a). This paragraph does not apply after June 30 February 1, 1989, or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population, whichever is earlier.

SECTION 443ber. 343.32 (2) (bu) of the statutes, as created by 1987 Wisconsin Act 132, is amended to read:

343.32 (2) (bu) The scale adopted by the secretary may not assess any demerit points for a violation of s. 347.48 (4) (a). This paragraph applies after June 30 February 1, 1989, or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that

state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population, whichever is earlier.

Vetoed in Part

SECTION 443c. 344.10 of the statutes is created to read:

Vetoed in Part

344.10 Compulsory financial responsibility; limits and penalties. (1) (a) No person may operate a motor vehicle registered under ch. 341 or required to be registered under ch. 341 unless the owner or operator has in effect a motor vehicle liability policy or bond for the motor vehicle, which meets the requirements under s. 344.15, insuring against loss resulting from liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the motor vehicle.

(am) 1. No person charged with violating par. (a) may be convicted if he or she produces proof that he or she was in compliance with par. (a) or that the requirements of par. (a) did not apply to him or her at the time of the arrest. Such proof may be produced either at the time of the person's appearance in court in response to the uniform traffic citation, or in the office of the arresting officer within 30 days after the date of issuance of the uniform traffic citation.

2. Proof of compliance with par. (a) may be evidenced by display of the motor vehicle policy or bond in effect for the motor vehicle under s. 344.15; a copy of that policy or bond or an identification card issued to the person by the insurer indicating that the policy or bond is in effect or by display of a certificate of insurance under s. 344.31 or a copy of that certificate.

3. The department shall promulgate a rule specifying the form of proof which may be displayed by a person under par. (b) to show that the requirements under par. (a) do not apply to him or her.

(b) Paragraph (a) does not apply to:

1. Any person operating a vehicle owned by a self-insurer under s. 344.16 if operating with the owner's permission.

2. Any person operating a vehicle insured as required by s. 121.53, 194.41 or 194.42 if operating with the owner's permission.

3. Any person who has on deposit money or security as proof of financial responsibility as provided under sub. (2) or to any person operating a vehicle owned by the person who has deposited money or security if operating with the owner's permission.

4. The operator of a vehicle owned by or leased to the United States, this state or any county or municipality of this state if operating with the owner's or lessee's permission.

(2) (a) Proof of financial responsibility may be evidenced by a deposit with the secretary by a person of \$60,000 in cash, or in securities which may legally be

Vetoed
in Part

Vetoed
in Part

purchased by savings banks or for trust funds of a market value of \$60,000. The secretary shall not accept a deposit under this subsection unless the deposit is accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(h) Deposits made under this subsection shall be held by the secretary to satisfy, in accordance with this chapter, any execution on a judgment issued against the person making the deposit, for damages resulting from the ownership, maintenance, use or operation of a motor vehicle after the deposit was made, including damages for care and for loss of services because of bodily injury to or death of any person and damages because of injury to or destruction of property and the consequent loss of use thereof. Money or securities so deposited are not subject to attachment or execution unless the attachment or execution arises out of a suit for damages as set forth in this paragraph.

(2m) Notwithstanding s. 349.02, a traffic officer may not stop a vehicle solely to determine compliance with sub. (1) (a). This subsection does not limit the authority of a traffic officer to issue a citation for a violation of sub. (1) (a) observed in the course of a stop made for other purposes.

(3) The department shall include with each operator's license issued under ch. 343 notification of the requirements and penalties under this section and s. 343.32 (2) (bg).

(4) Any person who violates sub. (1) (a) may be required to forfeit not less than \$30 nor more than \$300.

SECTION 443cb. 344.14 (3) of the statutes is amended to read:

344.14(3) A suspension for failing to deposit security under sub. (1) shall suspend only the operator's license and operating privileges thereunder and shall not suspend a person's chauffeur's license or his or her operating privilege thereunder when operating a vehicle subject to the requirements of s. 194.41 or 194.42 or a vehicle owned by or leased to the United States, this state or any county or municipality of this state.

SECTION 443ce. 344.15 (1) of the statutes is amended to read:

344.15 (1) No policy or bond is effective under s. 344.10 or 344.14 unless issued by an insurer authorized to do an automobile motor vehicle liability or surety business in this state, except as provided in sub. (2), or unless the policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$25,000 because of bodily injury to or death of one person in any one accident and, subject to that limit for one person, to a limit of not less than \$50,000 because of bodily injury to or death of 2 or more persons in any one accident and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$10,000 because of injury to or destruction of property of others in any one accident.

SECTION 443cg. 344.15 (2) (intro.) of the statutes is amended to read:

344.15 (2) (intro.) A policy or bond with respect to a vehicle which was not registered in this state or was registered elsewhere at the time of the effective date of the policy or bond or the most recent renewal thereof may be effective under s. 344.10 or 344.14 even though not issued by an insurer authorized to do an automobile motor vehicle liability or surety business in this state if the following conditions are complied with:

SECTION 443cj. 344.18 (1) (intro.) of the statutes as amended by 1987 Wisconsin Act 3, is amended to read:

344.18 (1) (intro.) Any operating privilege or registration suspended as provided in s. 344.14 shall remain suspended and shall not be renewed or reinstated until the fee required under s. 343.21 (1) (j) has been paid and one of the following requirements under pars. (a) to (d) has been met and the requirements of sub. (1m) are satisfied. Any registration suspended as provided in s. 344.14 shall remain suspended and may not be renewed or reinstated until one of the following requirements has been met:

SECTION 443cm. 344.18 (1m) of the statutes is created to read:

344.18 (1m) Unless 3 years have elapsed since the date that a requirement under sub. (1) (a), (b), (c) or (d) has been met, the person whose operating privilege was suspended shall file with the department proof of financial responsibility in the amount, form and manner specified in this chapter. The person shall maintain the proof of financial responsibility at all times for 3 years following reinstatement or renewal of the license while the license is in effect.

SECTION 443cn. 344.24 of the statutes is amended to read:

344.24 Applicability of sections relating to proof of financial responsibility for the future. Sections 344.29 to 344.41 are applicable in all cases in which a person is required to deposit proof of financial responsibility for the future, including those cases in which a person is required to deposit proof of financial responsibility for the future under ss. 344.25 to 344.27, those cases in which the deposit of proof of financial responsibility for the future is a condition precedent to reinstatement of an operating privilege suspended under s. 344.14 and those cases in which the deposit of proof of financial responsibility for the future is a condition precedent to reinstatement of an operating privilege revoked pursuant to under ch. 343.

SECTION 443cq. 344.29 of the statutes is amended to read:

344.29 Proof of financial responsibility for the future required. Proof of financial responsibility for the future shall be furnished by any person required to give such proof under ss. 344.25 to 344.27, in those cases in which the deposit of proof of financial responsibility for the future is a condition precedent to reinstatement of an operating privilege suspended under s.

Vetoed
in Part

~~344.14 and in those cases in which the deposit of proof of financial responsibility for the future is a condition precedent to reinstatement of an operating privilege revoked under ch. 343.~~

~~SECTION 443cr. 344.33 (1) of the statutes is amended to read:~~

~~344.33(1) CERTIFICATION. In this chapter ss. 344.30 to 344.34, 'motor vehicle liability policy' means a motor vehicle policy of liability insurance, certified as provided in s. 344.31 or 344.32 as proof of financial responsibility for the future, and issued, except as otherwise provided in s. 344.32, by an insurer authorized to do an automobile a motor vehicle liability business in this state to or for the benefit of the person named in the policy as the insured.~~

~~SECTION 443cs. 344.35 of the statutes is amended to read:~~

~~344.35 (title) Section 344.33 not to affect other policies. (1) This chapter Section 344.33 does not apply to or affect policies of automobile motor vehicle insurance against liability which may now or hereafter be required by any other law of this state. If such policies contain an agreement or are endorsed to conform to the requirements of this chapter s. 344.33, they may be certified as proof of financial responsibility under this chapter.~~

~~(2) This chapter Section 344.33 does not apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his or her behalf of motor vehicles not owned by the insured.~~

~~SECTION 443ct. 344.37 (1) of the statutes is amended to read:~~

~~344.37 (1) Proof of financial responsibility for the future may be evidenced by a deposit with the secretary by the person of ~~\$35,000~~ \$60,000 in cash, or in securities such as may legally be purchased by savings banks or for trust funds of a market value of ~~\$35,000~~ \$60,000. The secretary shall not accept any such deposit unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.~~

~~SECTION 443d. 345.225 of the statutes, as created by 1987 Wisconsin Act 132, is repealed.~~

~~SECTION 443g. 345.26 (1) (b) 1 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

~~345.26 (1) (b) 1. If the person fails to appear in court at the time fixed in the citation, the person will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 165.87, and a jail assessment, if required by s. 53.46 (1), plus any applicable fees prescribed in ~~ss. 814.63 (1) and (2), 814.635 and 814.65 (1)~~ ch. 814, not to exceed the amount of the deposit which the court may accept as provided in s. 345.37; or~~

SECTION 443j. 345.26 (2) (b) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include court costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and (2), 814.635 and 814.65 (1)~~ ch. 814, any applicable penalty assessment and any applicable jail assessment.

SECTION 443k. 345.27 (1) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

345.27 (1) If a person is issued a citation for a violation of a traffic regulation, the person may make a stipulation of no contest and deposit in accordance with the schedule established under s. 345.26 (2) (a) at the office of the clerk of court, sheriff, or city, village or town police department or a precinct station, headquarters of the county traffic patrol, district headquarters or station of the state traffic patrol, or the office of the municipal judge in the county in which the citation was issued as designated by the arresting officer or the person may mail the stipulation and deposit to the place designated by the arresting officer. The deposit shall include the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 53.46 (1) and court costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and (2), 814.635 and 814.65 (1)~~ ch. 814. The stipulation shall be received within 10 days of the date of the alleged violation. The person who has mailed or filed a stipulation under this subsection may, however, appear in court on the court appearance date. If a person appears in court after making a stipulation, s. 345.37 (3) applies. Stipulations are not permitted for violations of ss. 346.62 (1) and 346.63 (1) or a local ordinance which is in conformity therewith.

SECTION 443kg. 345.27 (1) of the statutes, as affected by 1987 Wisconsin Acts 27 and (this act), is repealed and recreated to read:

345.27 (1) If a person is issued a citation for a violation of a traffic regulation, the person may make a stipulation of no contest and deposit in accordance with the schedule established under s. 345.26 (2) (a) at the office of the clerk of court, sheriff, or city, village or town police department or a precinct station, headquarters of the county traffic patrol, district headquarters or station of the state traffic patrol, or the office of the municipal judge in the county in which the citation was issued as designated by the arresting officer or the person may mail the stipulation and deposit to the place designated by the arresting officer. The deposit shall include the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 53.46 (1) and court costs, including any applicable fees prescribed in ch. 814. The stipulation shall be received within 10 days of the date of the alleged violation. The person who has mailed or filed a stipulation under this subsection may, however, appear in court on the court appearance date. If a person appears in court after

making a stipulation, s. 345.37 (3) applies. Stipulations are not permitted for violations of ss. 346.62 (2) and 346.63 (1) or a local ordinance which is in conformity therewith.

SECTION 443L. 345.37 (2) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 165.87, and a jail assessment, if required by s. 53.46 (1), plus costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and (2), 814.635 and 814.65 (1) ch. 814,~~ not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons under ch. 968. If the defendant fails to appear in response to the summons, the court shall issue a warrant under ch. 968. If the court accepts the plea of no contest, the defendant may move within 6 months after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty upon a showing to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If on reopening, the defendant is found not guilty the court shall immediately notify the department to delete the record of conviction based on the original proceeding and shall order the defendant's deposit returned.

SECTION 443Lgg. 346.62 of the statutes is repealed and recreated to read:

346.62 Reckless driving. (1) In this section:

- (a) "Bodily harm" has the meaning designated in s. 939.22 (4).
- (b) "Great bodily harm" has the meaning designated in s. 939.22 (14).
- (c) "Negligent" has the meaning designated in s. 939.25 (2).
- (d) "Vehicle" has the meaning designated in s. 939.22 (44).

(2) No person may endanger the safety of any person or property by the negligent operation of a vehicle.

(3) No person may cause bodily harm to another by the negligent operation of a vehicle.

(4) No person may cause great bodily harm to another by the negligent operation of a vehicle.

SECTION 443Lgm. 346.65 (1) of the statutes is amended to read:

346.65 (1) Any person violating s. 346.62 ~~(+)~~ (2) may be required to forfeit not less than \$25 nor more than \$200 for the first offense and, for the 2nd or subsequent violation of s. 346.62 ~~(+)~~ (2) within 4 years may be fined not less than \$50 nor more than \$500 or imprisoned not more than one year in county jail or both.

SECTION 443Lgp. 346.65 (3) of the statutes is amended to read:

346.65 (3) Any person violating s. 346.62 ~~(2)~~ (3) or 346.63 (2) shall be fined not less than \$300 nor more than \$2,000 and may be imprisoned not less than 30 days nor more than one year in the county jail.

SECTION 443Lgr. 346.65 (5) of the statutes is created to read:

346.65 (5) Any person violating s. 346.62 (4) shall be fined not less than \$600 nor more than \$2,000 and may be imprisoned for not less than 90 days nor more than 18 months.

SECTION 443m. 346.655 (1) of the statutes, as affected by 1987 Wisconsin Acts 3 and 27, is amended to read:

346.655 (1) On or after ~~October 1, 1985~~ July 1, 1988, if a court imposes a fine or a forfeiture for a violation of s. 346.63 (1), or a local ordinance in conformity therewith, or s. 346.63 (2) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver improvement surcharge in an amount of ~~\$200~~ \$250 in addition to the fine or forfeiture, penalty assessment and jail assessment.

~~SECTION 443mn. 346.73 (2) of the statutes is renumbered 346.73 and amended to read:~~

~~346.73 Accident reports not to be used in trial. Notwithstanding s. 346.70 (4) (f), written accident reports required to be filed with the department or with a county or municipal authority shall not be used as evidence in any judicial trial, civil or criminal, arising out of an accident, except that such reports may be used as evidence in a trial for a violation of s. 344.10 and in any administrative proceeding conducted by the department. The department shall furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.~~

**Vetoed
in Part**

SECTION 443n. 347.48 (2m) (dm) of the statutes, as created by 1987 Wisconsin Act 132, is amended to read:

347.48 (2m) (dm) Paragraphs (b) ~~and~~, (c) and (d) do not apply to the operation of an authorized emergency vehicle by a law enforcement officer or other authorized operator under circumstances in which compliance could endanger the safety of the operator or another.

SECTION 443o. 347.48 (2m) (dr) of the statutes, as created by 1987 Wisconsin Act 132, is amended to read:

347.48 (2m) (dr) Paragraph (b) does not apply to the operator of a vehicle while on a route which requires the operator to make more than 10 stops per mile involving an exit from the vehicle in the scope of his or her employment. ~~Paragraph (d) does~~ Paragraphs (c) and (d) do not apply to a passenger while on a route which requires the passenger to make more

than 10 stops per mile involving an exit from the vehicle in the scope of his or her employment.

SECTION 443p. 347.48 (2m) (gm) of the statutes, as created by 1987 Wisconsin Act 132, is amended to read:

347.48 (2m) (gm) Notwithstanding s. 349.02, a law enforcement officer may not stop or inspect a vehicle solely to determine compliance with this subsection or sub. (1) or (2). This paragraph does not limit the authority of a law enforcement officer to issue a citation for a violation of this subsection or sub. (1) or (2) observed in the course of a stop or inspection made for other purposes, except that a law enforcement officer may not take a person into physical custody solely for a violation of this subsection or sub. (1) or (2).

Vetoed in Part

SECTION 443pc. 347.48 (2m) (h) of the statutes, as created by 1987 Wisconsin Act 132, is amended to read:

347.48 (2m) (h) This subsection does not apply after June 30 February 1, 1989, or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population, whichever is earlier.

SECTION 443pe. 347.48 (3) of the statutes, as affected by 1987 Wisconsin Act 132, is amended to read:

347.48 (3) **MANDATORY USE BY RULE PROHIBITED.** Except as provided under sub. (4) (a) 2, the department may not, by rule, require directly or indirectly the wearing of safety belts or shoulder harnesses. This subsection applies after June 30 February 1, 1989, or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population, whichever is earlier.

SECTION 443pk. 347.50 (1) of the statutes, as affected by 1987 Wisconsin Act 132, is amended to read:

347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.415 (1), (2) and (3) to (5) or s. 347.48 (2m) or (4) (a) or s. 347.489, may be required to forfeit not less than \$10 nor more than \$200. This subsection does not apply after June 30 February 1, 1989, or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49

CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population, whichever is earlier.

Vetoed in Part

SECTION 443pm. 347.50 (1m) and (2m) (c) of the statutes, as created by 1987 Wisconsin Act 132, are amended to read:

347.50 (1m) Any person violating ss. 347.35 to 347.49, except s. 347.415 (1), (2) and (3) to (5) or s. 347.48 (4) (a) or s. 347.489, may be required to forfeit not less than \$10 nor more than \$200. This subsection applies after June 30 February 1, 1989, or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population, whichever is earlier.

(2m) (c) This subsection does not apply after June 30 February 1, 1989, or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population, whichever is earlier.

SECTION 443q. 349.02 of the statutes, as affected by 1987 Wisconsin Act 34, is amended to read:

349.02 Police and traffic officers to enforce law. It is the duty of the police, sheriff's and traffic departments of every unit of government and each authorized department of the state to enforce chs. 346 to 348 and 350. ~~A police officer, sheriff or deputy sheriff who is employed by a unit of government whose boundary is a highway shall enforce chs. 346 to 348 and 350 on the entire width of such a highway and on the entire intersection of such a highway and a highway located in an adjacent jurisdiction.~~ Police officers, sheriffs, deputy sheriffs and traffic officers are authorized to direct all traffic within their respective jurisdictions either in person or by means of visual or audible signal in accordance with chs. 346 to 348 and 350. In the event of fire or other emergency, police officers, sheriffs, deputy sheriffs and traffic officers and officers of the fire department may direct traffic as conditions may require notwithstanding the provisions of chs. 346 to 348 and 350.

SECTION 443qc. 350.01 (1i) of the statutes is created to read:

350.01 (1i) "Approved public treatment facility" has the meaning specified under s. 51.45 (2) (c).

SECTION 443qe. 350.01 (9) to (9w) of the statutes are created to read:

350.01 (9) "Intoxicant" means any alcohol beverage, controlled substance or other drug or any combination thereof.

(9c) "Intoxicated snowmobiling law" means s. 350.101 (1) or a local ordinance in conformity therewith, s. 350.101 (2) or, if the operation of a snowmobile is involved, s. 940.09 or 940.25.

(9g) "Law enforcement officer" has the meaning specified under s. 165.85 (2) (c) and includes a person appointed as a conservation warden by the department under s. 23.10 (1).

(9r) "Operation of a snowmobile" means controlling the speed or direction of a snowmobile.

(9w) "Operator" means a person who is engaged in the operation of a snowmobile, who is responsible for the operation of a snowmobile or who is supervising the operation of a snowmobile.

SECTION 443qf. 350.01 (10g) and (10r) of the statutes are created to read:

350.01 (10g) "Purpose of authorized analysis" means for the purpose of determining or obtaining evidence of the presence, quantity or concentration of any intoxicant in a person's blood, breath or urine.

(10r) "Refusal law" means s. 350.104 (5) or a local ordinance in conformity therewith.

SECTION 443qh. 350.01 (21) of the statutes is created to read:

350.01 (21) "Test facility" means a test facility or agency prepared to administer tests under s. 343.305 (1).

SECTION 443qk. 350.055 of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

350.055 Safety certification program established. The department shall establish a program of instruction on snowmobile laws, including the intoxicated snowmobiling law, regulations, safety and related subjects. The program shall be conducted by instructors certified by the department. The department may procure liability insurance coverage for certified instructors for work within the scope of their duties under this section. Persons satisfactorily completing this program shall receive certification from the department. The department may charge each person who enrolls in the course an instruction fee of \$5. The department shall authorize instructors conducting such courses meeting standards established by it to retain \$1 of the fee to defray expenses incurred locally to operate the program. The remaining \$4 of the fee shall be retained by the department to defray a part of its expenses incurred to operate the safety and accident reporting program. A person over the age of 12 years but under the age of 16 years who holds a valid certificate issued by another state or province of the Dominion of Canada need not obtain a certificate from the department if the course content of the program in such other state or province substantially

meets that established by the department under this section.

SECTION 443qL. 350.08 of the statutes is amended to read:

350.08 Owner permitting operation. No owner or other person having charge or control of a snowmobile may knowingly authorize or permit any person to operate the snowmobile if the person is prohibited from operating a snowmobile under s. 350.05, if the person is incapable of operating a snowmobile because of physical or mental disability or if the person is under the influence of ~~alcohol beverages or controlled substances or a combination thereof, under the influence of any other drug to a degree which renders him or her incapable of safely operating a snowmobile, or under the combined influence of alcohol beverages and any other drug to a degree which renders him or her incapable of safely operating a snowmobile~~ an intoxicant.

SECTION 443qm. 350.10 (3) of the statutes is repealed.

SECTION 443qp. 350.101 to 350.108 of the statutes are created to read:

350.101 Intoxicated snowmobiling. (1) OPERATION. (a) *Operating while under the influence of an intoxicant.* No person may engage in the operation of a snowmobile while under the influence of an intoxicant to a degree which renders him or her incapable of safe snowmobile operation.

(b) *Operating with alcohol concentrations at or above specified levels.* No person may engage in the operation of a snowmobile while the person has a blood alcohol concentration of 0.1% or more by weight of alcohol in his or her blood. No person may engage in the operation of a snowmobile while the person has 0.1 grams or more of alcohol in 210 liters of his or her breath.

(c) *Operating with alcohol concentrations at specified levels; below age 19.* If a person has not attained the age of 19, the person may not engage in the operation of a snowmobile while he or she has a blood alcohol concentration of more than 0.0% but not more than 0.1% by weight of alcohol in his or her blood or more than 0.0 grams but not more than 0.1 grams of alcohol in 210 liters of his or her breath.

(d) *Related charges.* A person may be charged with and a prosecutor may proceed upon a complaint based upon a violation of par. (a) or (b) or both for acts arising out of the same incident or occurrence. If the person is charged with violating both pars. (a) and (b), the offenses shall be joined. If the person is found guilty of both pars. (a) and (b) for acts arising out of the same incident or occurrence, there shall be a single conviction for purposes of sentencing and for purposes of counting convictions under s. 350.11 (3) (a) 2 and 3. Paragraphs (a) and (b) each require proof of a fact for conviction which the other does not require.

(2) CAUSING INJURY. (a) *Causing injury while under the influence of an intoxicant.* No person while under

the influence of an intoxicant to a degree which renders him or her incapable of safe snowmobile operation may cause injury to another person by the operation of a snowmobile.

(b) *Causing injury with alcohol concentrations at or above specified levels.* No person who has a blood alcohol concentration of 0.1% or more by weight of alcohol in his or her blood may cause injury to another person by the operation of a snowmobile. No person who has 0.1 grams or more of alcohol in 210 liters of his or her breath may cause injury to another person by the operation of a snowmobile.

(c) *Related charges.* A person may be charged with and a prosecutor may proceed upon a complaint based upon a violation of par. (a) or (b) or both for acts arising out of the same incident or occurrence. If the person is charged with violating both pars. (a) and (b) in the complaint, the crimes shall be joined under s. 971.12. If the person is found guilty of both pars. (a) and (b) for acts arising out of the same incident or occurrence, there shall be a single conviction for purposes of sentencing and for purposes of counting convictions under s. 350.11 (3) (a) 2 and 3. Paragraphs (a) and (b) each require proof of a fact for conviction which the other does not require.

(d) *Defenses.* In an action under par. (a), the defendant has a defense if it appears by a preponderance of the evidence that the injury would have occurred even if the defendant was not under the influence of an intoxicant. In an action under par. (b), the defendant has a defense if it appears by a preponderance of the evidence that the injury would have occurred even if the defendant did not have a blood alcohol concentration of 0.1% or more by weight of alcohol in his or her blood. In an action under par. (b), the defendant has a defense if it appears by a preponderance of the evidence that the injury would have occurred even if he or she did not have 0.1 grams or more of alcohol in 210 liters of his or her breath.

350.102 Preliminary breath screening test. (1) **REQUIREMENT.** A person shall provide a sample of his or her breath for a preliminary breath screening test if a law enforcement officer has probable cause to believe that the person is violating or has violated the intoxicated snowmobiling law and if, prior to an arrest, the law enforcement officer requested the person to provide this sample.

(2) **USE OF TEST RESULTS.** A law enforcement officer may use the results of a preliminary breath screening test for the purpose of deciding whether or not to arrest a person for a violation of the intoxicated snowmobiling law or for the purpose of deciding whether or not to request a chemical test under s. 350.104. Following the preliminary breath screening test, chemical tests may be required of the person under s. 350.104.

(3) **ADMISSIBILITY.** The result of a preliminary breath screening test is not admissible in any action or proceeding except to show probable cause for an

arrest, if the arrest is challenged, or to show that a chemical test was properly required of a person under s. 350.104.

(4) **REFUSAL.** There is no penalty for a violation of sub. (1). Section 350.11 (1) and the general penalty provision under s. 939.61 do not apply to that violation.

350.1025 Application of intoxicated snowmobiling law. In addition to being applicable upon highways, the intoxicated snowmobiling law is applicable upon all premises held out to the public for use of their snowmobiles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof.

350.103 Implied consent. Any person who engages in the operation of a snowmobile upon the public highways of this state, or in those areas enumerated in s. 350.1025, is deemed to have given consent to provide one or more samples of his or her breath, blood or urine for the purpose of authorized analysis as required under s. 350.104. Any person who engages in the operation of a snowmobile within this state is deemed to have given consent to submit to one or more chemical tests of his or her breath, blood or urine for the purpose of authorized analysis as required under s. 350.104.

350.104 Chemical tests. (1) **REQUIREMENT.** (a) *Samples; submission to tests.* A person shall provide one or more samples of his or her breath, blood or urine for the purpose of authorized analysis if he or she is arrested for a violation of the intoxicated snowmobiling law and if he or she is requested to provide the sample by a law enforcement officer. A person shall submit to one or more chemical tests of his or her breath, blood or urine for the purpose of authorized analysis if he or she is arrested for a violation of the intoxicated snowmobiling law and if he or she is requested to submit to the test by a law enforcement officer.

(b) *Information.* A law enforcement officer requesting a person to provide a sample or to submit to a chemical test under par. (a) shall inform the person of all of the following at the time of the request and prior to obtaining the sample or administering the test:

1. That he or she is deemed to have consented to tests under s. 350.103.

2. That a refusal to provide a sample or to submit to a chemical test constitutes a violation under sub. (5) and is subject to the same penalties and procedures as a violation of s. 350.101 (1) (a).

3. That in addition to the designated chemical test under sub. (2) (b), he or she may have an additional chemical test under sub. (3) (a).

(c) *Unconscious person.* A person who is unconscious or otherwise not capable of withdrawing consent is presumed not to have withdrawn consent under this subsection, and if a law enforcement officer has probable cause to believe that the person violated the

intoxicated snowmobiling law, one or more chemical tests may be administered to the person without a request under par. (a) and without providing information under par. (b).

(2) CHEMICAL TESTS. (a) *Test facility.* Upon the request of a law enforcement officer, a test facility shall administer a chemical test of breath, blood or urine for the purpose of authorized analysis. A test facility shall be prepared to administer 2 of the 3 chemical tests of breath, blood or urine for the purpose of authorized analysis. The department may enter into agreements for the cooperative use of test facilities.

(b) *Designated chemical test.* A test facility shall designate one chemical test of breath, blood or urine which it is prepared to administer first for the purpose of authorized analysis.

(c) *Additional chemical test.* A test facility shall specify one chemical test of breath, blood or urine, other than the test designated under par. (b), which it is prepared to administer for the purpose of authorized analysis as an additional chemical test.

(d) *Validity; procedure.* A chemical test of blood or urine conducted for the purpose of authorized analysis is valid as provided under s. 343.305 (10). The duties and responsibilities of the laboratory of hygiene, department of health and social services and department of transportation under s. 343.305 (10) apply to a chemical test of blood or urine conducted for the purpose of authorized analysis under this section. Blood may be withdrawn from a person arrested for a violation of the intoxicated snowmobiling law only by a physician, registered nurse, medical technologist, physician's assistant or person acting under the direction of a physician and the person who withdraws the blood, the employer of that person and any hospital where blood is withdrawn have immunity from civil or criminal liability as provided under s. 895.53.

(e) *Report.* A test facility which administers a chemical test of breath, blood or urine for the purpose of authorized analysis under this section shall prepare a written report which shall include the findings of the chemical test, the identification of the law enforcement officer or the person who requested a chemical test and the identification of the person who provided the sample or submitted to the chemical test. The test facility shall transmit a copy of the report to the law enforcement officer and the person who provided the sample or submitted to the chemical test.

(3) ADDITIONAL AND OPTIONAL CHEMICAL TESTS. (a) *Additional chemical test.* If a person is arrested for a violation of the intoxicated snowmobiling law or is the operator of a snowmobile involved in an accident resulting in great bodily harm to or the death of someone and if the person is requested to provide a sample or to submit to a test under sub. (1) (a), the person may request the test facility to administer the additional chemical test specified under sub. (2) (c) or, at

his or her own expense, reasonable opportunity to have any qualified person administer a chemical test of his or her breath, blood or urine for the purpose of authorized analysis.

(b) *Optional test.* If a person is arrested for a violation of the intoxicated snowmobiling law and if the person is not requested to provide a sample or to submit to a test under sub. (1) (a), the person may request the test facility to administer a chemical test of his or her breath or, at his or her own expense, reasonable opportunity to have any qualified person administer a chemical test of his or her breath, blood or urine for the purpose of authorized analysis. If a test facility is unable to perform a chemical test of breath, the person may request the test facility to administer the designated chemical test under sub. (2) (b) or the additional chemical test under sub. (2) (c).

(c) *Compliance with request.* A test facility shall comply with a request under this subsection to administer any chemical test it is able to perform.

(d) *Inability to obtain chemical test.* The failure or inability of a person to obtain a chemical test at his or her own expense does not preclude the admission of evidence of the results of a chemical test required and administered under subs. (1) and (2).

(4) ADMISSIBILITY; EFFECT OF TEST RESULTS; OTHER EVIDENCE. The results of a chemical test required or administered under sub. (1), (2) or (3) are admissible in any civil or criminal action or proceeding arising out of the acts committed by a person alleged to have violated the intoxicated snowmobiling law on the issue of whether the person was under the influence of an intoxicant or the issue of whether the person had alcohol concentrations at or above specified levels. Results of these chemical tests shall be given the effect required under s. 885.235. This section does not limit the right of a law enforcement officer to obtain evidence by any other lawful means.

(5) REFUSAL. No person may refuse a lawful request to provide one or more samples of his or her breath, blood or urine or to submit to one or more chemical tests under sub. (1). A person shall not be deemed to refuse to provide a sample or to submit to a chemical test if it is shown by a preponderance of the evidence that the refusal was due to a physical inability to provide the sample or to submit to the test due to a physical disability or disease unrelated to the use of an intoxicant. Issues in any action concerning violation of sub. (1) or this subsection are limited to:

(a) Whether the law enforcement officer had probable cause to believe the person was violating or had violated the intoxicated snowmobiling law.

(b) Whether the person was lawfully placed under arrest for violating the intoxicated snowmobiling law.

(c) Whether the law enforcement officer requested the person to provide a sample or to submit to a chemical test and provided the information required under sub. (1) (b) or whether the request and information was unnecessary under sub. (1) (c).

(d) Whether the person refused to provide a sample or to submit to a chemical test.

350.106 Report arrest to department. If a law enforcement officer arrests a person for a violation of the intoxicated snowmobiling law or the refusal law, the law enforcement officer shall notify the department of the arrest as soon as practicable.

350.107 Officer's action after arrest for operating a snowmobile while under influence of intoxicant. A person arrested for a violation of s. 350.101 (1) (a) or (b) or a local ordinance in conformity therewith or s. 350.101 (2) (a) or (b) may not be released until 12 hours have elapsed from the time of his or her arrest or unless a chemical test administered under s. 350.104 (1) (a) shows that there is 0.05% or less by weight of alcohol in the person's blood or 0.05 grams or less of alcohol in 210 liters of the person's breath, but the person may be released to his or her attorney, spouse, relative or other responsible adult at any time after arrest.

350.108 Public education program. (1) The department shall promulgate rules to provide for a public education program to:

(a) Inform snowmobile operators of the prohibitions and penalties included in the intoxicated snowmobiling law. The snowmobile recreational council may assist the department in developing the public education program.

(b) Provide for the development of signs briefly explaining the intoxicated snowmobiling law.

(2) The department shall develop and issue an educational pamphlet on the intoxicated snowmobiling law to be distributed, beginning in 1989, to persons issued snowmobile registration certificates.

SECTION 443qr. 350.11 of the statutes is renumbered 350.11 (1) and amended to read:

350.11 (1) ~~Any~~ Except as provided in subs. (2) and (3), ~~any~~ person who violates any provision of this chapter ~~except ss. 350.07, 350.08 and 350.10 (3)~~ shall forfeit not more than \$250.

(2) Any person who violates s. 350.07, ~~or~~ 350.08 ~~or~~ 350.10 (3) shall forfeit not more than \$200.

SECTION 443qs. 350.11 (3) of the statutes is created to read:

350.11 (3) (a) *Penalties related to prohibited operation of a snowmobile; intoxicants; refusal.* 1. Except as provided under subs. 2 and 3, a person who violates s. 350.101 (1) (a) or (b) or s. 350.104 (5) shall forfeit not less than \$150 nor more than \$300.

2. Except as provided under subd. 3, a person who violates s. 350.101 (1) (a) or (b) or 350.104 (5) and who, within 5 years prior to the arrest for the current violation, was convicted previously under the intoxicated snowmobiling law or the refusal law shall be fined not less than \$300 nor more than \$1,000 and shall be imprisoned not less than 5 days nor more than 6 months.

3. A person who violates s. 350.101 (1) (a) or (b) or 350.104 (5) and who, within 5 years prior to the arrest for the current violation, was convicted 2 or more times previously under the intoxicated snowmobiling law or refusal law shall be fined not less than \$600 nor more than \$2,000 and shall be imprisoned not less than 30 days nor more than one year in the county jail.

4. A person who violates s. 350.101 (1) (c) or 350.104 (5) and who has not attained the age of 19 shall forfeit not more than \$50.

(b) *Penalties related to causing injury; intoxicants.* A person who violates s. 350.101 (2) shall be fined not less than \$300 nor more than \$2,000 and may be imprisoned not less than 30 days nor more than one year in the county jail.

(bm) *Sentence of detention.* The legislature intends that courts use the sentencing option under s. 973.03 (4) whenever appropriate for persons subject to par. (a) 2 or 3 or (b). The use of this option can result in significant cost savings for the state and local governments.

(c) *Calculation of previous convictions.* In determining the number of previous convictions under par. (a) 2 and 3, convictions arising out of the same incident or occurrence shall be counted as one previous conviction.

(cm) *Reporting convictions to the department.* Whenever a person is convicted of a violation of the intoxicated snowmobiling law, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate of a court not having a clerk, shall forward to the department the record of such conviction. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense.

(d) *Alcohol or controlled substances; assessment.* In addition to any other penalty or order, a person who violates s. 350.101 (1) or (2) or 350.104 (5) or who violates s. 940.09 or 940.25 if the violation involves the operation of a snowmobile, shall be ordered by the court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol or controlled substances. The assessment order shall comply with s. 343.30 (1q) (c) 1. a to c. Intentional failure to comply with an assessment ordered under this paragraph constitutes contempt of court, punishable under ch. 785.

SECTION 443qx. 350.12 (4) (b) 3 of the statutes is amended to read:

350.12 (4) (b) 3. Not more than \$30,000 for a route signing program of aids to cities, villages or towns of up to 100% of the cost of initial signing of snowmobile routes which connect authorized trails or which offer entrance to or exit from trails leading to such municipalities. Aid may be provided under this subdivision to cities, villages, towns and counties for up to 100% of the cost of placing signs developed under s. 350.108 (1) (b) which briefly explain the intoxicated snowmo-

billing law along snowmobile routes. Applications and documentation shall be submitted to the department by April 15 of each year on forms prescribed by departmental rule.

SECTION 443qy. 351.02 (1) (a) 1 of the statutes is amended to read:

351.02 (1) (a) 1. Homicide under s. 940.06, ~~940.08 or 940.09~~ or 940.10 involving the use of a vehicle.

SECTION 443r. 403.806 of the statutes is amended to read:

403.806 Liability for worthless check or draft. Any person who issues a check or other draft which is not honored upon presentment, because the drawer does not have an account with the drawee or because the drawer does not have sufficient funds in his or her account or sufficient credit with the drawee, is liable for all reasonable costs and expenses in connection with the collection of the amount for which such check or draft was written, except recovery is not permitted under this section if a person licensed under s. 138.09 or any other person collected or could have collected a charge for that check or other draft under s. 422.202 (1) (d) or (2m) (cm).

SECTION 443s. 422.202 (1) (d) of the statutes is created to read:

422.202 (1) (d) With respect to a consumer credit transaction which is other than one pursuant to an open-end credit plan and which is entered into on or after the effective date of this paragraph [revisor inserts date], a charge not to exceed \$10 for each check presented for payment to a creditor which is returned unsatisfied because the drawer does not have an account with the drawee, does not have sufficient funds in his or her account or does not have sufficient credit with the drawee.

SECTION 443t. 422.202 (2m) (intro.) of the statutes is amended to read:

422.202 (2m) (intro.) Except as provided in pars. (a) to ~~(e)~~ (cm), with respect to consumer credit transactions entered into under an open-end credit plan on or after November 1, 1981, the parties may agree to the payment by the customer of the following charges in addition to the finance charge:

SECTION 443u. 422.202 (2m) (cm) of the statutes is created to read:

422.202 (2m) (cm) With respect to a consumer credit transaction which is under an open-end credit plan and which is entered into on or after the effective date of this paragraph [revisor inserts date], a charge not to exceed \$10 for each check presented for payment to a creditor which is returned unsatisfied because the drawer does not have an account with the drawee, does not have sufficient funds in his or her account or does not have sufficient credit with the drawee.

SECTION 443um. 440.05 (3) (a) 54m of the statutes is created to read:

440.05 (3) (a) 54m. Time-share salespersons, \$45.

SECTION 443up. 440.05 (3) (n) 1 of the statutes, as affected by 1987 Wisconsin Act 264, is renumbered 440.05 (3) (n) 1r.

SECTION 443uq. 440.05 (3) (n) 1g of the statutes is created to read:

440.05 (3) (n) 1g. Occupational therapists, \$50.

SECTION 443ur. 440.05 (3) (n) 1m of the statutes is created to read:

440.05 (3) (n) 1m. Occupational therapy assistants, \$35.

SECTION 443v. 444.03 of the statutes is amended to read:

444.03 Application for license, fee, bond. No boxing or sparring exhibition ~~shall~~ may be conducted by any club except by license granted to it by the department, and no club ~~shall~~ may be licensed unless it is incorporated under the laws of Wisconsin and ~~the~~ its membership limited to persons who have been continuous residents in the state for at least one year. ~~The~~ An application for a license shall be in writing, ~~and shall~~ be addressed to the department, and ~~shall be~~ verified by ~~some~~ an officer of the club. ~~Such~~ An application shall be accompanied by an annual fee of \$25 in cities of not more than 50,000 inhabitants; ~~of~~ \$50 in cities of over 50,000 and not more than 150,000 inhabitants; ~~and~~ \$300 in ~~all~~ cities of over 150,000 inhabitants when ~~any~~ the admission is over \$1; and \$50 when the admission charge is \$1 or less. The application must show that the club has entered into a valid agreement for the use of the building, amphitheater or stadium ~~for athletic purposes, wherein such in which~~ contests are to be held. ~~Before any license is granted the applicant must file a bond of \$1,000 of a good and sufficient surety with the department, conditioned for the payment of the tax herein imposed.~~

SECTION 443w. 444.04 (title) and (1) of the statutes are amended to read:

444.04 (title) Club reports. (1) ~~Every club which exercises any of the privileges conferred by this chapter shall, within~~ Within 24 hours after ~~the determination of every a club holds an~~ exhibition, the club shall furnish to the department a written report, verified by one of its officers, showing the number of tickets sold for the exhibition ~~and,~~ the amount of gross proceeds; ~~and such all other matters as information~~ the department prescribes; and shall within 24 hours pay to the department a tax of 10% of its total gross receipts from the sale of tickets of admission to the exhibition and from any television broadcasting rights sold for the exhibition requires by rule to be included in the report.

~~SECTION 443x. 444.04 (2) (b) of the statutes is amended to read:~~

~~444.04 (2) (b) Every person holding or showing any boxing match on a closed circuit telecast or subscription television viewed in this state, whether originating within this state or another state, shall furnish to the department a written report, under oath, stating the number of tickets or viewing rights sold for the show-~~

Vetoed in Part

Vetoed in Part

~~ing and, the amount of gross proceeds, and such all other matters as information the department prescribes, and shall within requires by rule to be included in the report. Within 24 hours after the showing of the contest a person holds or shows a match on a closed circuit telecast or subscription television viewed in this state, the person shall pay to the department a license fee of 10% of its total gross receipts from the sale of tickets or viewing rights for the showing of the match. This paragraph applies to the sale or rental of closed circuit or cable television subscriptions, programming, coding or decoding devices or other services or devices enabling a person to view a match on closed circuit or cable television, regardless of whether tickets for the viewing or showing are sold.~~

SECTION 443xm. 444.09 (4) of the statutes is amended to read:

444.09 (4) No person under the age of 18 years shall participate in any professional boxing or sparring exhibition. Amateur contestants between 14 and 18 years of age may participate in amateur boxing or sparring exhibitions with the consent of their parents or guardians.

SECTION 443y. 444.15 of the statutes is amended to read:

444.15 (title) Reports; examination of books and officers. Whenever any club fails to make a report of any contest at the time prescribed or whenever such a report is unsatisfactory to the department, the secretary of the department may examine or cause to be examined, the books and records of such the club and may subpoena and examine, under oath, its the club's officers and other witnesses to determine the total amount of its gross receipts for any exhibition and the amount of tax due, which tax he or she may determine upon such examination. In case of a default in the payment of any tax so adjudged to be due (together with the expenses of the examination) for a period of. The secretary may require the club to pay the expenses of conducting the examination. If a club fails to pay the amount of expenses determined by the secretary to be due within 20 days after receiving notice to such delinquent club of the amount, such the club shall thereby forfeit its license and, be disqualified from receiving any license; and it shall in addition under this chapter and forfeit to the state the sum of \$1,000, which may be recovered by the department of justice in the name of the state.

Vetoed in Part

~~SECTION 443yg. 447.05 (2) of the statutes is repealed and recreated to read:~~

447.05 (2) The examining board may license without written examination a person who is licensed in good standing to practice dentistry in another state or territory of the United States or another country if the applicant meets the requirements for licensure established in rules promulgated by the examining board and upon presentation of the license and payment of the fee specified under s. 448.05 (2).

Vetoed in Part

~~SECTION 443ym. 447.06 (7) of the statutes is amended to read:~~

447.06 (7) All full-time instructors in dental science, who are employed by a dental school or college approved by the examining board; a dental fellow who is engaged in teaching, research or both, in some area of dental science, by appointment and under the supervision of the faculty of a dental school or college approved by the examining board; a dental intern who has been appointed by a hospital located within this state if the hospital has been approved for dental internship training by the council on dental education of the American dental association and the internship does not exceed one year; a dental resident who has been appointed by a hospital located in this state for a 2nd or subsequent year of advanced study of dental science within the institution if the hospital has been approved for dental residency training by the council on dental education of the American dental association, and the residency does not exceed an aggregate of a year in the case of any individual. None of those claiming exemption under one of the foregoing classifications may engage in private practice, have an office outside the institution to which appointed, or hold himself or herself out to the general public, unless the person has first been licensed by the examining board, and registers biennially.

Vetoed in Part

~~SECTION 443yp. 447.07 (3) (km) of the statutes is created to read:~~

447.07 (3) (km) Contracting with a limited service health organization, as defined in s. 609.01 (3), to provide dental services for persons enrolled in the limited service health organization if all of the following apply:

1. The limited service health organization provides to enrollees coverage of copayments required under an insurance contract.
2. The limited service health organization is controlled, as defined in s. 600.03 (13), by health care providers who contract with the limited service health organization to provide services for enrollees.
3. The purpose of contracting with the limited service health organization is to evade the restriction under par. (k) 5.

Vetoed in Part

~~SECTION 443yr. 447.08 (5) of the statutes, as affected by 1987 Wisconsin Act ... (Assembly Bill 292), is repealed and recreated to read:~~

447.08 (5) The examining board may certify without written examination a person who is certified or licensed in good standing to practice dental hygiene in another state or territory of the United States or another country if the applicant meets the requirements for certification established in rules promulgated by the examining board and upon presentation of the certificate or license and payment of the fee specified under s. 448.05 (2).

SECTION 443yrb. 448.01 (2g) of the statutes is created to read:

448.01 (2g) "Occupational therapist" means an individual who meets the requirements under s. 448.05 (5m) (a) and is certified by the board to practice occupational therapy.

SECTION 443yrc. 448.01 (2m) of the statutes is created to read:

448.01 (2m) "Occupational therapy" means the use of purposeful activity with persons who are limited by physical injury or illness, psychosocial dysfunction, developmental or learning disability or the aging process, in order to maximize independent function, prevent further disability and achieve and maintain health and productivity, and encompasses evaluation, treatment and consultation services that are provided to a person or a group of persons.

SECTION 443yrd. 448.01 (2r) of the statutes is created to read:

448.01 (2r) "Occupational therapy assistant" means an individual who meets the requirements under s. 448.05 (5m) (b) and is certified by the board to assist in the practice of occupational therapy under the supervision of an occupational therapist.

SECTION 443yre. 448.02 (2) of the statutes is amended to read:

448.02 (2) CERTIFICATE. The board may certify physician's assistants, occupational therapists and occupational therapy assistants.

SECTION 443yrf. 448.02 (3) (a) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

448.02 (3) (a) The board shall investigate allegations of unprofessional conduct and negligence in treatment by persons holding a license or certificate or limited permit granted by the board. An allegation that a physician has violated s. 448.30 or 450.13 (2) or has failed to mail or present a medical certification required under s. 69.18 (2) within 21 days after the pronouncement of death of the person who is the subject of the required certificate or that a physician has failed at least 6 times within a 6-month period to mail or present a medical certificate required under s. 69.18 (2) within 6 days after the pronouncement of death of the person who is the subject of the required certificate is an allegation of unprofessional conduct. Information contained in reports filed with the board under s. 49.45 (2) (a) 12r, 50.36 (3) (b), 609.17 or 632.715 or under 42 CFR 1001.109 (e) and 42 CFR 1001.124 (a) (3) and (b) shall be investigated by the board. Information contained in a report filed with the board under s. 655.045 (1), as created by 1985 Wisconsin Act 29, which is not a finding of negligence or in a report filed with the board under s. 50.36 (3) (c) may, within the discretion of the board, be used as the basis of an investigation of the persons named in the reports. The board may require a person holding a license or certificate or limited permit to undergo and may consider the results of one or more physical, mental or professional competency examinations if the board believes

that the results of any such examinations may be useful to the board in conducting its investigation.

SECTION 443yrg. 448.02 (3) (b) of the statutes is amended to read:

448.02 (3) (b) After an investigation, if the board finds that there is probable cause to believe that the person is guilty of unprofessional conduct or negligence in treatment, the board shall hold a hearing on such conduct. The board may use any information obtained by the board or the department under s. 655.17 (7) (b), as created by 1985 Wisconsin Act 29, in an investigation or a disciplinary proceeding, including a public disciplinary proceeding, conducted under this subsection and the board may require a person holding a license or certificate or limited permit to undergo and may consider the results of one or more physical, mental or professional competency examinations if the board believes that the results of any such examinations may be useful to the board in conducting its hearing. A unanimous finding by a panel established under s. 655.02, 1983 stats., or a finding by a court that a physician has acted negligently in treating a patient is conclusive evidence that the physician is guilty of negligence in treatment. A finding that is not a unanimous finding by a panel established under s. 655.02, 1983 stats., that a physician has acted negligently in treating a patient is presumptive evidence that the physician is guilty of negligence in treatment. A certified copy of the findings of fact, conclusions of law and order of the panel or the order of a court is presumptive evidence that the finding of negligence in treatment was made. The board shall render a decision within 90 days following completion of the hearing.

SECTION 443yrh. 448.02 (3) (c) of the statutes is amended to read:

448.02 (3) (c) After a disciplinary hearing, the board may, when it determines that a panel established under s. 655.02, 1983 stats., has unanimously found or a court has found that a person has been negligent in treating a patient or when it finds a person guilty of unprofessional conduct or negligence in treatment, do one or more of the following: warn or reprimand that person, or limit, suspend or revoke any license or certificate or limited permit granted by the board to that person. The board may condition the removal of limitations on a license or certificate or limited permit or the restoration of a suspended or revoked license or certificate or limited permit upon obtaining minimum results specified by the board on one or more physical, mental or professional competency examinations if the board believes that obtaining the minimum results is related to correcting one or more of the bases upon which the limitation, suspension or revocation was imposed.

SECTION 443yri. 448.02 (3) (e) of the statutes is amended to read:

448.02 (3) (e) A person whose license or certificate or limited permit is limited shall be permitted to con-

continue practice upon condition that the person will refrain from engaging in unprofessional conduct; that the person will appear before the board or its officers or agents at such times and places as may be designated by the board from time to time; that the person will fully disclose to the board or its officers or agents the nature of the person's practice and conduct; that the person will fully comply with the limits placed on his or her practice and conduct by the board; that the person will obtain additional training, education or supervision required by the board; and that the person will cooperate with the board.

SECTION 443yrj. 448.02 (3) (h) of the statutes is amended to read:

448.02 (3) (h) Nothing in this subsection prohibits the board, in its discretion, from investigating and conducting disciplinary proceedings on allegations of unprofessional conduct by persons holding a license $\text{\textcircled{F}}$, certificate or limited permit granted by the board when the allegations of unprofessional conduct may also constitute allegations of negligence in treatment.

SECTION 443yrk. 448.02 (4) of the statutes is amended to read:

448.02 (4) SUSPENSION PENDING HEARING. The board may summarily suspend any license $\text{\textcircled{F}}$, certificate or limited permit granted by the board for a period not to exceed 30 days pending hearing, when the board has in its possession evidence establishing probable cause to believe that the holder of the license $\text{\textcircled{F}}$, certificate or limited permit has violated the provisions of this chapter and that it is necessary to suspend the license $\text{\textcircled{F}}$, certificate or limited permit immediately to protect the public health, safety or welfare. The holder of the license $\text{\textcircled{F}}$, certificate or limited permit shall be granted an opportunity to be heard during the determination of probable cause. The board may designate any of its officers to exercise the authority granted by this subsection to suspend summarily a license $\text{\textcircled{F}}$, certificate or limited permit, but such suspension shall be for a period of time not to exceed 72 hours. If a license $\text{\textcircled{F}}$, certificate or limited permit has been summarily suspended by the board or any of its officers, the board may, while the hearing is in progress, extend the initial 30-day period of suspension for an additional 30 days. If the holder of the license $\text{\textcircled{F}}$, certificate or limited permit has caused a delay in the hearing process, the board may subsequently suspend the license $\text{\textcircled{F}}$, certificate or limited permit from the time the hearing is commenced until a final decision is issued or may delegate such authority to the hearing examiner.

SECTION 443yrL. 448.02 (5) of the statutes is amended to read:

448.02 (5) VOLUNTARY SURRENDER. The holder of any license $\text{\textcircled{F}}$, certificate or limited permit granted by the board may voluntarily surrender the license $\text{\textcircled{F}}$, certificate or limited permit to the secretary of the board, but the secretary may refuse to accept the surrender if the board has received allegations of unpro-

fessional conduct against the holder of the license $\text{\textcircled{F}}$, certificate or limited permit. The board may negotiate stipulations in consideration for accepting the surrender of licenses.

SECTION 443yrm. 448.02 (6) of the statutes is amended to read:

448.02 (6) (title) RESTORATION OF LICENSE, CERTIFICATE OR LIMITED PERMIT. The board may restore any license $\text{\textcircled{F}}$, certificate or limited permit which has been voluntarily surrendered or revoked under any of the provisions of this chapter, on such terms and conditions as it may deem appropriate.

SECTION 443yrn. 448.03 (3) (f) and (g) of the statutes are created to read:

448.03 (3) (f) No person not an occupational therapist may designate himself or herself as an occupational therapist, claim to render occupational therapy services or use the abbreviation "O.T." or "O.T.R." after the person's name. This paragraph does not apply to:

1. Any person employed as an occupational therapist by a federal agency, as defined under s. 59.071 (3) (a), if the person provides occupational therapy solely under the direction or control of the federal agency by which he or she is employed.

2. Any person pursuing a supervised course of study, including internship, leading to a degree or certificate in occupational therapy under an accredited or approved educational program, if the person is designated by a title which clearly indicates his or her status as a student or trainee.

3. Any person performing occupational therapy services in this state under a limited permit, as provided under s. 448.04 (1) (h), if at least one of the following applies:

a. The person is licensed or certified as an occupational therapist under the law of another state which has licensure or certification requirements that are determined by the board to be at least as stringent as the requirements of this chapter.

b. The person meets the requirements for certification as an occupational therapist, registered, established by the American occupational therapy certification board.

(g) No person not an occupational therapy assistant may describe himself or herself as an occupational therapy assistant or claim to render occupational therapy services as an occupational therapy assistant or use the abbreviation "O.T.A." or "C.O.T.A." after the person's name. This paragraph does not apply to:

1. Any person employed as an occupational therapy assistant by a federal agency, as defined under s. 59.071 (3) (a), if the person provides occupational therapy solely under the direction or control of the federal agency by which he or she is employed.

2. Any person pursuing a supervised course of study leading to a degree or certificate in occupational

therapy assistantship under an approved educational program, if the person is designated by a title which clearly indicates his or her status as a student or trainee.

3. Any person performing occupational therapy services in this state under a limited permit, as provided under s. 448.04 (1) (h), if at least one of the following applies:

a. The person is licensed or certified as an occupational therapy assistant under the law of another state which has licensure or certification requirements that are determined by the board to be at least as stringent as the requirements of this chapter.

b. The person meets the requirements for certification as a certified occupational therapy assistant, established by the American occupational therapy certification board.

SECTION 443yrop. 448.03 (4) of the statutes is amended to read:

448.03 (4) DEFINITION. In this section, "the scene of an emergency" means areas not within the confines of a hospital or other institution which has hospital facilities or the office of a person licensed or certified or holding a limited permit under this chapter.

SECTION 443yrp. 448.04 (1) (g) and (h) of the statutes are created to read:

448.04 (1) (g) *Certification to practice or assist in the practice of occupational therapy.* 1. A person who is certified to practice occupational therapy may practice occupational therapy.

2. A person who is certified to practice as an occupational therapy assistant may assist in the practice of occupational therapy.

3. The board may waive the requirements under s. 448.05 (5m) (a) or (b) and, upon payment of a reciprocal certificate fee under s. 440.05 (2), certify as an occupational therapist or occupational therapy assistant:

a. Any person who presents proof of current licensure or certification as an occupational therapist or occupational therapy assistant in another state or territory of the United States which requires standards for licensure or certification considered by the board to be equivalent to the requirements for certification in this state.

b. Any person who presents proof of certification by the American occupational therapy certification board, if the medical examining board determines that the requirements for the certification are equivalent to the requirements under s. 448.05 (5m) (a) or (b).

(h) *Limited permit to practice or assist in the practice of occupational therapy.* The board may, upon application, issue a permit for a limited period of time designated by the board to any of the following:

1. A person who presents evidence satisfactory to the board of having met the requirements under s. 448.05 (5m) (a), to practice occupational therapy in association with an occupational therapist.

2. A person who presents evidence satisfactory to the board of having met the requirements under s. 448.05 (5m) (b), to assist in the practice of occupational therapy under the supervision of an occupational therapist.

SECTION 443yrq. 448.05 (5m) of the statutes is created to read:

448.05 (5m) CERTIFICATE TO PRACTICE OCCUPATIONAL THERAPY. (a) An applicant for certification as an occupational therapist shall submit evidence to the board that he or she has done any of the following:

1. Successfully completed the academic requirements and supervised internship of an educational program in occupational therapy recognized by the board and accredited by the committee on allied health education and accreditation of the American medical association and the American occupational therapy association.

2. Received certification as an occupational therapist by the American occupational therapy certification board.

(b) An applicant for certification as an occupational therapy assistant shall submit evidence to the examining board that he or she has done any of the following:

1. Successfully completed the academic and supervised internship requirements of an educational program in occupational therapy or other requirements recognized by the board and approved by the American occupational therapy association.

2. Received certification as an occupational therapy assistant by the American occupational therapy certification board.

SECTION 443yrr. 448.06 (title) and (1) of the statutes are amended to read:

448.06 (title) License, certificate or limited permit granted, denied. (1) (title) GRANT OF LICENSE, CERTIFICATE OR LIMITED PERMIT. If three-fourths of the members of the board find that an applicant who has passed the required examinations or who applies under s. 448.04 (1) (h) is qualified, the board shall so notify the applicant and shall grant the license or certificate or limited permit.

SECTION 443yrs. 448.07 (1) (d) of the statutes is amended to read:

448.07 (1) (d) No registration may be permitted by the secretary of the board in the case of any physician, occupational therapist or occupational therapy assistant who has failed to meet the requirements of s. 448.13 or any person whose license or certificate or limited permit has been suspended or revoked and the registration of any such person shall be deemed automatically annulled upon receipt by the secretary of the board of a verified report of such suspension or revocation, subject to the licensee's or permittee's right of appeal. A person whose license or certificate or limited permit has been suspended or revoked and subsequently restored shall be registered by the board upon tendering a verified report of such restoration of the

license or certificate or limited permit, together with an application for registration and the registration fee.

SECTION 443yrt. 448.13 of the statutes is renumbered 448.13 (1).

SECTION 443yru. 448.13 (2) of the statutes is created to read:

448.13 (2) Each occupational therapist or occupational therapy assistant shall, in each 2nd year at the time of application for a certificate of registration under s. 448.07, submit proof of completion of continuing education requirements promulgated by rule by the board.

SECTION 443yrv. 448.40 of the statutes is repealed and recreated to read:

448.40 Rules. (1) The board may promulgate rules to carry out the purposes of this chapter.

(2) The board shall promulgate all of the following rules:

(a) Implementing s. 448.30.

(b) Establishing standards for acceptable examination performance by an applicant for certification as an occupational therapist or occupational therapy assistant.

(c) Establishing continuing education requirements for certificate renewal for an occupational therapist or occupational therapy assistant under s. 448.13 (2).

(d) Establishing standards of practice for occupational therapy, including criteria for referral.

SECTION 443yrw. 450.10 (3) (a) of the statutes, as affected by 1987 Wisconsin Act 264, is amended to read:

450.10 (3) (a) In this subsection, "health care professional" means a pharmacist licensed under this chapter, a nurse licensed under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, a podiatrist or physical therapist licensed or occupational therapist or occupational therapy assistant certified under ch. 448, an optometrist licensed under ch. 449, a veterinarian licensed under ch. 453 or a psychologist licensed under ch. 455.

SECTION 443yuc. 452.01 (2) (f) and (g) of the statutes are created to read:

452.01 (2) (f) For another, and for commission, money or other thing of value, sells, exchanges or buys, or offers or attempts to negotiate a sale, exchange or purchase of a time share.

(g) Is engaged wholly or in part in the business of selling time shares to the extent that a pattern of sales is established, whether or not the time shares are owned by such person.

SECTION 443yud. 452.01 (8) and (9) of the statutes are created to read:

452.01 (8) "Time share" has the meaning given in s. 707.02 (24).

(9) "Time-share salesperson" means a person, other than a person licensed under s. 452.09, who is employed by a licensed broker to sell or offer or

attempt to negotiate an initial sale or purchase of a time share but who may not perform any other acts authorized by this chapter to be performed by a broker or salesperson.

SECTION 443yue. 452.025 of the statutes is created to read:

452.025 Time-share salespersons. (1) (a) A person desiring to act as a time-share salesperson shall submit to the department an application for a certificate of registration.

(b) The application for registration as a time-share salesperson shall be in the form prescribed by the department and shall include all of the following:

1. The name and address of the applicant.

2. The prior occupations of the applicant.

3. Certification from the licensed broker employing the applicant that the applicant is competent to act as a time-share salesperson.

4. Any other information which the department reasonably requires to enable it to determine the competency of the person to transact business as a time-share salesperson in a manner which safeguards the interests of the public.

(c) Each application for registration as a time-share salesperson shall be accompanied by an initial fee specified in s. 440.05 (1) or a renewal fee specified in s. 440.05 (3) (a) 54m, whichever is appropriate.

(2) A person shall not engage in the business or occupation of, or advertise or hold himself or herself out as, a time-share salesperson unless the person is registered under this section or licensed under s. 452.09.

(3) (a) A time-share salesperson registered under this section may act as a time-share salesperson only when employed by a licensed broker.

(b) 1. Except as provided in subd. 2, a time-share salesperson registered under this section shall not draft or complete a purchase agreement, offer to purchase, or other contract or document related to the sale of a time share.

2. A time-share salesperson registered under this section may complete a form purchase agreement or offer to purchase, if the form purchase agreement or offer to purchase has been approved by the department and includes only the following:

a. The name, address and telephone number of the purchaser.

b. The name of the time-share project.

c. Identification and price of the time share being purchased and the amount of the downpayment and where it will be held.

d. Financing alternatives.

e. Disclosures under subch. III of ch. 422 and the federal consumer credit protection act, 15 USC 1601 to 1693r.

f. The date of closing.

g. The signature of the time-share salesperson and the name of the employing broker.

h. The date of execution.

i. Information required under s. 707.46 to be included in a contract for the purchase of a time share.

(4) A time-share salesperson registered under this section may apply at any time to transfer employment to another licensed broker by submitting to the department an application in the form prescribed by the department and the transfer fee specified in s. 440.05 (7).

(5) (a) Certificates of registration granted by the department under this section expire on December 31 of even-numbered years following issuance of the certificates.

(b) An application to renew a certificate of registration granted under this section shall be submitted with the renewal fee on or before December 31 of the even-numbered years following issuance of the certificate, except that the department shall accept renewal applications at any time during the year after the registration expires upon payment of the renewal fee and penalty.

SECTION 443yuf. 452.05 (1) (a) of the statutes is amended to read:

452.05 (1) (a) Grant and issue licenses to brokers and salespersons and registrations to time-share salespersons, cemetery associations and corporations and cemetery salespersons.

SECTION 443yug. 452.10 (4) (b) of the statutes is amended to read:

452.10 (4) (b) No salesperson, time-share salesperson or broker may be employed by a broker whose license has been suspended or revoked during the period of suspension or revocation. The salesperson, time-share salesperson or broker may apply for transfer to some other licensed broker by complying with this chapter, provided the salesperson, time-share salesperson or broker is not a party to the activities causing the suspension or revocation of the license of the broker.

SECTION 443yuh. 452.11 (1) of the statutes is amended to read:

452.11 (1) A nonresident may become a broker ~~or~~, salesperson or time-share salesperson by conforming to all the provisions of this chapter, except that a nonresident broker shall maintain an active place of business in the state in which the broker holds a license. Nonresident brokers may not employ brokers ~~or~~, salespersons or time-share salespersons in this state.

SECTION 443yui. 452.12 (3) and (6) (a) of the statutes are amended to read:

452.12 (3) **BROKER'S LIABILITY FOR ACTS OF EMPLOYEES.** (a) Each broker is responsible for the acts of any broker ~~or~~, salesperson or time-share salesperson employed by the broker.

(b) If a broker maintains any branch offices in this state, each branch office must be under the direct full-

time supervision of a broker. The broker maintaining the branch office shall be responsible for the acts and conduct of all brokers ~~and~~, salespersons and time-share salespersons employed at the branch office.

(6) (a) Any licensee, except a cemetery salesperson registered under s. 452.02 (3) or a time-share salesperson registered under s. 452.025, may apply for registration as an inactive licensee on or before December 31 of the even-numbered year in which the person's license is due to expire.

SECTION 443yuj. 452.13 of the statutes is renumbered 452.13 (1) and amended to read:

452.13 (1) ~~All~~ Except as provided in sub. (2), all downpayments, earnest money deposits or other trust funds received by a broker, salesperson, time-share salesperson or cemetery salesperson on behalf of the broker's, salesperson's, time-share salesperson's or cemetery salesperson's principal or any other person shall be deposited in a common trust account maintained by the broker, salesperson, time-share salesperson or cemetery salesperson for that purpose in a bank, savings and loan association or credit union which is authorized to do business in this state and is designated by the broker, salesperson, time-share salesperson or cemetery salesperson pending the consummation or termination of the transaction, except that the money may be paid to one of the parties pursuant to the contract or option. The name of the bank, savings and loan association or credit union shall at all times be registered with the department, along with a letter authorizing the department to examine and audit the trust account when the department deems it necessary.

SECTION 443yuk. 452.13 (2) of the statutes is created to read:

452.13 (2) Deposits, as defined in s. 707.49 (1) (b), received by a broker, salesperson or time-share salesperson in connection with the sale of a time share shall be deposited as provided in s. 707.49 if an escrow account is established under that section.

SECTION 443yuL. 452.14 (1) and (3) (intro.), (b), (e), (f), (h), (i) and (jm) of the statutes are amended to read:

452.14 (1) The department shall, upon motion of the board or upon its own determination, conduct investigations in regard to the action of any broker, salesperson, time-share salesperson, cemetery association or corporation or cemetery salesperson.

(3) (intro.) Disciplinary proceedings shall be conducted by the board according to rules adopted under s. 440.03 (1). The board may revoke, suspend or limit any broker's ~~or~~, salesperson's or time-share salesperson's license or registration, or reprimand the holder of the license or registration, if it finds that the holder of the license or registration has:

(b) Made any substantial misrepresentation with reference to a transaction injurious to a seller or purchaser in which the broker ~~or~~, salesperson or time-share salesperson acts as agent;

(e) Acted for more than one party in a transaction without the knowledge of all parties for whom the broker or salesperson or time-share salesperson acts;

(f) Accepted a commission or valuable consideration as a salesperson or time-share salesperson for the performance of any act specified in this chapter from any person except the salesperson's or time-share salesperson's employer;

(h) Failed, within a reasonable time, to account for or remit any moneys coming into the broker's or salesperson's or time-share salesperson's possession which belong to another person;

(i) Demonstrated incompetency to act as a broker, salesperson, time-share salesperson or cemetery salesperson in a manner which safeguards the interests of the public;

(jm) Intentionally encouraged or discouraged any person from purchasing or renting real estate in a particular area on the basis of race. If the board finds that any broker or salesperson or time-share salesperson has violated this paragraph, the board shall, in addition to any temporary penalty imposed under this subsection, apply the penalty provided in s. 452.17 (4);

SECTION 443yum. 452.16 (1) of the statutes is amended to read:

452.16 (1) The department may conduct investigations, hold hearings and make findings as to whether a person has acted as a broker, salesperson, time-share salesperson or cemetery salesperson. The findings shall be subject to review under ch. 227. During such review any additional material evidence presented may be considered. In lieu of holding a hearing, when there is reason to believe that a person is acting as a broker or salesperson without a license or as a time-share salesperson without a certificate of registration and that the continuation of such activity might cause injury to the public interest, the department may petition the circuit court for a temporary restraining order, an injunction or a writ of ne exeat as provided in ch. 813.

SECTION 443yun. 452.17 (2) and (4) (a) of the statutes are amended to read:

452.17 (2) Any person who engages in or follows the business or occupation of, or advertises or holds himself or herself out as or acts temporarily or otherwise as a cemetery salesperson or time-share salesperson in this state without being registered with the department shall be prosecuted by the district attorney in the county where the violation occurs and may be fined not less than \$25 nor more than \$200 or imprisoned not less than 10 days nor more than 6 months or both.

(4) (a) If the board finds that any broker or salesperson or time-share salesperson has violated s. 452.14 (3) (jm), the board:

1. Shall, for the first offense, suspend the license or registration of the broker or salesperson or time-share salesperson for not less than 90 days.

2. Shall, for the 2nd offense, revoke the license or registration of the broker or salesperson or time-share salesperson.

SECTION 443yuo. 452.20 of the statutes is amended to read:

452.20 Limitation on actions for commissions. No person engaged in the business or acting in the capacity of a broker or salesperson or time-share salesperson within this state may bring or maintain an action in the courts of this state for the collection of a commission or compensation for the performance of any act mentioned in this chapter without alleging and proving that he or she was a duly licensed broker or salesperson or registered time-share salesperson at the time the alleged cause of action arose.

SECTION 443yup. 452.21 of the statutes is amended to read:

452.21 Compensation presumed. In any prosecution for violation of this chapter, proof that a person acted as a broker or agent or salesperson or time-share salesperson is prima facie proof that compensation therefor was received or promised.

SECTION 443yuq. 452.22 (2) of the statutes is amended to read:

452.22 (2) The certificate of the secretary or his or her designee to the effect that a specified individual, partnership or corporation is not or was not on a specified date the holder of a broker's or salesperson's or time-share salesperson's license or registration, or that a specified license or registration was not in effect on a date specified, or as to the issuance, limitation, suspension or revocation of any license or registration or the reprimand of any holder thereof, the filing or withdrawal of any application or its existence or nonexistence, is prima facie evidence of the facts therein stated for all purposes in any action or proceedings.

SECTION 443yx. 560.04 (2) (d) of the statutes is renumbered 93.07 (22).

SECTION 444. 560.07 (2m) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

560.07 (2m) In cooperation with the university of Wisconsin small business development center, the university of Wisconsin center for cooperatives, the board of vocational, technical and adult education, and the university of Wisconsin-extension and the community development finance authority, collect and disseminate information regarding employee-owned businesses and promote the appropriate establishment of employee-owned businesses.

SECTION 444am. 560.07 (3) (a) and (b) of the statutes are amended to read:

560.07 (3) (a) Serve as the state's official liaison agency between persons interested in locating new economic enterprises in Wisconsin, and state and local groups seeking new enterprises. In this respect the department shall aid communities in organizing for and obtaining new business or expanding existing bus-

iness and shall refer respond to requests which reflect interest in locating economic enterprises in the state to. When the secretary considers appropriate, the department shall refer requests for economic development assistance to Forward Wisconsin, inc., and shall attempt to prevent duplication of efforts between the department and Forward Wisconsin, inc.

(b) Contract with Forward Wisconsin, inc., if the secretary determines it appropriate, to pay Forward Wisconsin, inc., an amount not to exceed the amount appropriated under s. 20.143 (1) (bm), to establish and implement a nationwide business development promotion campaign to attract persons interested in locating new enterprises in this state and to encourage the retention and expansion of businesses and jobs in this state. Funds may be expended to carry out such a the contract only as provided in s. 16.501.

SECTION 444f. 560.60 (4) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

560.60 (4) "Eligible recipient" means a business, small business, consortium or governing body.

Vetoed in Part SECTION 444h. 560.60 (12) of the statutes is created to read:

560.60 (12) "New business" means an existing business that has been in operation for less than 3 years.

SECTION 444j. 560.60 (15) of the statutes is created to read:

560.60 (15) "Small business" means a business operating for profit, with 250 or fewer employes, including employes of any subsidiary or affiliated organization.

SECTION 444k. 560.605 (1) (f) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

560.605 (1) (f) The project meets all criteria set forth in s. 560.62, 560.625, 560.63 or 560.66, whichever is appropriate.

SECTION 444m. 560.61 of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

560.61 Wisconsin development fund. At the request of the board, the department shall make a grant or loan to an eligible recipient for a project which meets the criteria for funding under s. 560.605 and under s. 560.62, 560.625, 560.63 or 560.66, whichever is appropriate from the appropriations under s. 20.143 (1) (c), (d) and (ie).

SECTION 444o. 560.62 (4) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

560.62 (4) In each biennium, the board may expend or encumber up to a total of one percent of the moneys appropriated under s. 20.143 (1) (c) for that biennium for evaluations of proposed technical research projects or for grants to small businesses for preparing proposals for the federal small business innovative research program under 15 USC 638.

SECTION 444q. 560.625 of the statutes is created to read:

560.625 Research grants and loans. The board may award a research grant or loan under s. 560.61 to a

small business to fund research having a potential commercial application. The total amount of grants and loans made under this section may not exceed \$300,000 in any fiscal year.

SECTION 444s. 560.66 (1) (intro.) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

560.66 (1) (intro.) The board may award grants and loans under s. 560.61 to eligible recipients for any project which is not eligible for a grant or loan under ss. 560.62, 560.625 and 560.63, if the board determines that the project is a major economic development project and considers all of the following:

~~SECTION 444t. 560.68 (2) of the statutes is created to read:~~

~~560.68 (2) For the first 9 months of each fiscal year, of the funds appropriated under s. 20.143 (1) (c), (d) or (ie), the board shall reserve 20% for any of the following:~~

~~(a) Projects entered into by businesses employing 25 or fewer persons.~~

~~(b) Projects entered into by businesses which, together with all of their affiliates, subsidiaries and parent companies, have current gross annual sales of \$5,000,000 or less.~~

~~(c) Projects entered into by new businesses having less than 50% of their ownership held or controlled by other businesses.~~

~~SECTION 444z. Subchapter V of chapter 560 of the statutes is created to read.~~

~~CHAPTER 560~~

~~SUBCHAPTER V~~

~~ECONOMIC STABILIZATION~~

~~**560.69 Economic stabilization grants.** (1) In this section, "board" means the economic stabilization board created under s. 15.155 (3).~~

~~(2) The board may make grants to a county or city under this section, after reviewing a plan submitted by a county or city under sub. (3), if any of the following apply:~~

~~(a) The county or city is severely economically depressed and has a rate of unemployment that is significantly higher than the statewide rate.~~

~~(b) An employer has partially or completely ended business operations in the county or city causing a significant negative economic impact on the county or city.~~

~~(c) An employer has announced that it intends to partially or completely end business operations in the county or city, if the board determines that the announced action will have a significant negative economic impact on the county or city.~~

~~(3) A county or city applying for a grant under this section shall submit a plan to the governor and the board which describes all of the following:~~

~~(a) The economic condition of the county or city.~~

~~(b) The need for economic development and expansion and for developing human resources in the county or city.~~

Vetoed in Part

Vetoed in Part

Vetoed
in Part

~~(s) How the county or city intends to spend the proceeds of a grant under this section.~~

~~(4) A city or county may use the proceeds of a grant under this section only to fund the implementation of a plan to retrain workers or to retain current jobs or create new jobs. Grants under this section may not be used to pay costs associated with developing the plan required under this section or to pay administrative costs.~~

~~(5) The department of development shall promulgate rules for the administration of this section.~~

SECTION 444zm. 565.02 (3) (i) of the statutes is created to read:

565.02 (3) (i) Providing for terms of lottery retailer contracts for periods that are longer or shorter than one year.

SECTION 445g. 565.10 (4) (b) of the statutes, as created by 1987 Wisconsin Act 119, is repealed and recreated to read:

565.10 (4) (b) Subject to approval of each such retailer contract by the board, the retailer contract is with one of the following:

1. An individual who has a physical or mental disability which constitutes or results in a substantial handicap to his or her employment.

2. A group of individuals who have physical or mental disabilities which constitute or result in substantial handicaps to their employment.

3. A nonprofit organization, as defined in s. 108.02 (19), whose primary purpose is to provide service to or for individuals who have physical or mental disabilities which constitute or result in substantial handicaps to their employment.

SECTION 445gm. 565.10 (5) (a) of the statutes, as created by 1987 Wisconsin Act 119, is amended to read:

565.10 (5) (a) In entering into a lottery retailer contract with state agencies, other than the board, and agencies of local units of government, the executive director shall attempt to minimize the competitive effect of sales by the state or local agencies on other retailers. An application for the a retailer contract is by a local unit of government shall be approved by the governing body of the local unit of government, if retail sales of lottery tickets or lottery shares by the state or local agency at the proposed location will not directly compete with sales by other retailers.

SECTION 445r. 565.10 (5) (b) of the statutes, as created by 1987 Wisconsin Act 119, is amended to read:

565.10 (5) (b) A lottery retailer contract may be entered into with a private person operating activities on state or local government property. The board shall give preference to an individual, group of individuals or nonprofit organization, as specified under sub. (4) (b), in entering into contracts under this paragraph.

SECTION 445rg. 565.10 (7) of the statutes, as created by 1987 Wisconsin Act 119, is renumbered 565.10 (7) (a) and amended to read:

565.10 (7) (a) Except as provided in par. (b), a lottery retailer contract shall be for a period of one year and shall specify whether the retailer is authorized to conduct lottery ticket sales on a year-round, seasonal or temporary basis.

SECTION 445rgg. 565.10 (7) (b) of the statutes is created to read:

565.10 (7) (b) If the executive director finds that the volume of lottery retailer contracts expiring in a single month or group of months creates a burden on the administration of the lottery, he or she may, under rules promulgated by the board, contract for a period that is longer or shorter than one year in order to stagger lottery retailer contract expiration dates throughout a calendar year.

SECTION 445rp. 565.25 (4) of the statutes, as created by 1987 Wisconsin Act 119, is amended to read:

565.25 (4) ~~BACKGROUND INVESTIGATIONS. Before a contract for a major procurement is awarded, the~~ The executive director, with the assistance of the department of justice, shall conduct a background investigation of ~~the any~~ any person proposing to contract or contracting with the board for a major procurement and of all partners, officers, directors, owners and beneficial owners identified under sub. (3) (b). The executive director may require the person and partners, officers, directors and shareholders identified under sub. (3) (b) to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints. The department of justice may submit the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions. If the results of the background investigation disclose information specified in sub. (3) (a) with respect to the person, partner, officer, director, owner or beneficial owner, a contract with the vendor, if entered into prior to the disclosure, is void and the vendor shall forfeit any amount filed, deposited or established under sub. (5) (b). The lottery board shall reimburse the department of justice for the department's services under this subsection and shall obtain payment from the person proposing to contract or the vendor in the amount of the reimbursement.

SECTION 445rt. 565.30 (3) (a) of the statutes, as created by 1987 Wisconsin Act 119, is amended to read:

565.30 (3) (a) *Period to claim.* The holder of a winning lottery ticket or lottery share may claim a prize within 180 days after the drawing or other selection in which the prize is won. ~~Prizes unclaimed after 180 days shall be used for subsequent prizes or within 180 days after the game's end date, as determined by the executive director, whichever is later.~~

SECTION 445u. 601.429 of the statutes is created to read:

601.429 Disability insurance reports. The office of health care information may require each insurer, as defined in s. 600.03 (27), authorized to write disability insurance to do all of the following:

(1) Submit to the office of health care information the information specified in s. 153.05 (7) submitted on uniform patient billing forms regarding reported claims for health care services which insureds who are residents of this state obtain in another state.

(2) Accept uniform patient billing forms, as defined under s. 153.01 (9), from hospitals and ambulatory surgery centers under s. 153.05 (4).

SECTION 446m. 619.15 (1) of the statutes is amended to read:

619.15 (1) The plan shall operate subject to the supervision and approval of a board consisting of representatives of 2 participating insurers which are non-profit corporations, 2 other participating insurers, and 3 public members, appointed by the commissioner for staggered 3-year terms. In addition, ~~a representative of the health policy council and the commissioner or a designated representative from the office of the commissioner shall be~~ members a member of the board. The public members shall not be professionally affiliated with the practice of medicine, a hospital or an insurer. At least 2 of the public members shall be individuals reasonably expected to qualify for coverage under the plan or the parent or spouse of such an individual. The commissioner or the commissioner's representative shall be the chairperson of the board. Board members, except the commissioner or the commissioner's representative, shall be compensated at the rate of \$50 per diem plus actual and necessary expenses.

SECTION 450m. 655.27 (3) (br) 3 of the statutes is amended to read:

655.27 (3) (br) 3. Two hundred percent of the ~~estimated~~ total dollar amount of disbursed for claims paid during the ~~fiscal~~ calendar year preceding that particular fiscal year.

SECTION 453e. 701.107 of the statutes is created to read:

701.107 Definitions applicable to ss. 701.107 to 701.109. In ss. 701.107 to 701.109:

(1) "Bank" has the meaning given under 12 USC 1841 (c).

(2) "Bank holding company" has the meaning given under 12 USC 1841 (a).

(3) "Charitable trust" means a charitable trust which owns 100% of a bank holding company and which directly or indirectly owns one or more banks which has its principal office located in this state.

(4) "Nonreciprocal state" means a state other than this state and other than a regional state, as defined in s. 221.58 (1) (h); that the commissioner of banking finds satisfies s. 221.58 (4) (a).

SECTION 453m. 701.108 of the statutes is created to read:

701.108 Disposal of the stock of a bank holding company owned by certain charitable trusts. (1) PERMITTED DISPOSITIONS. Except as provided in sub. (4), a charitable trust may sell, assign, merge or transfer the stock of a bank holding company owned by the charitable trust, including indirect interest in the bank holding company's banking subsidiaries which have their principal office located in this state, to a bank or bank holding company which has its principal place of business in a nonreciprocal state if all of the following are satisfied:

(a) The charitable trust is required under federal law to dispose of excess business holdings, as defined in section 4943 (c) of the internal revenue code of 1954, to avoid liability for the tax imposed under section 4943 (a) and (b) of the internal revenue code of 1954.

(b) The bank or bank holding company proposing to obtain the stock of a bank holding company under this section has filed an application with the commissioner of banking, and the commissioner of banking does not disapprove the application under sub. (2).

(c) The commissioner of banking gives a class 3 notice, under ch. 985, in the official state newspaper, of the application to take an action under this subsection and of the opportunity for a hearing and, if at least 25 residents of this state petition for a hearing within 30 days after the final notice or if the commissioner on his or her motion calls for a hearing within 30 days after the final notice, the commissioner holds a public hearing on the application, except that a hearing is not required if the commissioner finds that an emergency exists and that the proposed action under this subsection is necessary and appropriate to prevent the probable failure of a bank owned by the charitable trust that is closed or in danger of closing.

(d) The commissioner of banking is provided a copy of any original application seeking approval by a federal agency of the transaction and of any supplemental material or amendments filed with the application.

(e) The applicant has paid the commissioner of banking a fee of \$1,000 together with the actual costs incurred by the commissioner in holding any hearing on the application.

(2) STANDARDS FOR DISAPPROVAL. The commissioner of banking may disapprove an application filed under sub. (1) if the commissioner finds any of the following:

(a) Considering the financial and managerial resources and future prospects of the applicant and of banks owned by the charitable trust, the action would be contrary to the best interests of the shareholders or customers of the banks owned by the charitable trust.

(b) The action would be detrimental to the safety and soundness of the applicant or of the banks owned by the charitable trust.

(c) Because the applicant or its executive officers, directors or principal shareholders have not established a record of sound performance, efficient management, financial responsibility and integrity, the action would be contrary to the best interests of the depositors, other customers, creditors or shareholders of the applicant or of the banks owned by the charitable trust or contrary to the best interests of the public.

(d) The applicant has failed to provide adequate and appropriate services required by the community reinvestment act of 1977 to the communities in which the applicant is located.

(e) The applicant has failed to propose to provide adequate and appropriate services required by the community reinvestment act of 1977 in the communities in which are located the banking subsidiaries of the bank holding company which the applicant proposes to acquire under this section.

(f) The applicant has failed to enter into an agreement prepared by the commissioner to comply with all of the following:

1. The laws and rules of this state regulating consumer credit finance charges and other charges and related disclosure requirements, except to the extent preempted by federal law or regulation.

2. The restrictions and requirements described in sub. (3) and s. 701.109 (2) and (3) (b).

(g) Any of the conditions under sub. (1) (c) to (e) has not been met.

(h) The charitable trust had acquired the bank holding company for the purpose of selling, assigning, merging or transferring under this section indirect interest in one or more banks owned directly or indirectly by the charitable trust.

(i) The applicant fails to meet any other standards established by rule of the commissioner.

(3) **RESTRICTIONS ON ACQUIRING BANK OR BANK HOLDING COMPANY.** Except as provided in sub. (3m), a bank or bank holding company which has its principal place of business in a nonreciprocal state and which under this section obtains the stock of a bank holding company owned by a charitable trust, including indirect interest in the bank holding company's banking subsidiaries which have their principal office located in this state, may not do any of the following:

(a) Acquire or merge with an in-state bank holding company, as defined in s. 221.58 (1) (d).

(am) Acquire or merge with an in-state bank, as defined in s. 221.58 (1) (c), unless the acquisition or merger is for the purpose of establishing a branch bank under s. 221.04 (1) (j) and the acquired or merged in-state bank, as defined in s. 221.58 (1) (c), is used as a branch of a banking subsidiary acquired in a transaction under this section.

(b) Sell one or more of the banking subsidiaries acquired in a transaction under this section unless the banking subsidiary is sold to one of the following:

1. An in-state bank holding company, as defined in s. 221.58 (1) (d).

2. A regional state bank holding company, as defined in s. 221.58 (1) (g), that has its principal place of business in a regional state that the commissioner of banking finds satisfies s. 221.58 (4) (a).

(c) Notwithstanding s. 221.21, reorganize one or more of the banking subsidiaries acquired in a transaction under this section as a national bank.

(d) Notwithstanding s. 221.04 (1) (j), convert a home bank of the banking subsidiary to a branch or a branch to a home bank.

(3m) **RESTRICTIONS UNDER SUB. (3) REMOVED.** (a) Subsection (3) ceases to apply to a bank or bank holding company that under this section obtains the stock of a bank holding company owned by a charitable trust, including indirect interest in the bank holding company's banking subsidiaries which have their principal office located in this state, if at any time after the transaction under this section the statutes of this state, excluding this section, or of the United States, by language to that effect and not merely by implication, permit an in-state bank, as defined in s. 221.58 (1) (c), or an in-state bank holding company, as defined in s. 221.58 (1) (d), to merge with or be acquired by a bank or bank holding company that has its principal place of business in the same state as the bank or bank holding company that obtained the stock of a bank holding company under this section.

(b) With respect to a bank or bank holding company which obtains the stock of a bank holding company under this section and which has its principal place of business in a regional state, as defined in s. 221.58 (1) (h), par. (a) is satisfied if the commissioner of banking finds that the statutes of that regional state satisfy s. 221.58 (4) (a).

(4) **MULTISTATE ACTION.** This section does not permit the sale, assignment, merger or transfer by a charitable trust of the stock of a bank holding company that indirectly owns banks in this state and Minnesota, if the sale, assignment, merger or transfer is prohibited under the laws of Minnesota.

(5) **TRANSACTIONS UNDER BANKING LAWS.** This section does not limit or restrict the rights of a charitable trust to sell, assign, merge or transfer under chs. 220 and 221 the stock of any bank or bank holding company owned directly or indirectly by the charitable trust.

SECTION 453s. 701.109 of the statutes is created to read:

701.109 Construction of section 701.108; divestiture. (1) **NONSEVERABILITY.** Section 701.108 shall be considered a unit and its provisions inseparable. Notwithstanding s. 990.001 (11), if a court of competent jurisdiction determines that any part of s. 701.108 is unconstitutional, all of s. 701.108 is invalid.

(2) **DIVESTITURE IF PROVISION FOUND UNCONSTITUTIONAL.** If a court of competent jurisdiction deter-

mines that any part of s. 701.108 is unconstitutional, a bank or bank holding company which has its principal place of business in a nonreciprocal state and which under s. 701.108 has obtained the stock of a bank holding company owned by a charitable trust, including indirect interest in the bank holding company's banking subsidiaries which have their principal office located in this state, shall sell all of those banking subsidiaries to one or more of the entities described in s. 701.108 (3) (b) 1 and 2. The sale shall occur within 2 years after the end of the period in which an appeal may be taken from a final order or judgment of the court of competent jurisdiction, the end of the period within which an order for rehearing can be made in the highest appellate court to which an appeal is taken, or the final order or judgment of the court to which remand from an appellate court is made, whichever is latest.

(3) CONSEQUENCE IF CERTAIN TRANSACTIONS PERMITTED. (a) If a court or federal agency of competent jurisdiction determines that because of s. 701.108 a bank or bank holding company that has its principal place of business in a nonreciprocal state may obtain the stock of a bank or bank holding company that is owned by an entity other than a charitable trust, s. 701.108 is void.

(b) If s. 701.108 is void under par. (a), a bank or bank holding company which has its principal place of business in a nonreciprocal state and which has obtained, because of s. 701.108, the stock of a bank or bank holding company, including indirect interest in the bank holding company's banking subsidiaries which have their principal office located in this state, shall sell all of those banking subsidiaries to one or more of the entities described in s. 701.108 (3) (b) 1 and 2. The sale shall occur within 2 years after the end of the period in which an appeal may be taken from a final order or judgment of the court or federal agency of competent jurisdiction, the end of the period within which an order for rehearing can be made in the highest appellate court to which an appeal is taken, or the final order or judgment of the court to which remand from an appellate court is made, whichever is latest.

SECTION 455d. 703.115 of the statutes is created to read:

703.115 Street and sanitary disposal requirements.

(1) (a) All highways, as defined in s. 340.01 (22), and private roads or driveways, as defined in s. 340.01 (46), within a condominium shall be of the widths required by city, village or town ordinance or, if no ordinance applicable to road widths within the condominium has been adopted, the declarant shall secure the written approval of the appropriate city, village or town for the proposed widths of all highways and private roads or driveways within the condominium.

(b) Paragraph (a) does not apply to a conversion condominium.

(2) Condominiums not served by a public sewer are subject to the rules promulgated by the department of

industry, labor and human relations under ch. 145 regulating private sewage systems.

SECTION 455h. 703.37 of the statutes is amended to read:

703.37 Interpretation. For purposes of interpretation of this chapter, a condominium is not a subdivision as defined in ch. 236, except as provided in s. 703.375.

SECTION 455p. 703.375 of the statutes is created to read:

703.375 Applicability of ch. 236. (1) Chapter 236 applies to a condominium if all of the following apply:

(a) All or part of the condominium is used or intended to be used for residential purposes.

(b) The residential portion of the condominium results from the allocation of a parcel of land into parcels or building sites, whether denominated as units or limited common elements, for the purpose of sale or of building development.

(c) The allocation of land in the residential portion of the condominium creates 5 or more parcels or building sites of 1.5 acres each or less in area in a single allocation or in successive allocations within a period of 5 years.

(2) All parcels or building sites in the residential portion of the condominium shall be identified on the plat required under ch. 236 as lots, outlots or public dedications.

(3) Subsections (1) and (2) do not apply to any of the following:

(a) A conversion condominium.

(b) A condominium which is used or intended to be used for camping and recreational purposes if no trailer in the condominium exceeds 45 feet in length or is attached to a permanent foundation.

SECTION 455t. 703.38 (12) of the statutes is created to read:

703.38 (12) Sections 703.115 and 703.375 apply to condominiums created after December 31, 1988.

SECTION 457m. Chapter 707 of the statutes is created to read:

CHAPTER 707
TIME-SHARE OWNERSHIP
SUBCHAPTER I
GENERAL PROVISIONS

707.02 Definitions. In this chapter:

(1) "Affiliate of a developer" means any person who controls, is controlled by or is under common control with a developer.

(2) "Association" means the association organized under s. 707.30 (2).

(4) "Campground" means real property that is available for use by campground members under a campground contract and is intended for camping or outdoor recreation, including the use of campsites and campground amenities by campground members, but does not include a mobile home park as defined in s. 66.058 (1) (e).

**Vetoed
in Part**

**Vetoed
in Part**

(5) "Campground amenity" means a major recreational building or recreational facility at a campground, including a swimming pool, ski hill, marina, pier, tennis court, utility-serviced campsite, clubhouse, trading post or grocery store; but does not include an individual campsite or general campsite location, any minor recreational building or facility, horseshoe pit or other minor game or athletic court, or a nonrecreational building or facility, including a restroom, road, dump station or pumphouse.

(6) "Campground contract" means an agreement entered into within this state evidencing a campground member's ownership of a time-share easement in a campground.

(7) "Campground member" means a person who enters into a campground contract with a campground operator, or a transferee of a person who enters into a campground contract with a campground operator.

(8) "Campground operator" means a developer who is the owner or operator of a campground for which campground contracts are offered or sold.

(9) "Closing" means:

(a) With respect to time-share estates, conveyance of legal or equitable title to the time share by delivery of a deed or contract to purchase to the purchaser.

(b) With respect to time-share easements, delivery by all parties of the documents necessary to vest in the purchaser the rights to access and use of the time-share unit.

(9m) "Controls" or "controlled by" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, by common management or otherwise, including any of the following, unless the powers are held solely as security for an obligation and are not exercised:

(a) Owning or controlling more than 20% of the voting interest in a person.

(b) Controlling the election of a majority of the directors of a person.

(c) Contributing more than 20% of the capital of a person.

(10) "Conversion building" means a building that at any time before the disposition of any time share was occupied wholly or partially by persons other than purchasers and persons who occupied with the consent of purchasers.

(11) "Developer" means any person who offers to dispose of, or disposes of, an interest in a time share not previously disposed of or succeeds to any special developer right under s. 707.31.

(12) "Dispose" or "disposition" means a voluntary transfer of any legal or equitable interest in a time share, excluding the transfer or release of a security interest.

(13) "Dues payment" means the periodic fee paid by a campground member, other than the sales payment, for the purpose of using a campground, excluding fees charged for specific goods or services provided, such as campsite reservations, daily campsite rentals, equipment rentals or meals.

(14) "Manager" means any person, other than all time-share owners or the association, named or employed under the time-share instrument or project instrument to manage the time-share units.

(15) "Managing entity" means the manager or, if there is no manager, the association.

(17) "Offering" means any advertisement, inducement, solicitation or attempt to encourage any person to acquire a time share, other than as security for an obligation.

(20) "Project" means real property which is subject to a project instrument and contains more than one unit, including real property which contains units that are not time-share units.

(21) "Project instrument" means any document, recordable under s. 706.05, regulating the use, occupancy or disposition of units in an entire project, including any amendments to the document.

(22) "Purchaser" means any person, other than the developer, who by means of a voluntary transfer acquires a legal or equitable interest in a time share, other than as security for an obligation.

(24) "Time share" means a time-share estate or a time-share easement.

(25) "Time-share easement" means an interest in property vesting in the purchaser and the purchaser's heirs, successors and assigns and evidencing a right to access to and use of a unit or any of several units during at least 4 separated periods over at least 4 years, including renewal options.

(26) "Time-share estate" means a right to occupy a unit during at least 4 separated periods over at least 4 years, together with a fee simple absolute interest or an interest for years in a time-share property.

(27) "Time-share expenses" means expenditures, fees, charges, liabilities or real property taxes incurred with respect to time shares by or on behalf of all time-share owners in a time-share property and imposed on the time-share units by the entity governing a project of which the time-share property is a part, together with any allocations to reserves, but excluding purchase money payable for time shares.

(28) "Time-share instrument" means a document creating or regulating time shares.

(29) "Time-share liability" means the liability for time-share expenses allocated to each time share under s. 707.21 (1) (e).

(31) "Time-share owner" means a person who is an owner or coowner of a time share, other than as security for an obligation.

(32) "Time-share property" means one or more time-share units subject to the same time-share instru-

ment, together with any real estate or rights to real estate appurtenant to those units.

(33) "Time-share unit" means a unit in which time shares exist.

(34) "Unit" means real property designated for separate occupancy and use.

707.03 Status of time-share estates. (1) A grant of an estate in a unit conferring the right of possession during a potentially infinite number of separated periods creates a fee simple absolute interest, and a grant of an estate in a unit conferring the right of possession during 4 or more separated periods over a finite number of years equal to at least 4, including renewal options, creates an interest for years.

(2) Each time-share estate constitutes for all purposes a separate estate in real property.

707.04 Time-share licenses prohibited. (1) In this section, "time-share license" means a right to occupy a unit or any of several units under a license or lease agreement during at least 4 separated periods over at least 4 years, including renewal options, not coupled with an interest in property.

(2) No person may create a time-share license to property in this state after the effective date of this subsection [revisor inserts date].

707.05 Variation by agreement. Except as otherwise provided in this chapter, the provisions of this chapter may not be varied by agreement, and rights conferred under this chapter may not be waived. A developer may not act under a power of attorney, or use any other device, to evade the limitations or prohibitions of this chapter or the time-share instrument.

707.06 Unconscionable contract. (1) UNCONSCIONABILITY; REMEDY. If a court as a matter of law finds that any aspect of a contract relating to the use or ownership of a time share, any conduct directed against the purchaser by a party to the contract, or any result of the contract is unconscionable, the court shall, in addition to the remedy authorized in sub. (4), either refuse to enforce the contract against the purchaser, or so limit the application of any unconscionable aspect or conduct as to avoid any unconscionable result.

(2) FACTORS. Without limiting the scope of sub. (1), the court may consider, among other things, any of the following as pertinent to the issue of unconscionability:

(a) That those engaging in the practice know of the inability of a party to receive benefits properly anticipated from the time share and related goods or services.

(b) That there exists a gross disparity, at the time of contracting, between the price of the time share and related goods or services and their value as measured by the price at which similar time shares or related goods or services were readily obtainable or by other tests of true value, except that a disparity between the contract price and the value of the time share mea-

sured by the price at which similar time shares were readily obtainable in similar transactions does not, of itself, render the contract unconscionable.

(c) That the practice may enable one party to take advantage of the inability of the other party reasonably to protect his or her interests by reason of physical or mental infirmities, illiteracy or inability to understand the language of the agreement, ignorance or lack of education or similar factors.

(d) That the terms of the contract require a party to waive legal rights.

(e) That the terms of the contract require a party to unreasonably jeopardize money or property beyond the money or property immediately at issue in the transaction.

(f) That the natural effect of the practice would reasonably cause or aid in causing a party to misunderstand the true nature of the contract or his or her rights and duties under the contract.

(g) That the writing purporting to evidence the obligation of the party under the contract contains terms or provisions or authorizes practices prohibited by law.

(h) Definitions of unconscionability in statutes, rules, regulations, rulings and decisions of legislative, administrative or judicial bodies.

(3) COURSE OF CONDUCT. Any charge or practice expressly permitted by this chapter is not in itself unconscionable, but even though a practice or charge is authorized by this chapter, the totality of a party's conduct may show that such practice or charge is part of an unconscionable course of conduct.

(4) OTHER REMEDIES. In addition to the protections afforded in sub. (1), a party shall be entitled upon a finding of unconscionability to recover from the person responsible for the unconscionable conduct a remedy in accordance with s. 707.57 (1).

707.07 Obligation of good faith. Every contract or duty within this chapter imposes an obligation of good faith in its performance or enforcement.

707.09 Conflicts with other laws. If a conflict exists between this chapter and ch. 703, the provisions of this chapter prevail.

707.10 Zoning and other regulation of time-share projects. (1) LIMITATIONS; LAND USE REGULATION. No zoning or other land use ordinance or regulation may prohibit time-share projects or impose any requirements upon a time-share project which it does not impose upon a physically identical development under a different form of ownership. No provision of a state or local building code may be applied differently to an improvement to real property in a time-share project than would be applied to a similar improvement under a different form of ownership.

(2) LIMITATIONS; OTHER REGULATIONS. No county, city or other jurisdiction, other than the state, may impose a burden or restriction on a time-share project that is not imposed on all other property of similar character not part of a time-share project.

707.11 Securities law; applicability. A time share created and marketed in accordance with this chapter is not a security under ch. 551 if a developer complies with ss. 707.38 (1m) and 707.49.

SUBCHAPTER II

CREATION, TERMINATION AND INCIDENTS OF TIME-SHARE OWNERSHIP

707.20 Time shares in projects. (1) If all of the documents constituting a project instrument are recorded after the effective date of this subsection [revisor inserts date], time shares may not be created in any unit in the project unless expressly permitted by the project instrument, including an amendment to the project instrument under sub. (2).

(2) An amendment to a project instrument adopted under s. 707.39 (5) or (6) which is recorded after the effective date of this subsection [revisor inserts date], may not permit the creation of time shares unless the owner of each unit in the project, and the record owners of liens on each unit in the project, consent to the amendment.

707.21 Time-share instrument. (1) **CONTENTS.** Except as provided in sub. (2), more than 12 time shares may be created in a single time-share property only by recording under sub. (3) a time-share instrument containing or providing for all of the following:

(a) A sufficient description of the time-share property and the name or other identification of the project, if any, within which the time-share property is located.

(b) A copy of or reference to a recorded project and time-share property plat required under s. 707.215.

(c) The name of the county or counties in which the time-share property is located.

(d) Identification of time periods by letter, name or number.

(e) The time-share liability and any voting rights assigned to each time share.

(em) A method for allocating real property taxes among the time-share owners and a method of giving notice to the time-share owners of an assessment and the amount of the property taxes, as required under s. 70.095.

(f) If additional units may become part of the time-share property, the method of doing so and the formula for allocation and reallocation of the time-share liabilities and any voting rights.

(g) The method of designating the insurance trustee required under s. 707.35 (4).

(h) Allocation of time for maintenance of the time-share units.

(i) Provisions for management by a managing entity or by the time-share owners.

(2) **EXCEPTION FOR CERTAIN EASEMENTS.** If a time-share easement applies to units in more than one time-share property, the time-share instrument creating the time-share easement need not contain or provide for the matters specified in sub. (1) (a) to (h).

(3) **RECORDING.** Before the sale of any time share in a time-share property for which a time-share instrument is required under sub. (1), the developer shall record the time-share instrument and all amendments of the time-share instrument with the register of deeds of every county in which any portion of the time-share property is located. The time-share instrument shall be indexed in the name of the time-share property and the developer, and the index shall identify time-share estate owners and all transfers of time-share estates. Subsequent instruments affecting the title to a time-share unit which is physically located entirely within a single county shall be recorded only in that county, even if the common elements are not physically located entirely within that county. Subsequent amendments shall be indexed under the name of the developer.

707.215 Project and time-share property plat. (1) **RECORDING REQUIREMENT.** When a time-share instrument is recorded under s. 707.21 (3), the developer shall file for record a plat, as described in sub. (2), of the time-share property and the project, if any, within which the time-share property is located, except that if a plat of the project was previously recorded the developer need only file the information necessary to update the recorded plat.

(2) **REQUIRED CONTENTS.** A plat filed for recording under sub. (1) may consist of one or more sheets and shall contain at least all of the following:

(a) On each sheet of the plat, the name of the project and time-share property and the county in which the project and time-share property are located. If there is more than one sheet, each sheet shall be consecutively numbered and show the relation of that sheet number to the total number of sheets.

(b) A survey of the project and time-share property complying with minimum standards for property surveys adopted by the examining board, as defined in s. 443.01 (3), and showing the location of any time-share unit, unit or other building located or to be located on the property.

(c) Diagrammatic floor plans of each building located or to be located on the property which show the approximate dimensions, floor area and location of each time-share unit and unit in a building. Common elements shall be shown graphically to the extent feasible.

(3) **FORM OF MAPS AND PLANS.** All survey maps and floor plans submitted for recording shall be legibly prepared with a binding margin of 1.5 inches on the left side and a one-inch margin on all other sides on durable white paper 14 inches in length and 22 inches in width with nonfading black image or reproduced with photographic silver haloid image on double matt polyester film of not less than 4 millimeter thickness and 14 inches long by 22 inches wide. The maps and plans shall be drawn to a convenient scale.

(4) DESIGNATION OF TIME-SHARE UNITS AND UNITS. Every time-share unit and unit shall be designated on the plat by number or other appropriate designation.

(5) SURVEYOR'S CERTIFICATE. A plat is sufficient for the purposes of this chapter if attached to or included in the plat is a certificate of a land surveyor licensed to practice in this state, and the certificate provides all of the following:

(a) That the plat is a correct representation of the project and the time-share property.

(b) The identification and location of each time-share unit and each unit and the common elements can be determined from the plat.

(6) NONAPPLICABILITY. Chapter 236 does not apply to plats required under this section.

707.22 Allocation of time-share liability and voting rights. (1) ALLOCATION OF EXPENSES. The time-share instrument shall state the amount of, or formula used to determine, any time-share liability.

(2) ALLOCATION OF VOTING RIGHTS. (a) If the time-share instrument provides for voting, it shall allocate votes to each time-share unit and to each time share under par. (b), but shall not allocate votes to any other property or person.

(b) The number of votes allocated to each time share shall be equal for all time shares or proportionate to each time share's value, as estimated by the developer, time-share liability or time-share unit size. The time-share instrument may specify matters as to which the votes shall be equal and other matters as to which votes shall be proportionate.

(3) ALTERING ALLOCATION. Except as otherwise provided under s. 707.21 (1) (f), the votes and time-share liability may not be altered without the unanimous consent of all time-share owners entitled to vote and voting either at a meeting or in an initiative or referendum in which at least 80% of the votes allocated to time shares are cast.

(4) SUM OF EXPENSES. Except for minor variations due to rounding, the sum of the time-share liabilities assigned to all time shares shall equal one, if stated as fractions, or 100% if stated as percentages. If a discrepancy occurs between the time-share liability or votes allocated to a time share and the result derived from the application of the formulas, the allocated time-share liability or vote prevails.

707.23 Partition. Notwithstanding ch. 842, no action for partition of a time-share unit may be maintained except as permitted by the time-share instrument or under s. 707.24 (3) (b).

707.24 Termination of time shares. (1) TERMINATION BY AGREEMENT. All time shares in a time-share property may be terminated only by agreement of the time-share owners having at least 80% of the time shares, except that the time-share instrument may require approval by a greater majority.

(2) RECORDING OF AGREEMENT. (a) An agreement to terminate all time shares in a time-share property shall be evidenced by a termination agreement which

meets the requirements of s. 706.05 (2) for recording, is signed by each of the time-share owners who agree to termination under sub. (1) and provides that the agreement will be void unless the agreement is recorded before a specified date.

(b) A termination agreement shall be recorded in the office of the register of deeds of each county in which a portion of the time-share property is located and shall be effective only upon recordation.

(3) AGREEMENT WITHOUT SALES CONTRACT. (a) Unless the termination agreement sets forth a sales contract described in sub. (4), title to an estate or interest in each time-share unit, equal to the sum of the time shares in the time-share unit, shall vest upon termination in the time-share owners of the time-share unit in proportion to their respective interests under sub. (6m) or (7), and liens on the time shares shall shift accordingly to encumber those interests.

(b) Upon termination, an owner of an estate or interest in a time-share unit under par. (a) may maintain an action for partition under ch. 842.

(4) AGREEMENT WITH SALES CONTRACT. If the termination agreement sets forth the material terms of a contract or proposed contract under which an estate or interest in each time-share unit, equal to the sum of the time shares in the time-share unit, is to be sold and designates a trustee to effect the sale, title to that estate or interest shall vest upon termination in the trustee for the benefit of the time-share owners, to be transferred under the contract. Proceeds of the sale shall be distributed to time-share owners and lienholders under sub. (6).

(5) RIGHTS AND LIABILITIES AFTER TERMINATION. Except as otherwise specified in the termination agreement, if the former time-share owners or their trustee holds title to the estate or interest equal to the sum of the time shares, each former time-share owner and the time-share owner's successors in interest have the same rights with respect to occupancy in the former time-share unit that the former time-share owner would have had if termination had not occurred, together with the same liabilities and other obligations imposed under this chapter or the time-share instrument.

(6) DISTRIBUTION OF PROCEEDS. After termination of all time shares in a time-share property and adequate provision for the payment of the claims of the creditors for time-share expenses, the proceeds shall be distributed to the former time-share owners and their successors in interest in proportion to their interests as determined under sub. (6m) or (7). The distribution shall consist of the proceeds of any sale under this section and the proceeds of any personalty or other funds held for the use and benefit of the former time-share owners. After termination, creditors of the association holding liens perfected against the time-share property before the termination may enforce those liens in the same manner as any other lienholder. All other creditors of the association shall be treated

as if they had liens on time-share property which were perfected immediately before termination.

(6m) **INTERESTS SPECIFIED.** The time-share instrument may specify the respective fractional or percentage interest in the estate or interest in each time-share unit equal to the sum of the time shares in the time-share unit that will be owned by each former time-share owner.

(7) **APPRAISALS.** (a) If the specification under sub. (6m) is not made, an appraisal under par. (b) of the fair market value of each time share shall be made not more than 180 days before the termination by one or more impartial qualified appraisers, selected either by the trustee designated in the termination agreement or by the managing entity if no trustee is designated.

(b) The appraisal shall state the corresponding fractional or percentage interests calculated in proportion to those values and shall be made in accordance with all of the following:

1. If the termination agreement sets forth a sales contract described in sub. (4), each time share conferring a right of occupancy during a limited number of time periods shall be appraised as if the time until the date specified for the conveyance of the property had already elapsed.

2. If the termination agreement does not set forth a sales contract described in sub. (4), each time share conferring a right of occupancy during a limited number of time periods shall be appraised as if the date specified under sub. (2) had already elapsed.

3. The interest of each time-share owner is the value of the time share divided by the sum of the values of all time shares in the unit or units to which the time share applies.

(c) A notice stating all values and corresponding interests determined under par. (b) and the return address of the sender shall be sent by certified or registered mail by the managing entity or by the trustee designated in the termination agreement to all time-share owners.

(d) The appraisal governs the magnitude of each interest unless at least 25% of the time-share owners deliver, within 60 days after the notices required under par. (c) are mailed, written disapprovals to the sender of the notice or unless a court determines that the appraisal should be set aside.

(8) **FORECLOSURE.** Foreclosure or enforcement of a lien or encumbrance against all of the time shares in a time-share property does not, of itself, terminate those time shares.

707.25 Use for sales purposes. (1) Except as provided in sub. (2), a developer may maintain sales offices, management offices and models in the time-share property only if the time-share instrument so provides and specifies the rights of a developer with regard to the number, size, location and relocation of the offices. The developer may maintain signs on the

time-share property advertising the time-share property.

(2) A developer's authority under sub. (1) is subject to restrictions in ordinances and the project instrument.

707.26 Rights of secured lenders. The time-share instrument may require that all or a specified number or percentage of holders of mortgages or equivalent security interests encumbering units or time shares approve specified actions of the unit owners, time-share owners, the developer or the managing entity as a condition to the effectiveness of those actions, but no requirement for approval may do any of the following:

(1) **CONTROL OVER ADMINISTRATION.** Deny or delegate control over the general administrative affairs of an association by the unit owners or time-share owners, or their elected representatives.

(2) **INVOLVEMENT IN LITIGATION.** Prevent an association from commencing, intervening in or settling any litigation or proceeding or receiving and distributing insurance proceeds under s. 707.35.

SUBCHAPTER III

MANAGEMENT OF TIME-SHARE PROPERTY

707.30 Managing entity; association of unit owners.

(1) **LEGAL ENTITY.** Except as otherwise provided in this section, the affairs of every time-share property shall be managed by an association which, whether incorporated or unincorporated, is a legal entity for all purposes.

(2) **ORGANIZATION OF ASSOCIATION.** (a) *More than 12 time shares.* 1. If the number of time shares in a time-share property exceeds 12, the developer shall establish an association to govern the time-share property not later than the date of the first conveyance of a time share in the time-share property to a purchaser. The association shall be organized as a profit or nonprofit corporation or as an unincorporated association. After it is organized, the membership of the association shall at all times consist exclusively of all of the time-share owners.

2. If a developer does not establish an association under subd. 1, any interested party, including a time-share owner or a holder of a lien in the time-share property, may petition the circuit court in the county in which the time-share property is located to establish an association and prescribe the powers of the managing entity in accordance with sub. (5).

(b) *Twelve or fewer time shares.* If the number of time shares in the time-share property is 12 or fewer, 3 or more time-share owners may form an association to manage the time-share property.

(3) **DEVELOPER CONTROL PERIOD.** Until an association is established under sub. (2) or unless time-share owners exercise the authority granted under sub. (6), the developer has the power and responsibility to act in all instances in which this chapter, any other provision of law, the time-share instrument or project

instrument requires action by the association or its officers.

(4) BOARD OF DIRECTORS. (a) All powers of the association under sub. (5) shall be exercised by and under the authority of, and the business and affairs of the association shall be conducted by, a board of directors elected in accordance with pars. (b) to (d).

(b) The developer or persons designated by the developer may appoint or remove the members of the association's board of directors, except as provided in par. (c).

(c) 1. Time-share owners other than the developer may elect no less than one-third of the members of the board of directors of the association when time-share owners other than the developer own 15% or more of the time shares in a time-share property.

2. Time-share owners other than the developer may elect no less than a majority of the members of the board of directors of an association when the first of any of the following occurs:

a. Three years after 50% of the time shares in a time-share property have been conveyed to purchasers.

b. Three months after 90% of the time shares in a time-share property have been conveyed to purchasers.

c. All of the time shares that will ultimately be operated by the association have been completed, some of them have been conveyed to purchasers, and none of the others is being offered for sale by the developer in the ordinary course of business.

d. Some of the time shares have been conveyed to purchasers and none of the others is being constructed or offered for sale by the developer in the ordinary course of business.

3. The developer or persons designated by the developer may not remove any member of the board of directors who was elected by the time-share owners.

(d) Within 60 days after the time-share owners are entitled under par. (c) to elect a member or members of the board of directors of an association, the association shall call, upon not less than 30 days' nor more than 40 days' notice, a meeting of the time-share owners to elect the members of the board of directors. Any time-share owner may call and give notice of a meeting under this paragraph if the association fails to do so.

(5) POWERS OF MANAGING ENTITY. (a) Subject to par. (c) and the time-share instrument, the association may do any of the following:

1. Adopt, amend and repeal bylaws, rules and regulations.

2. Adopt and amend budgets for revenues, expenditures and reserves, and levy and collect assessments for time-share expenses from time-share owners.

3. Employ and dismiss employees, agents and independent contractors.

4. Commence, defend or intervene in court actions or administrative proceedings in its name on behalf of

itself or 2 or more time-share owners on matters affecting the time-share property or time shares.

5. Make contracts and incur liabilities.

6. Regulate the use, maintenance, repair, replacement and modification of the time-share property.

7. Cause additional improvements to be made to the time-share property.

8. Impose charges for late payment of assessments and, after notice and an opportunity to be heard, levy reasonable fines for violations of the time-share instrument, bylaws and rules or regulations of the association.

9. Impose reasonable charges for the preparation of resale certificates required by s. 707.48 (2) or statements of unpaid assessments.

10. Exercise any other powers conferred by the time-share instrument or bylaws.

11. Impose and receive any payments, fees or charges for the use, rental or operation of the time-share property and for services provided to time-share owners.

12. Acquire, hold, encumber and convey in its name any right, title or interest in or to real or personal property.

13. Assign its right to future income, including the right to receive assessments for time-share expenses, but only to the extent that the time-share instrument expressly so provides.

14. Provide for the indemnification of its directors and officers and maintain directors' and officers' liability insurance.

15. Exercise all other powers that may be exercised in this state by legal entities of the same type as the association.

16. Exercise any other powers necessary and proper for the governance and operation of the association.

(b) Except as otherwise provided in the time-share instrument, the manager, to the extent permitted by the management contract, may exercise the powers specified in par. (a) 1 to 11.

(c) 1. The time-share instrument may not impose limitations on the power of the association to deal with the developer which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

2. If the time-share property is a part of a project, this section may not confer any powers on the managing entity, the developer or the time-share owners with respect to any portion of the project other than the units comprising the time-share property.

(6) POWERS AND RESPONSIBILITY IF NO MANAGING ENTITY. If the number of time shares in the time-share property is 12 or fewer and no managing entity is established, the time-share owners shall have all of the following:

(a) The powers in sub. (5) (a) 1 to 11, subject to any restrictions and limitations specified by the time-share instrument. If the time-share instrument is silent with

respect to the manner of exercise of any of these powers, the time-share owners may exercise the power only by unanimous action.

(b) The responsibilities and liabilities of an association under ss. 707.33 and 707.34.

(7) **CAMPGROUNDS EXCLUDED.** This section does not apply to time-share property in which a campground member owns a time-share easement in a campground.

707.31 Transfer of special developer rights. (1) **DEFINITION.** In this section, "special developer right" means a developer's right to do any of the following:

(a) Add more units to a time-share property under s. 707.21 (1) (f).

(b) Maintain sales offices, management offices, models and signs under s. 707.25.

(c) Appoint, control or serve as the managing entity.

(2) **REQUIREMENTS FOR TRANSFER.** No special developer right may be transferred except by an instrument executed by both the transferor and transferee which evidences the transfer and is recorded in every county in which any portion of the time-share property is located.

(3) **LIABILITY OF TRANSFEROR.** Upon transfer of a special developer right, the liability of a transferor shall be as follows:

(a) The transferor may not be relieved of any obligation or liability arising before the transfer, and the transferor shall remain liable for warranty obligations imposed upon him or her under s. 707.53. Lack of privity may not deprive a time-share owner of standing to maintain an action to enforce an obligation of the transferor.

(b) If a successor to a special developer right is an affiliate of the developer, the transferor shall be jointly and severally liable with the successor for any obligations or liabilities of the successor relating to the time-share property.

(c) If the transferor retains any special developer right but transfers other special developer rights to a successor who is not an affiliate of the developer, the transferor shall be liable for any obligations or liabilities imposed on a developer either by this chapter or by the time-share instrument relating to the retained special developer rights and arising after the transfer.

(d) A transferor is not liable for any act or omission or any breach of a contractual or warranty obligation arising from the exercise of a special developer right by a successor developer who is not an affiliate of the transferor.

(4) **RIGHTS WHERE FORECLOSURE OR TAX SALE.** (a) 1. Unless otherwise provided in a mortgage instrument or deed of trust, in case of foreclosure of a mortgage, tax sale, judicial sale, sale by a trustee under a deed of trust, or sale under bankruptcy or receivership proceedings, of any time shares owned by a developer in the time-share property, a person acquiring title to all

of the time shares being foreclosed or sold shall succeed, depending upon his or her request, to one of the following:

a. All special developer rights.

b. Any rights reserved in the time-share instrument under s. 707.25 allowing the developer to maintain sales offices, management offices, models and signs.

2. The judgment or instrument conveying title shall provide for transfer of only those special developer rights requested under subd. 1.

(b) Upon foreclosure, tax sale, judicial sale, sale by a trustee under a deed of trust, or sale under bankruptcy or receivership proceedings of all time shares in a time-share property owned by a developer, all of the following shall occur:

1. The right to appoint, control or serve as the managing entity shall terminate unless the judgment or instrument conveying title provides for transfer of all special developer rights to a successor developer.

2. The developer shall cease to have any other special developer rights.

(5) **RIGHTS, LIABILITIES AND DUTIES OF SUCCESSOR.**

(a) A successor to any special developer right who is an affiliate of a developer is subject to all obligations and liabilities imposed on the transferor by this chapter or the time-share instrument.

(b) 1. A successor to any special developer right, other than a successor described in par. (c) or (d), who is not an affiliate of a developer, is subject to any of the following obligations and liabilities imposed by this chapter or the time-share instrument:

a. On a developer, which relate to a developer's exercise or nonexercise of special developer rights.

b. On the successor's transferor, except as provided in subd. 2.

2. A successor described in subd. 1 is not subject to any of the following obligations and liabilities of the successor's transferor:

a. Liability for misrepresentations by a previous developer.

b. Warranty obligations on improvements made by any previous developer or made before the property became a time-share property.

c. Breach of any fiduciary obligation by any previous developer or any developer's appointees.

d. Any liability or obligation imposed on the transferor as a result of the transferor's acts or omissions after the transfer.

(c) A successor to only the right to maintain sales offices, management offices, models and signs under s. 707.25, if the successor is not an affiliate of a developer, may not exercise any other special developer right and is not subject to any liability or obligation as a developer, except the obligation to provide a time-share disclosure statement and any liability arising as a result of providing the time-share disclosure statement.

(d) If a successor to all special developer rights held by a transferor is not an affiliate of the developer and has succeeded to those rights by deed in lieu of foreclosure, judgment or an instrument conveying title to the time shares under sub. (4), the successor may declare in a recorded instrument the intention to hold those rights solely for transfer to another person. Thereafter, until transferring all special developer rights, that successor may not exercise any of those rights other than any right held by the transferor to appoint, control or serve as the managing entity, and any attempted exercise of those rights is void. During any period in which a successor may not exercise special developer rights under this paragraph, the successor is not subject to any liability or obligation as a developer other than liability for his or her acts and omissions in appointing, controlling or serving as the managing entity.

(6) **PRESERVATION OF PURCHASER'S CLAIMS AND DEFENSES.** (a) Any claim or defense based on any written documentation which a purchaser may raise against the person who sold the time share to the purchaser is preserved against any assignee or successor to any of the following:

- 1. The contract of sale.
- 2. Any credit contract in connection with the sale of the time share which is executed by the purchaser and which may be retained by or assigned to the developer, an affiliate of the developer or a creditor having a contractual relationship with the developer.

(b) Any recovery by a purchaser under par. (a) may not exceed the amounts paid by the purchaser under the contract.

(c) Sellers and creditors shall include the following language in promissory notes executed in connection with the sale of time shares:

NOTICE

ANY HOLDER OF THIS CREDIT CONTRACT IS SUBJECT TO ALL CLAIMS AND DEFENSES WHICH THE DEBTOR COULD ASSERT AGAINST THE SELLER OF SERVICES OR PROPERTY OBTAINED PURSUANT TO THE CREDIT CONTRACT OR WITH THE PROCEEDS OF THE CREDIT CONTRACT. RECOVERY UNDER THE CREDIT CONTRACT BY THE DEBTOR MAY NOT EXCEED AMOUNTS PAID BY THE DEBTOR UNDER THE CREDIT CONTRACT.

(7) **EXTENT OF OBLIGATIONS.** Nothing in this section subjects any successor to a special developer right to any claims against or other obligations of a transferor developer, other than claims and obligations arising under this chapter or any written documentation.

707.32 Termination of contracts and leases of developer. (1) **DEFINITION.** In this section, "time-share property" does not include a campground.

(1m) **AUTHORITY OF THE ASSOCIATION.** The following contracts or leases relating to the time-share property which are entered into before the developer ceases

under s. 707.30 (4) (c) to appoint a majority of the board of directors may be terminated without penalty by the association at any time after the developer ceases to appoint a majority of the board of directors, upon not less than 90 days' notice to the other party to the contract or lease:

(a) Any management contract, employment contract, or lease of recreational or parking areas or facilities.

(b) Any contract or lease between the managing entity and a developer or an affiliate of a developer.

(c) Any contract or lease that is not bona fide or was unconscionable to the time-share owners when entered into under the circumstances then prevailing.

(2) **APPLICABILITY TO LEASES.** This section does not apply to a lease if termination of the lease would terminate the time-share property or reduce its size, unless the real estate subject to the lease was included in the time-share property for the purpose of avoiding the right to terminate a lease under this section.

(3) **ACTION BY TIME-SHARE OWNER.** If no association is established under s. 707.30 (2), any time-share owner, individually or on behalf of the class of time-share owners, may maintain an action under sub. (1m) to terminate a contract or lease of the developer relating to the time-share property.

707.33 Upkeep of units. (1) **RESPONSIBILITY OF MANAGING ENTITY AND REQUIRED ACCESS.** (a) Unless otherwise provided in the time-share instrument, the managing entity shall be responsible for maintenance, repair and replacement of the time-share units and any personal property available for use by time-share owners in conjunction with the time-share units, other than personal property separately owned by a time-share owner.

(b) Each time-share owner shall afford access through the time-share unit reasonably necessary for the purposes described in par. (a), but the managing entity shall promptly repair any damage to the time-share unit or personal property in the time-share unit which results from the access required under this paragraph.

(2) **ALTERATION OF UNIT.** Subject to the time-share instrument, a time-share owner may not change the appearance of a time-share unit without the consent of the managing entity.

707.34 Tort and contract liability. (1) **ACTIONS AGAINST DEVELOPER AND THE ASSOCIATION.** (a) An action in tort alleging a wrong done by a developer or a manager selected by the developer, or an agent or employe of either, in connection with any portion of the time-share property or other property which the developer or the manager has the responsibility to maintain may not be maintained against the association or any time-share owner other than a developer.

(b) An action in tort alleging a wrong done by an association or by an agent or employe of the association or an action arising from a contract made by or

on behalf of the association may be maintained only against the association.

(bm) If a tort or breach of contract action against an association under par. (b) is based upon conduct which occurred during any period of developer control, the developer is subject to liability for all unreimbursed losses suffered by the association or time-share owners, including costs and reasonable attorney fees notwithstanding s. 814.04 (1). Any statute of limitations affecting the right of action of the association or time-share owners under this paragraph is tolled until the period of developer control terminates.

(c) No time-share owner may be precluded from bringing an action under this subsection because the person is a time-share owner or a member, officer or director of the association.

(2) ACTIONS AGAINST TIME-SHARE OWNER. (a) Except as provided in sub. (3), a time-share owner is personally liable for his or her acts and omissions.

(b) Each time-share owner shall be liable to the association for any damage, except ordinary wear and tear, done to the time-share property by the time-share owner or a person using the time-share property under the rights of the time-share owner.

(c) An action may not be maintained against a time-share owner merely because he or she owns a time share.

(3) LIABILITY OF VOLUNTEER DIRECTORS AND OFFICERS. A director or officer of an association who is not paid for services to the association is not personally liable for damages resulting solely because of his or her membership on the board or participation in association activities.

(4) JUDGMENT LIEN. A judgment for money against an association shall be a lien against all of the time shares if properly docketed under ch. 806, but, notwithstanding s. 806.15 (1), the judgment shall not constitute a lien against any other property of a time-share owner.

707.35 Insurance; repair or replacement of damaged property. (1) REQUIRED INSURANCE. Beginning not later than when a developer offers a time share for sale in a time-share property in which the number of time shares exceeds 12, the managing entity shall maintain all of the following insurance, to the extent reasonably available and applicable and not otherwise unanimously agreed by the time-share owners or provided by the developer or by a person managing a project of which the time-share property is a part:

(a) Property insurance on the time-share property and any personal property available for use by time-share owners in conjunction with the time-share property, other than personal property separately owned by a time-share owner, insuring against all risks of direct physical loss commonly insured against, for not less than full replacement value of the property

insured, exclusive of items normally excluded from property insurance policies.

(b) Liability insurance, including medical payments insurance, in an amount determined by the managing entity but not less than any amount specified in the time-share instrument, covering all occurrences commonly insured against for death, bodily injury and property damage arising out of or in connection with the use, ownership or maintenance of the time-share property and time-share units.

(2) NOTICE REQUIREMENT. If the insurance under sub. (1) is not reasonably available, the managing entity shall promptly mail or hand deliver notice of that fact to all time-share owners.

(2m) INSPECTION OF POLICIES. The managing entity shall make copies of all insurance policies carried under sub. (1) available for inspection by the time-share owners during normal business hours.

(3) CONTENTS OF POLICY. Each insurance policy carried under sub. (1) shall provide all of the following:

(a) That each time-share owner is an insured person under the policy whether designated as an insured by being named individually or as part of a named group or otherwise, as the time-share owner's interest may appear.

(b) That the insurer waives its right to subrogation under the policy against any time-share owner or members of the time-share owner's household.

(c) That an act or omission by any time-share owner shall not void the policy or be a condition to recovery by any other person under the policy unless the time-share owner is acting within the scope of his or her authority on behalf of the association.

(d) That the policy is primary insurance not contributing with any other insurance in the name of a time-share owner covering the same risk covered by the policy, and the other insurance in the name of a time-share owner applies only to loss in excess of the primary coverage.

(4) INSURANCE TRUSTEE. (a) Except as provided in par. (d), any loss covered by the property insurance required under sub. (1) (a) shall be adjusted with, and the insurance proceeds from that loss payable to, the insurance trustee designated in the time-share instrument. If a trustee has not been designated or if the designated trustee fails to serve, the managing entity shall be the insurance trustee.

(b) Except as provided in par. (c), the insurance trustee shall hold any insurance proceeds in trust for time-share owners and lienholders as their interests may appear and be determined in accordance with s. 707.24.

(c) Subject to sub. (7), the insurance trustee shall disburse insurance proceeds for the repair or restoration of the time-share property, and time-share owners and lienholders may not receive payment of any portion of the proceeds unless there is a surplus of

proceeds after the property has been completely repaired or restored, or there is a termination under s. 707.24.

(d) This subsection does not apply if the property insurance required under sub. (1) (a) is provided by a person managing a project of which the time-share property is a part.

(5) **OTHER INSURANCE PROTECTION.** (a) The time-share instrument may require the managing entity to carry any other insurance and the managing entity may carry any other insurance deemed appropriate.

(b) An insurance policy issued under sub. (1) may not prevent a time-share owner from obtaining insurance for the time-share owner's benefit.

(6) **CERTIFICATES; CANCELLATION.** (a) An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to any association and, upon written request, to any time-share owner, mortgagee or beneficiary under a deed of trust.

(b) An insurer that has issued an insurance policy under this section may terminate the policy only as provided in s. 631.36, except that notice of cancellation or nonrenewal shall be mailed to the last-known address of the managing entity and each person to whom a certificate or memorandum of insurance has been issued.

(7) **DAMAGED PROPERTY; REPAIR OR REPLACEMENT.** (a) Any portion of the time-share property damaged or destroyed shall be repaired or replaced promptly by the managing entity unless any of the following occur:

1. Another person repairs or replaces it.
2. There is a termination under s. 707.24.
3. Repair or replacement would be illegal under any state or local health or safety statute or ordinance, including a zoning ordinance.

4. Fifty percent of the time-share owners of undamaged or undestroyed time-share units and 80% of the time-share owners of damaged or destroyed time-share units vote not to rebuild.

5. A decision not to rebuild the damaged property is made by another person empowered to make that decision.

(b) Unless the time-share instrument provides otherwise, all of the following apply if the entire time-share property need not be repaired or replaced:

1. The insurance proceeds attributable to the damaged area shall be used to restore the damaged area to a condition compatible with the remainder of the property.

2. The insurance proceeds attributable to time-share units that are not rebuilt shall be distributed as if those units constituted a time-share property in which all time shares had been terminated under s. 707.24.

(c) The cost of repair or replacement of the time-share property in excess of insurance proceeds and reserves shall be a time-share expense.

(8) **WAIVER.** Notwithstanding s. 707.05, this section may be varied or waived in the case of a time-

share property in which none of the time-share units may be used as dwellings or for recreational purposes.

707.36 Disposition of surplus funds. Unless otherwise provided in the time-share instrument, any surplus funds derived from the time-share owners or from property belonging to the time-share owners or their association and held by a managing entity, which are remaining after payment of or provision for time-share expenses and any prepayment of reserves, shall be paid to the time-share owners in proportion to their time-share liabilities, credited to the owners to reduce their future time-share liabilities or used for any other purpose as the association decides.

707.37 Assessments for time-share expenses; lien.

(1) **LIABILITY FOR ASSESSMENTS.** (a) Until assessments for time-share expenses are made against the time-share owners, the developer shall pay all time-share expenses.

(b) When assessments for time-share expenses are made against the time-share owners, assessments for time-share expenses shall be made at least annually, based on a budget adopted at least annually by the managing entity and in accordance with the allocation set forth in the time-share instrument under s. 707.22 (1). Except as provided in pars. (c) to (f), no time-share owner may be excused from payment of his or her share of time-share expenses unless all of the time-share owners are excused from payment.

(c) A developer may be excused from the payment of the developer's share of the time-share expenses which would have been assessed against the time shares during a stated period during which the developer has guaranteed to each purchaser in the time-share disclosure statement, or by agreement between the developer and a majority of the time-share owners other than the developer, that the assessment for time-share expenses imposed upon the time-share owners would not increase over a stated dollar amount. If the developer makes such a guarantee, the developer shall pay any amount of time-share expenses incurred during the guarantee period which was not produced by the assessments at the guarantee level from other time-share owners.

(d) To the extent required by the time-share instrument, any time-share expense benefiting fewer than all of the time-share owners may be assessed only against the time-share owners benefited.

(e) Assessments to pay any judgment against the association may be made only against the time shares in the time-share property when the judgment was entered, in proportion to their time-share liabilities.

(f) If any time-share expense is caused by the misconduct of a time-share owner, the managing entity may assess that expense exclusively against that time-share owner's time share.

(1m) **INTEREST; REALLOCATION.** (a) Any past due assessment or instalment shall bear interest at the rate established by the managing entity or the time-share instrument.

(b) If time-share liabilities are reallocated, assessments for time-share expenses and any instalment not yet due shall be recalculated in accordance with the reallocated time-share liabilities.

(2) ASSESSMENTS CONSTITUTE LIEN. (a) All assessments for time-share expenses, until paid, together with interest and actual costs of collection, constitute a lien on the time shares on which they are assessed, if a statement of time-share lien is filed under par. (b) within 2 years after the date on which the assessment becomes due. The lien shall be effective against a time share when the assessment became due regardless of when within the 2-year period it is filed.

(b) A statement of time-share lien shall be filed in the land records of the office of the clerk of circuit court of the county where the time-share property is located, stating the description of the time-share property and the time share, the name of the time-share owner, the amount due and the period for which the assessment for time-share expenses was due. The clerk shall index the statement of time-share lien under the name of the time-share owner in the lien docket. The statement of time-share lien shall be signed and verified by an officer or agent of the association as specified in the bylaws or, if there is no association, a representative of the time-share owners. On full payment of the assessment for which the lien is claimed, the time-share owner shall be entitled to a filable satisfaction of the lien.

(2m) LIABILITY FOR ASSESSMENTS UPON TRANSFER. A time-share owner shall be liable for all time-share expenses assessed against the time-share owner and coming due while the time-share owner owns a time share and until the time-share owner notifies the managing entity in writing of the transfer of the time share. In a voluntary grant of a time share, the grantee shall be jointly and severally liable with the grantor for those time-share expenses which are assessed against the grantor up to the time of the voluntary grant and for which a statement of lien is filed under sub. (2), except as provided in sub. (3), without prejudice to the rights of the grantee to recover from the grantor the amounts paid by the grantee for the assessments. Liability for assessments may not be avoided by waiver of the use or enjoyment of any part of the time-share property or by abandonment of the time share for which the assessments are made.

(3) STATEMENT OF UNPAID ASSESSMENTS. Any grantee of a time share is entitled to a statement from the managing entity setting forth the amount of unpaid assessments for time-share expenses against the grantor. The grantee is not liable for, nor shall the time share conveyed be subject to a lien which is not filed under sub. (2) for, any unpaid assessment against the grantor in excess of the amount set forth in the statement. If the managing entity does not provide the statement within 10 business days after the grantee's request, it is barred from claiming any lien

against the grantee which is not filed under sub. (2) before the request for the statement.

(4) PRIORITY OF LIEN. A lien under sub. (2) is prior to other liens except all of the following:

(a) Liens of general and special taxes.

(b) All sums unpaid on a first mortgage on the time share which is recorded before the assessment is made.

(c) Mechanic's liens filed before the assessment on the time-share unit, divided into the time share involved.

(5) FORM OF STATEMENT OF TIME-SHARE LIEN. A statement of time-share lien is sufficient for the purposes of this chapter if it contains the following information and is substantially in the following form:

STATEMENT OF TIME-SHARE LIEN

This is to certify that owner(s) of time share No. in, a time-share property (is) (are) indebted to, the managing entity, in the amount of \$.... as of, 19.. for (his) (her) (its) (their) proportionate share of time-share expenses for the period from (date) to (date), plus interest thereon at the rate of%, costs of collection, and actual attorney fees.

(Managing Entity)

By:....

Officer's title (or agent)

Address....

Phone number....

I hereby affirm under penalties of perjury that the information contained in the foregoing Statement of Time-Share Lien is true and correct to the best of my knowledge, information and belief.

....

Officer (or agent)

(6) ENFORCEMENT OF LIEN. A lien may be enforced and foreclosed by a managing entity or any other person specified in the time-share instrument, in the same manner, and subject to the same requirements, as a foreclosure of mortgages on real property in this state. The managing entity may recover costs and actual attorney fees. The managing entity may, unless prohibited by the project instrument or time-share instrument, bid on the time share at foreclosure sale and acquire, hold, mortgage and convey the time share. Suit to recover a money judgment for unpaid time-share expenses shall be maintainable without foreclosing or waiving the lien securing the time-share expenses. Suit for any deficiency following foreclosure may be maintained in the same proceeding. No action may be brought to foreclose the lien unless brought within 3 years after the recording of the statement of time-share lien and unless 10 days' prior written notice is given to the time-share owner by registered mail, return receipt requested, to the address of the time-share owner shown on the books of the managing entity.

(7) FINANCIAL RECORDS. A person who has a duty to make assessments for time-share expenses shall keep financial records sufficiently detailed to enable

the person to comply with s. 707.48. All financial and other records shall be made reasonably available for examination by any time-share owner or the time-share owner's authorized agent.

707.38 Blanket encumbrances; liens. (1) DEFINITION. In this section, blanket encumbrance" means any mortgage, lien or other interest which secures or evidences an obligation to pay money or to convey or otherwise dispose of all or any part of a time-share property, affects the time-share property or time shares owned by more than one time-share owner and permits or requires the foreclosure or other disposition of the time-share property to which it attaches, but does not include any of the following:

(a) A lien for taxes and assessments levied by a public body which are not yet due and payable.

(b) A lien for common expenses in favor of a homeowners', condominium or community association which is not a judgment lien.

(c) A lease.

(d) A recorded agreement for the payment of reasonable fees or other compensation for management services performed on behalf of the time-share property.

(e) Any interest arising from an agreement to sell or pledge the ownership interest in an individual time share.

(1m) NONDISTURBANCE AGREEMENT. If delivery of a time-share disclosure statement is required under s. 707.41 (2), a developer whose project is subject to a blanket encumbrance shall, before transferring a time share, obtain from the holder of the blanket encumbrance a nondisturbance agreement, which shall be recorded in the office of the register of deeds under s. 706.05, for the benefit of the purchaser and the purchaser's successors in interest, by which the holder agrees to all of the following:

(a) The holder's rights in the time-share property are subordinate to the rights of time-share owners upon recording of the nondisturbance agreement.

(b) The holder and any successor or assign, or any person who acquires the time-share property through foreclosure or by deed in lieu of foreclosure or in fulfillment of the blanket encumbrance, shall take the time-share property subject to the rights of time-share owners.

(c) The holder and any successor acquiring the time-share property under the blanket encumbrance may not use or cause the time-share property to be used in a manner which would prevent the time-share owners from using and occupying the time-share property in a manner contemplated by the project instrument and time-share instrument.

(2) RELEASE FROM BLANKET ENCUMBRANCE. (a) If a blanket encumbrance becomes effective against a time share after purchase of the time share, the time-share owner is entitled to a release of the time share from the blanket encumbrance upon payment of an amount proportionate to the ratio that the time-share owner's

time-share liability bears to the total time-share liability of all time shares subject to the blanket encumbrance. Upon receipt of payment, the holder shall promptly deliver to the time-share owner a release of the blanket encumbrance covering that time share.

(b) Upon release under par. (a) of a time share from a blanket encumbrance, the managing entity may not assess or have a lien against that time share for any portion of the expenses incurred in connection with the blanket encumbrance.

(3) EFFECT OF OTHER LIENS. Except as provided in s. 707.37 (2) to (6), after creation of a time-share property, all liens which are not blanket encumbrances exist only against individual time shares in the same manner and under the same conditions as liens or encumbrances may arise or be created upon or against separate parcels of real property owned in individual ownership.

(4) LIENHOLDER'S RIGHTS. (a) Except as provided in s. 707.37 (2) to (6), the holder of a lien against an individual time share in a time-share property shall have the lien rights preserved against a purchaser of the time share unless the purchaser objects and shows within the time specified in par. (b) that the project instrument is invalid, void or voidable.

(b) The developer shall give a purchaser written notice, by certified mail or personal delivery, that the developer has assigned a receivable related to the time share to the lienholder and that the time-share owner has 30 days to object and show the invalidity or defect of the project instrument. A purchaser who fails to assert an objection as provided in this paragraph may not raise the issue in any later action for enforcement of the collection of the receivable or enforcement of the lien by the lienholder.

(5) SERVICE OF PROCESS. If a lien is to be foreclosed or enforced against all time shares in a time-share property, service of process in the action upon the managing entity, if any, shall constitute service upon all of the time-share owners for the purposes of foreclosure or enforcement. The managing entity shall promptly forward, by certified or registered mail, a copy of the process to each time-share owner at his or her last address known to the managing entity. The cost of forwarding shall be advanced by the holder of the lien and may be taxed as a cost of the enforcement proceeding. This notice does not suffice for the entry of a deficiency or other personal judgment against any time-share owner.

707.39 Initiative, referendum and recall. (1) DEFINITIONS. In this section:

(a) "Owner" means a person who, other than as security for an obligation, is an owner or coowner of a time share or is an owner or coowner of a unit that is not a time-share unit.

(b) "Time share" does not include a time-share easement in a campground.

(c) "Unit" does not include real property in which a time-share easement in a campground exists.

(2) **APPLICABILITY.** This section applies only to a project in which at least 50% of the votes are allocated to time shares.

(3) **ADDRESS LIST.** For purposes of this section, the managing entity shall keep reasonably available for inspection and copying by any owner all addresses, known to it or to the developer, of all of the owners, with the principal permanent residence address of each indicated, if known. The managing entity shall revise continually the list of addresses based on any new information it obtains, and the developer shall keep the managing entity advised of any information which the developer has or obtains.

(4) **GENERAL PROVISIONS.** (a) Each ballot prepared under subs. (5) to (7) shall contain all of the following:

1. A statement that the ballot will not be counted unless signed by an owner.

2. The date, not less than 30 days nor more than 180 days after the date the ballot is mailed, by which the ballot must be received by the person to whom it is to be returned, and a statement that the ballot will not be counted unless received by that date.

3. The name and address of the person to whom the ballot is to be returned.

4. No material other than what is required by this section.

(b) Each ballot mailed under subs. (5) to (7) shall be mailed to the principal permanent residence of the owner to whom it is addressed, if known to the person responsible for mailing it, and that person shall procure and keep reasonably available for inspection for at least one year after the vote is calculated a certificate of mailing for each ballot mailed and the original or a photocopy of each ballot returned by the date specified in par. (a) 2.

(c) If the developer or a person on behalf of the developer communicates with an owner, other than as expressly authorized by sub. (5), (6) or (7), on the subject matter of any petition or ballot prepared under any of those subsections, the expense of that communication may not be assessed directly or indirectly in whole or in part to any owner other than the developer.

(d) The vote allocated to any time share and to any unit other than a time-share unit shall be counted as having been cast in accordance with the ballot of any owner of that time share or unit. If the ballots of different owners of the same time share, or of the same unit other than a time-share unit, are not in accord with one another, the vote allocated to that time share or unit shall be divided in proportion to the number of owners of the time share or unit voting each way and shall be counted accordingly. Any ballot that is not signed by an owner or is not received by the date specified under par. (a) 2 is void.

(e) The managing entity shall take action reasonably calculated to notify all owners of the resolution of any matter considered under sub. (5), (6) or (7).

(f) No right or power of an owner under this section may be waived, limited or delegated by contract, power of attorney, proxy or otherwise, in favor of the developer, an affiliate of a developer, a managing entity or a designee of any of them.

(4m) **AMENDMENT TO PROJECT INSTRUMENT.** The project instrument may be amended by the owners by direct initiative under sub. (5) or by referendum under sub. (6). An amendment adopted under sub. (5) or (6) shall be promptly recorded by the managing entity with a statement of the vote and becomes effective upon recordation.

(5) **DIRECT INITIATIVE BY OWNERS.** (a) The owners may amend the project instrument or any unrecorded document governing the project, or approve or reject any proposed expenditure, in accordance with this subsection or in any manner permitted by the project instrument or document.

(b) An owner may deliver to the managing entity a petition containing the language of a proposed amendment and signed by the owners of at least one time share or other estate or interest in each of a number of units to which at least 33 1/3% of the votes are allocated or any smaller percentage specified by the document to be amended. A writing of not more than 750 words in support of the proposal may be attached to the petition and mailed with the ballots under par. (c).

(c) Within 20 days after receiving the petition under par. (b), the managing entity shall mail to each owner a ballot setting forth the language of the petition and affording an opportunity to approve or reject the proposal, together with a copy of the writing, if any, attached to the petition. A writing of not more than 750 words from the managing entity recommending approval or rejection of the proposal may be mailed with the ballots.

(d) 1. Within 10 days after the date specified under sub. (4) (a) 2, the managing entity shall examine the ballots that have been returned and determine the vote. A signature on the petition shall be treated for the purpose of sub. (4) (d) as a ballot from the signer indicating approval of the proposed amendment.

2. Except as provided in s. 707.20 (2), a simple majority of the votes counted shall be sufficient for the adoption of the proposal unless the document to be amended specifies a larger majority or, in the case of a proposed expenditure, the project instrument specifies a larger majority not exceeding 66 2/3%, except that no document may specify more than a simple majority for a proposal which the managing entity could effect unilaterally.

3. No proposal may be adopted by an initiative in which the ballots favoring the proposal represent less than 10% of the votes allocated to all owners.

(e) A proposal adopted under this subsection may not be repealed or modified within 3 years after adoption except by another initiative under this subsection.

After the 3-year period, the managing entity may not repeal or modify the result without the approval of the owners in a referendum under sub. (6). If the project instrument permits the managing entity to initiate a referendum for that purpose, no referendum may be initiated for that purpose more often than once every 3 years.

(6) REFERENDUM OF OWNERS. (a) The owners may amend the project instrument by referendum, and the project instrument may specify other matters which the owners may determine by referendum and may permit the managing entity to select matters which the owners may determine by referendum.

(b) If an amendment to a project instrument proposed by the managing entity, or other matter, is to be determined by referendum, the managing entity shall prepare and, not less than 30 days nor more than 180 days before the votes are to be counted, mail to each owner a ballot stating each matter to be determined and affording the opportunity to approve or reject each matter. The ballot may be accompanied by a writing of not more than 750 words from the managing entity recommending a particular decision.

(c) Within 10 days after the date specified under sub. (4) (a) 2, the managing entity shall examine the ballots and determine the vote. Except as provided in s. 707.20 (2), a simple majority of the votes counted shall determine each matter in question unless the project instrument specifies a larger majority, but no matter may be determined by referendum unless the ballots favoring the majority decision represent at least 10% of the votes allocated to all owners.

(7) RECALL OF MANAGER BY OWNERS. (a) In addition to any manner permitted by the project instrument, the owners may discharge the manager with or without cause in the manner provided by this subsection.

(b) 1. An owner may prepare a ballot affording the opportunity to indicate a preference between retaining the present manager and discharging the present manager in favor of a new manager. A writing of not more than 750 words supporting discharge of the manager may be attached to the ballot.

2. A copy of the ballot and of any writing that is to be mailed with the ballots shall be delivered to the manager. Not less than 10 days nor more than 30 days after the ballot and writing are delivered to the manager, the owner who prepared the ballot shall mail to each owner the ballot and writing, if any, supporting discharge, and a copy of any written reply from the manager of not more than 750 words.

(c) 1. Within 10 days after the date specified under sub. (4) (a) 2, the person who receives the ballots shall examine those that have been returned, determine the vote and promptly notify the manager of the result. If at least 66 2/3% of the vote, representing at least 33 1/3% of the votes allocated to all owners, favors discharging the manager, then all of the following shall occur:

a. The developer shall be notified of the result and the ballots or photocopies of the ballots shall be given promptly to the manager.

b. The developer shall diligently attempt to procure offers for management contracts from prospective managers. Any owner other than the developer also may attempt to procure such offers.

2. If the developer or any owner obtains an offer within 60 days after the date on which the vote was tabulated, the developer or owner shall promptly notify the developer and the owner who was responsible for tabulating the vote. If no offer is obtained from a prospective manager other than the current manager within the 60-day period, that period shall be extended for successive intervals of 30 days each until an offer is obtained.

3. At the end of any period under subd. 2 during which an offer from a prospective manager other than the current manager is obtained, the owner who prepared the ballot, or the developer if that owner so directs in a writing delivered to the developer, shall promptly prepare and mail to each owner a 2nd ballot stating the term and compensation provided by each offer that has been received and affording an opportunity to indicate a preference for any one of the offers or for retaining the current manager. A letter recommending that a particular offer be accepted or that the current manager be retained may accompany the ballot, and if the developer prepared the ballot, the developer shall enclose a copy of any letter submitted by the owner who was responsible for tabulating the vote.

4. The developer has no obligation under this paragraph and nothing need be delivered to the developer if the developer owned no estate or interest in any unit on the date that the first ballot was delivered to the manager and neither the developer nor the affiliates of the developer or the developer's appointees caused the current manager to be hired.

(d) Within 10 days after the date specified under sub. (4) (a) 2, the person who receives the ballots prepared under par. (c) 3 shall examine the ballots that have been returned, determine the vote, notify the manager of the result, and hold the ballots available for inspection by the manager and any proposed manager for at least 30 days. If more votes favor accepting a particular offer rather than retaining the manager, the manager shall be discharged 90 days after being notified of the result, except that if the ballot prepared under par. (b) was delivered to the manager before the current term of the manager began, the manager is discharged immediately upon being notified of the result. The person who received the ballots prepared under par. (c) 3 shall accept on behalf of the owners the offer that received the largest number of votes. The expenses under a contract accepted under this paragraph are time-share expenses.

(e) A manager discharged under this subsection is not entitled because of the discharge to any penalty or

other charge payable directly or indirectly in whole or in part by any owner other than the developer.

(f) If the manager is discharged under par. (d), the reasonable expenses incurred by the developer or any owner in obtaining offers and preparing and mailing ballots under this subsection, including reasonable attorney fees, shall be promptly collected by the managing entity from all owners as a time-share expense and paid to the developer or the owner.

SUBCHAPTER IV

PROTECTION OF PURCHASERS

707.40 Applicability; exemptions. This subchapter applies to all time shares subject to this chapter, except that ss. 707.41 to 707.45 and 707.48 do not apply to any of the following:

(1) The disposition of a time share in any of the following circumstances:

- (a) By gift.
- (b) By court order.
- (c) By a government or governmental agency.
- (d) By foreclosure or deed in lieu of foreclosure.

(2) The disposition of a time share if the purchaser may cancel at any time and for any reason without penalty.

(3) The disposition of a time share in a unit situated wholly outside this state under a contract executed wholly outside this state, if there has been no offering within this state.

(4) An offering by a developer of time shares in not more than one time-share unit at any one time.

(5) Disposition to one purchaser of a time-share property or all of the time shares in a time-share property.

(6) A transaction normal and customary in the hotel and motel business, including but not limited to acceptance of advance reservations, if the person engaging in the transaction operates or owns a motel or hotel substantially engaged in the business of accepting short-term, single reservation contracts with customers who obtain no associated long-term use rights.

707.41 Time-share disclosure statement. (1) **PREPARATION OF STATEMENT.** (a) Except as provided in par. (b), a developer, before offering an interest in a time-share unit, shall prepare a time-share disclosure statement conforming to the requirements of this section and, if applicable, ss. 707.42 to 707.45.

(b) A developer may transfer responsibility for preparation of all or a part of the time-share disclosure statement to a successor developer or to a person in the business of selling real estate who intends to offer time shares in the time-share property for the person's own account. The developer shall provide the transferee with any information necessary to enable the transferee to fulfill the requirements of this section.

(2) **DELIVERY OF STATEMENT; SINGLE STATEMENT.** (a) A developer or other person in the business of selling

real estate who offers a time share for the person's own account to a purchaser shall deliver a time-share disclosure statement to a prospective purchaser in the manner prescribed in s. 707.47 (1).

(b) If a time-share property is part of any other real estate venture in connection with the sale of which the delivery of a disclosure statement is required under the laws of this state, a single disclosure statement conforming to the requirements of this section and, if applicable, ss. 707.42 to 707.45, as those requirements relate to all real estate ventures in which the time-share property is located, and to any other requirements imposed under the laws of this state, may be prepared and delivered in lieu of providing 2 or more disclosure statements.

(3) **LIABILITY FOR STATEMENT.** The person who prepared all or a part of the time-share disclosure statement is liable under ss. 707.47 and 707.57 for any false or misleading statement set forth in, or any omission of material fact from, that portion of the time-share disclosure statement which the person prepared.

(4) **CONTENTS OF STATEMENT.** A time-share disclosure statement shall contain or fully and accurately disclose all of the following:

(a) A cover sheet bearing the title "Time-Share Disclosure Statement" and the name and principal business address of the developer and the developer's agent, if any, the name and location of the time-share property and the following 3 statements in boldface type or capital letters no smaller than the largest type on the page:

1. THESE ARE THE LEGAL DOCUMENTS COVERING YOUR RIGHTS AND RESPONSIBILITIES AS A TIME-SHARE OWNER. IF YOU DO NOT UNDERSTAND ANY PROVISIONS CONTAINED IN THEM, YOU SHOULD OBTAIN PROFESSIONAL ADVICE.

2. THESE DISCLOSURE MATERIALS GIVEN TO YOU AS REQUIRED BY LAW MAY BE RELIED UPON AS CORRECT AND BINDING. ORAL STATEMENTS MAY NOT BE LEGALLY BINDING.

3. YOU MAY CANCEL IN WRITING ANY CONTRACT FOR THE PURCHASE OF A TIME SHARE, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN 5 BUSINESS DAYS FROM THE DATE YOU SIGN THE CONTRACT OR UNTIL 5 BUSINESS DAYS AFTER YOU RECEIVE THE TIME-SHARE DISCLOSURE STATEMENT, WHICHEVER IS LATER. IF YOU SO CANCEL THE CONTRACT, YOU ARE ENTITLED TO RECEIVE A FULL REFUND OF ANY DEPOSITS MADE, EXCEPT, IF YOU HAVE USED OR OCCUPIED THE TIME-SHARE PROPERTY FOR MORE THAN 12 HOURS, THE MANAGING ENTITY OR CAMPGROUND OPERATOR MAY SUBTRACT FROM DEPOSITS MADE A REASONABLE CHARGE TO

COVER THE LENGTH OF STAY PLUS THE COST FOR DAMAGES TO THE TIME-SHARE PROPERTY DIRECTLY ATTRIBUTABLE TO YOU OR ANY MEMBER OF YOUR PARTY.

(b) A general description of the time-share property and the time-share units, including the number of units in the time-share property and in any project of which it is a part, and the schedule of commencement and completion of all promised improvements as described in the time-share instrument, promotional materials, advertising and the time-share disclosure statements.

(c) As to all units owned or offered by the developer in the same project, all of the following:

1. The types and number of units.
2. Identification of units that are time-share units.
3. The types and durations of the time shares.
4. The maximum number of units that may become part of the time-share property.
5. A statement of the maximum number of time shares that may be created or a statement that there is no maximum.

(d) Copies and a brief narrative description of the significant features of the time-share instrument and any documents, other than plats and plans, referred to in the time-share instrument, copies of any contracts or leases to be signed by the purchaser at closing, and a brief narrative description of any contracts or leases that may be cancelled by the association under s. 707.32.

(e) The identity of the managing entity and the manner, if any, by which the developer may change the managing entity or its control.

(f) A current balance sheet and budget for the association, if there is an association, either within or as an exhibit to the time-share disclosure statement. During the 12 months after the date of the first transfer to a purchaser the budget may be a projected budget. The budget shall include all of the following:

1. A statement of who prepared the budget and the budgetary assumptions concerning occupancy and inflation factors.
2. A statement of the amount, or a statement that there is no amount, included in the budget as a reserve for repairs and replacement.
3. A statement of any other reserves.
4. The projected time-share expenses by category of expenditure, for the time-share units.
5. The projected time-share liability for each time share.

(g) A description of the nature and purposes of all charges, dues, maintenance fees and other expenses that may be assessed, the current amounts assessed and the method and formula for changes.

(h) Any services provided by the developer or expenses paid by the developer which the developer expects may become a time-share expense, and the

projected time-share liability attributable to each of those services or expenses for each time share.

(i) Any initial or special fee due from the purchaser at closing and a description of the purpose of, and method of calculating, the fee.

(j) A statement of the effect on the time-share owners of liens, defects or encumbrances on, or affecting the title to, the time-share units.

(k) A description of any financing offered by the developer.

(L) The terms and significant limitations of any warranties provided by the developer, including statutory warranties and limitations on the enforcement of the warranties or on damages.

(m) If of significance to the time-share units, a statement of any unsatisfied judgments against the managing entity or the developer, the status of any pending suits involving the sale or management of real estate to which the managing entity or the developer or an affiliate of the developer is a defending party, and the status of any pending suits of which the developer has actual knowledge.

(n) A statement that an amount equal to 50% of the deposits, as defined in s. 707.49 (1) (b), made in connection with the purchase of a time share will be held in an escrow account, except as provided in s. 707.49 (4), until all of the events listed in s. 707.49 (3) (b) 3 have occurred or any later time specified in the contract to purchase the time share, and that the full amount of the deposit, minus any amount that may be withheld under s. 707.47 (6) (b), will be returned to the purchaser if the purchaser cancels the contract under s. 707.47.

(o) Any restraints on transfer of time shares or portions of time shares.

(p) A description of the insurance coverage provided for the benefit of time-share owners in accordance with s. 707.35.

(q) Any current or expected fees or charges to be paid by time-share owners for the use of any facilities related to the project.

(r) The extent to which financial arrangements have been provided for completion of all promised improvements as described in the time-share instrument, promotional materials, advertising and the time-share disclosure statements.

(s) The extent to which a time-share unit may become subject to a tax or other lien arising out of claims against other time-share owners of the same time-share unit.

(t) A description of the rights and remedies provided in the time-share instrument to a time-share owner who is prevented from enjoying exclusive occupancy of a time-share unit by others, or a statement that there are none provided in the time-share instrument.

(u) All unusual and material circumstances, features and characteristics of the project.

707.42 Exchange or reciprocal program; additional requirements. (1) DEFINITIONS. In this section:

(a) "Exchange company" means a person operating an exchange program.

(b) "Exchange program" means an arrangement where time-share owners exchange occupancy rights among themselves or with time-share owners of other time-share units or both.

(c) "Reciprocal program" means an arrangement allowing a campground member to use one or more campgrounds, the owners of which are persons other than the campground operator who entered into the campground contract with the campground member.

(2) EXCHANGE PROGRAM; DISCLOSURES. If time-share owners are permitted or required to become members of or to participate in an exchange program, the time-share disclosure statement or a supplement delivered with the statement shall contain or fully and accurately disclose, in addition to the information required by s. 707.41 (4) and, if applicable, ss. 707.43 to 707.45, all of the following information:

(a) Whether membership or participation in the exchange program by a time-share owner is voluntary or mandatory.

(b) The name and address of the exchange company, whether the exchange company is an affiliate of the developer, and whether the exchange company or any of its officers or directors has any legal or beneficial interest in any developer or manager of any time-share property participating in the exchange program.

(c) The names of all officers, directors and shareholders owning 5% or more of the outstanding stock of the exchange company.

(d) The terms and conditions of the contractual relationship between the time-share owner and the exchange company.

(e) The procedures whereby the contractual relationship between the time-share owner and the exchange company may be changed or terminated, and whether it may be terminated or otherwise affected by action or inaction of the developer or the managing entity or by other factors beyond the control of the time-share owner.

(f) A complete and accurate description of all limitations, restrictions or priorities used in the operation of the exchange program, including limitations on exchanges based on the season, unit size or levels of occupancy, expressed in boldface type, and if the limitations, restrictions or priorities are not uniformly applied by the exchange program, a clear description of the manner in which they are applied.

(g) The procedures to qualify for and effectuate exchanges and the manner in which exchanges are arranged by the exchange company.

(h) Whether exchanges are arranged on a space-available basis and whether the exchange program guarantees fulfilling specific requests for exchanges.

(i) Whether and under what circumstances a time-share owner, in dealing with the exchange company, may lose the use and occupancy of the time share in an exchange which the time-share owner properly applied for without being provided with substitute accommodations by the exchange company.

(j) The fees or range of fees for participation by time-share owners in the exchange program, a statement of whether the fees may be altered by the exchange company and the circumstances under which changes in the fees may be made.

(k) The name and address of the site of each time-share property, accommodation or facility that is participating in the exchange program.

(L) The number of units in each time-share property participating in the exchange program that are available for occupancy and that qualify for participation in the program, expressed with the following numerical groupings: 1-5, 6-10, 11-20, 21-50, and 51 and over.

(m) The number of time-share owners with respect to each time-share property who are eligible to participate in the exchange program expressed within the following numerical groups: 1-100, 101-249, 250-499, 500-999, and 1,000 and over.

(n) The disposition made by the exchange company of time shares deposited with the exchange program by time-share owners eligible to participate in the exchange program and not used by the exchange company in effecting exchanges.

(o) All of the following information, which shall be independently audited by an independent, certified public accountant or accounting firm in accordance with generally accepted accounting principles:

1. The number of time-share owners eligible to participate in the exchange program and a description of the relationship between the exchange company and time-share owners as either fee-paying or gratuitous.

2. The number of time-share properties, accommodations or facilities eligible to participate in the exchange program, categorized by those having a contractual relationship between the developer or the managing entity and the exchange company and those having solely a contractual relationship between the exchange company and time-share owners directly.

3. The percentage of confirmed exchanges, which shall be the number of exchanges confirmed by the exchange company divided by the number of exchanges properly applied for, together with a complete and accurate statement of the criteria used to determine whether an exchange request was properly applied for and the statement specified in sub. (4).

4. The number of time shares for which the exchange company has an outstanding obligation to provide an exchange to a time-share owner who relinquished a time share during the year in exchange for a time share in any future year.

5. The number of exchanges confirmed by the exchange company during the year.

(3) **DELIVERY.** If an exchange company offers an exchange program directly to the purchaser or time-share owner, the exchange company shall deliver to each purchaser or time-share owner the information set forth in sub. (2). This subsection does not apply to any renewal of the contract between a time-share owner and an exchange company, unless there are material changes in the information required by sub. (2) adversely affecting the interests of the time-share owner.

(4) **BOLDFACE STATEMENT.** Each exchange company offering an exchange program to purchasers in this state shall include the following statement in boldface type on all promotional brochures, pamphlets, advertisements or other materials disseminated by the exchange company which also contain the percentage of confirmed exchanges described in sub. (2) (o) 3: **THE PERCENTAGE OF CONFIRMED EXCHANGES IS A SUMMARY OF THE EXCHANGE REQUESTS ENTERED WITH THE EXCHANGE COMPANY IN THE PERIOD REPORTED. THE PERCENTAGE OF CONFIRMED EXCHANGES DOES NOT INDICATE A PURCHASER'S PROBABILITIES OF BEING CONFIRMED TO ANY SPECIFIC CHOICE OR RANGE OF CHOICES, SINCE AVAILABILITY AT INDIVIDUAL LOCATIONS MAY VARY.**

(5) **MISREPRESENTATION IN EXCHANGE COMPANY INFORMATION; REPRESENTATIONS BY DEVELOPER.** (a) If the developer relies in good faith on information provided by others in making disclosures required by this section, the developer shall be responsible for a misrepresentation based upon that information only if the developer has knowledge of its falsity.

(b) Except for written information provided to the developer by the exchange company, an exchange company is not liable for any of the following:

1. Representations made by the developer relating to the exchange program or the exchange company.
2. The use, delivery or publication by the developer of any information relating to the exchange program or the exchange company.

(6) **CAMPGROUNDS; RECIPROCAL PROGRAM.** A campground operator shall maintain any reciprocal program that is represented in a campground contract as available to a campground member when the campground contract is signed, except that the campground operator may cancel a reciprocal program if any of the following occurs:

(a) The campground operator acquires for the use of campground members the number of campgrounds specified in the campground contract as constituting a replacement for the reciprocal program.

(b) The term of the reciprocal program, as specified in the campground contract, expires.

(c) The campground operator substitutes a comparable reciprocal program, as provided in the campground contract.

707.43 Multilocation developer; additional requirements. (1) **DEFINITION.** As used in this section, "multilocation developer" means a developer creating or selling its own time shares in more than one time-share property under a program permitting time-share owners, by reservation or other similar procedure, to occupy time-share units in more than one time-share property.

(2) **ADDITIONAL REQUIREMENTS.** If time-share owners are permitted or required to participate in a multilocation program, the time-share disclosure statement or a supplement delivered with the statement shall contain or fully and accurately disclose, in addition to the information required by s. 707.41 (4) and, if applicable, ss. 707.42, 707.44 and 707.45, all of the following information:

(a) A complete and accurate description of the procedure to qualify for and effectuate use rights in time-share units in the multilocation program.

(b) A complete and accurate description of all limitations, restrictions or priorities employed in the operation of the multilocation program, including limitations on reservations, use or entitlement rights based on the season, unit size, levels of occupancy or class of owner, expressed in boldface type, and, if the limitations, restrictions or priorities are not uniformly applied by the multilocation program, a clear description of the manner in which they are applied.

(c) Whether use is arranged on a space-available basis and whether the multilocation developer guarantees fulfilling specific requests for use.

(d) The name and address of the site of each time-share property included in the multilocation program.

(e) The number of time-share units in each time-share property which is available for occupancy and all of the following about each such time-share unit:

1. The interest which the multilocation developer has in the time-share unit and, if less than fee ownership, a statement of all relevant terms of the multilocation developer's interest in the time-share unit.

2. Whether the time-share unit may be withdrawn from the multilocation program.

(f) All of the following information, which shall be independently audited by an independent, certified public accountant or accounting firm in accordance with generally accepted accounting principles:

1. The number of time-share owners in the multilocation program.

2. For each time-share property in the multilocation program, the number of properly made requests for use of time-share units in the time-share property.

3. For each time-share property, the number of time-share owners who received the right to use a unit in the time-share property, expressed as a percentage of the time-share owners who properly requested such use in the time-share property.

(g) The following statement in boldface type: **THE PERCENTAGE OF TIME-SHARE OWNERS WHO RECEIVED THE RIGHT TO USE A UNIT IN THE TIME-SHARE PROPERTY DOES NOT INDICATE A PURCHASER'S PROBABILITIES OF BEING ABLE TO USE ANY TIME-SHARE UNIT, SINCE AVAILABILITY AT INDIVIDUAL LOCATIONS MAY VARY.**

707.44 Conversion building; additional requirements.

(1) **ADDITIONAL REQUIREMENTS.** If a conversion building includes or will include one or more time-share units, is more than 10 years old and the developer or any affiliates of the developer own or control more than 50% of all units in the project, the time-share disclosure statement shall contain, in addition to the information required by s. 707.41 (4) and, if applicable, ss. 707.42, 707.43 and 707.45, all of the following information:

(a) A statement by the developer, based on a report prepared by an independent registered architect or engineer, describing the present condition of all structural components and mechanical and electrical installations which are material to the use and enjoyment of the time-share units.

(b) A statement by the developer of the expected useful life of each item reported on in par. (a) or a statement that no representations are made in that regard.

(c) A list of any outstanding notices of uncorrected violations of building codes or other state and municipal regulations, together with the estimated cost of correcting those violations.

(2) **APPLICABILITY.** This section applies only to units which may be used as a dwelling or for recreational purposes or both.

707.45 Amendments to statement. A developer shall promptly amend all of the following:

(1) The time-share disclosure statement to report any material change in the information required by s. 707.41 or 707.44.

(2) The time-share disclosure statement or any supplement to the statement to report any material change known to the developer in the information required by s. 707.42, except that:

(a) The developer shall report to purchasers any significant change in information required by s. 707.42 (2) (b), (c) and (k) that adversely affects purchasers' interests within 30 days after the change occurs, and if the developer reports the change as required, the developer is not liable to purchasers for any harm resulting because purchasers were not informed earlier of the change.

(b) The information required by s. 707.42 (2) (m) to (o) shall be calculated, at a minimum, from the records of the exchange company, as defined in s. 707.42 (1) (a), for each calendar year and shall be available no later than July 1 of the succeeding year.

(3) The time-share disclosure statement or any supplement to the statement to report any material change in the information required by s. 707.43, except that the information required by s. 707.43 (2) (d) to (f) shall be calculated, at a minimum, from the records of the multilocation developer, as defined in s. 707.43 (1), for the preceding calendar year and shall be available no later than July 1 of the succeeding year.

707.46 Contract; minimum requirements. (1) **REQUIRED PROVISIONS.** All contracts for the purchase of a time share shall contain at least all of the following provisions:

(a) The actual date that the contract is executed by each party.

(b) The name and address of the developer or seller and of any agent acting on behalf of the developer or seller, and, if different than the developer or seller, any owner of the land or buildings included in the project of which the time shares are a part.

(c) The total financial obligation of the purchaser, including the initial purchase price and any additional charges to which the purchaser may be subject, such as financing, reservation and recreation charges and time-share expenses.

(d) The projected date of completion of construction, as defined in s. 707.49 (1) (a), of each part of the project of which time shares are a part which is not completed at the time the purchase contract is executed.

(e) A description of the nature and duration of the time share being sold.

(f) A description of the purchaser's rights under s. 707.47.

(2) **CAMPGROUNDS; ADDITIONAL PROVISIONS.** In addition to the information required under sub. (1), a contract for the purchase of a time-share easement in a campground shall include all of the following information:

(a) Any policy or other existing obligation to allow persons who are not campground members to use the campground or campground amenities.

(b) The maximum ratio of campground contracts projected to be sold per campsite during the course of a campground contract.

707.47 Purchaser's right to cancel. (1) **PROVISION OF STATEMENT.** A person required to deliver a time-share disclosure statement under s. 707.41 (2) shall, before transfer of a time share and no later than the date of any contract for the purchase of a time share, provide a prospective purchaser with a copy of the time-share disclosure statement and all amendments and supplements to the statement.

(2) **RIGHT TO CANCEL.** If delivery of a time-share disclosure statement is required under s. 707.41 (2), the purchaser may cancel a contract for the purchase of a time share until midnight of the 5th business day after whichever of the following is later:

(a) The date that the contract is executed.

(b) The date on which the purchaser receives the last of the documents required to be provided to the purchaser under sub. (1).

(3) **ACTIVITY BEFORE CANCELLATION PERIOD EXPIRES.** No title may be recorded, deed delivered or deposit released until the cancellation period under sub. (2) has expired. Nothing in this subsection or sub. (4) precludes the execution of documents before the cancellation period expires, for delivery after the cancellation period expires.

(4) **WAIVER PROHIBITED.** The purchaser or any person on behalf of the purchaser may not waive the right to cancel under sub. (2).

(5) **NOTICE OF CANCELLATION.** If a purchaser elects to cancel a contract under sub. (2), the purchaser may do so by personally-delivering notice of the cancellation to the seller or by mailing the notice to the developer or to the developer's agent for service of process. If mailed, any notice of cancellation shall be considered given on the date that the notice is postmarked.

(6) **REFUND.** (a) Cancellation under sub. (2) shall be without penalty, and, except as provided in par. (b), all payments made by the purchaser before cancellation shall be refunded within 20 days after receipt of the notice of cancellation or within 5 days after receipt of funds from the purchaser's cleared check, whichever is later.

(b) If the purchaser has used or occupied the time-share property for more than 12 hours before cancellation, the funds to be returned to the purchaser may be reduced by a reasonable charge to cover the length of stay plus the cost for damages, if any, to the time-share property directly attributable to the purchaser's use or occupancy of the time share property.

707.48 Resales of time shares. (1) **REQUIRED DISCLOSURES.** Except as provided in s. 707.40 or except where delivery of a time-share disclosure statement is required under s. 707.41 (2), a seller of a time share shall furnish to the purchaser before execution of any contract for the purchase of a time share, or otherwise before the transfer of title, a copy of the time-share instrument, other than any plats or plans, and a certificate containing statements disclosing all of the following information:

(a) The effect on the proposed transfer of any right of first refusal or other restraint on transfer of all or any portion of the time share.

(b) The amount of the periodic time-share liability and any unpaid time-share expense or special assessment or other sums currently due and payable from the seller.

(c) Any other fees payable by time-share owners.

(d) Any judgments or other matters that are or may become liens against the time share or the time-share unit and the status of any pending suits that may result in those liens.

(2) **MANAGING ENTITY; PREPARATION OF CERTIFICATE.** (a) Except as provided in par. (b), the managing entity, within 10 days after a request by a time-

share owner, shall furnish a certificate containing the information necessary to enable the time-share owner to comply with sub. (1).

(b) If there is no managing entity, the time-share owner shall furnish the information specified in sub. (1).

(3) **LIABILITY; VOIDING CONTRACT.** (a) A purchaser is not liable for any unpaid time-share liability or fee greater than the amount set forth in a certificate prepared under sub. (2).

(b) A time-share owner is not liable to a purchaser for the failure or delay of the managing entity to provide the certificate in a timely manner or for any erroneous information provided by the managing entity and included in the certificate, except for information on judgment liens against the time share or the time-share unit.

(c) A purchaser may void a purchase contract until the certificate, whether prepared by the managing entity or time-share owner, is provided and for 5 business days after the certificate is provided or until transfer of the time share, whichever occurs first.

707.49 Deposits; escrow requirement. (1) **DEFINITIONS.** In this section:

(a) "Completion of construction" means that all accommodations of the time-share unit and all buildings, improvements and other facilities of the time-share property, including campground amenities, are available for use in a manner identical in all material respects to the manner portrayed by the time-share instrument, promotional materials, advertising and the time-share disclosure statements.

(b) "Deposit" means any money or property given by a purchaser as earnest money, downpayment or other payment in connection with the purchase of a time share, whether the payment is intended to be applied toward the purchase price or other obligation or returned to the purchaser, but excluding any dues payment.

(c) "Escrow account" means an account established solely for the purposes set forth in this section with a financial institution, as defined in s. 705.01 (3), which is located within this state and the accounts of which are insured by a governmental agency or instrumentality.

(d) "Escrow agent" means any of the following:

1. A savings and loan association, bank or trust company located in this state.

2. An attorney who is a member of the state bar of Wisconsin.

3. A real estate broker licensed under ch. 452.

4. A title insurance company authorized to do business in this state.

(2) **ESCROW AGENT.** (a) *Designation.* Except as provided in sub. (4), before the sale of any time shares in a project, the developer shall establish an escrow account and shall designate an escrow agent for the purpose of protecting the deposits of purchasers. All escrow agents shall be independent of the developer,

and the developer, any affiliate of the developer or any officer, director, subsidiary or employe of the developer shall not serve as escrow agent.

(b) *Duties.* An escrow agent designated under par. (a) shall do all of the following:

1. Maintain, in accordance with generally accepted accounting practices, separate books and records for each time share.

2. Maintain the accounts required by this section only in such a manner as to be under the direct supervision and control of the escrow agent.

3. Retain for 5 years all affidavits received under sub. (3) (b).

4. Upon receipt of conflicting demands for the escrowed funds or property, immediately and with the consent of all parties either submit the matter to arbitration or, by interpleader or otherwise, seek an adjudication of the matter in court.

(3) **ESCROW AGREEMENT; RELEASE OF FUNDS.** (a) Until the deposit may be released from escrow under par. (b), an amount equal to 50% of the deposit shall be deposited in an escrow account under an escrow agreement.

(b) The escrow agreement shall provide that the deposit may be released from escrow only as follows:

1. If a purchaser gives a valid notice of cancellation under s. 707.47 (5) or is otherwise entitled to cancel the sale, the deposit shall be returned to the purchaser under s. 707.47 (6).

2. After expiration of the cancellation period under s. 707.47 (2), if the purchaser defaults in the performance of his or her obligations under the contract to purchase, the developer shall provide an affidavit to the escrow agent requesting release of the escrowed deposit and shall provide a copy of the affidavit to the purchaser who has defaulted. The developer's affidavit shall include all of the following:

a. A statement that the purchaser has defaulted and that the developer has not defaulted.

b. A brief explanation of the nature of the default and the date of default.

c. A statement that the developer is entitled under the contract to the deposit held by the escrow agent.

d. A statement that the developer has not received from the purchaser any written notice of a dispute between the purchaser and developer or a claim by the purchaser to the escrowed deposit.

3. If no cancellation or default has occurred, the escrow agent may release the escrowed deposit upon presentation by the developer of an affidavit and, if the project is subject to a blanket encumbrance, as defined in s. 707.38 (1), a certified copy of a recorded nondisturbance agreement. The developer's affidavit shall state that all of the following have occurred:

a. Expiration of the cancellation period.

b. Completion of construction of the time-share unit and amenities or, if ownership is not related to a specific unit, completion of construction of sufficient

units to provide appropriate use of the completed time-share units by the purchaser.

c. Completion of the closing.

d. Execution and recording of a nondisturbance agreement meeting the requirements of s. 707.38 (1m).

(4) **SURETY BOND AND OTHER OPTIONS.** Instead of placing deposits in an escrow account, a developer may obtain a surety bond issued by a company authorized to do business in this state, an irrevocable letter of credit or a similar arrangement, in an amount which at all times is not less than the amount of the deposits otherwise subject to the escrow requirements of this section. The bond, letter of credit or similar arrangement shall be filed with the department of justice and made payable to the department of justice for the benefit of aggrieved parties.

707.50 Conversion building; tenants' rights. (1) **NOTICE OF CONVERSION.** A developer of a time-share property which includes all or part of a conversion building, and any person in the business of selling real estate for the person's own account who intends to offer time shares in a time-share property which includes all or part of a conversion building, shall give each residential tenant and residential subtenant in possession of the proposed time-share units 120 days' prior written notice of the conversion. The notice shall set forth generally the rights of tenants and subtenants under this section and shall be personally delivered to the unit or mailed to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant.

(1m) **TENANTS' RIGHTS.** (a) A residential tenant or residential subtenant shall not be required to vacate the property during the notice period required under sub. (1) unless the tenancy is properly terminated under s. 704.17 or unless, with respect to a tenancy under a lease, as defined in s. 704.01 (1), the term of the lease expires.

(b) The terms of a residential tenancy may not be altered during the notice period required under sub. (1).

(c) Failure to give notice as required by this section is a defense to an action for possession.

(2) **NOTICE OF TERMINATION.** If the notice provided under sub. (1) meets the requirements of s. 704.17 or 704.19, whichever may be applicable, and s. 704.21, the notice constitutes both a notice of conversion and notice of termination of tenancy.

(3) **PRIORITY OF LEASE.** Nothing in this section permits termination of a lease by a developer in violation of the terms of the lease.

707.51 Protection of campground interests. (1) **INCREASE IN DUES PAYMENTS.** (a) Except as provided in par. (b), the total amount of dues payments in any year required to be paid by a campground member may not be increased over the total amount of dues payments required during the previous year by a percentage greater than the percentage increase in the

U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor for the previous year, plus 3%.

(b) The limit on a dues payment increase provided in par. (a) does not apply if all of the following occur:

1. The campground operator proposes an increase greater than the limit.

2. The campground operator mails a ballot to each campground member to whom the increase would apply, at the campground member's last-known mailing address.

3. A majority of the campground members who return ballots approve the increase.

(2) USE OF DUES PAYMENTS. Dues payments may not be used for any purposes other than those stated in the campground contract.

(3) MODIFICATION OF CAMPGROUND RULES. (a) Except as provided in par. (b), with respect to a campground located in this state, the campground operator may not, in any manner that significantly degrades or diminishes the rights of the majority of campground members, adversely modify any campground rules or regulations or adversely modify rights to or the scope or nature of any campground or campground amenity, unless occasioned by unanticipated emergency circumstances, in which case the modifications may be made for a period not to exceed 90 days.

(b) Except as provided in par. (c), a campground operator may modify campground rules or regulations, or rights to or the scope or nature of a campground or campground amenity if all of the following occur:

1. The campground operator proposes a modification.

2. The campground operator mails a ballot to each campground member to whom the modification would apply, at the campground member's last-known mailing address.

3. A majority of the campground members who return ballots approve the modification.

(c) A campground operator may not under par. (b) terminate a campground contract or suspend a campground member's right or privilege to use a campground or campground amenities.

707.52 Campgrounds; breach by member. (1) TERMINATION FOR BREACH. A campground operator may not terminate a campground contract because of a campground member's breach of rules or regulations or terms or conditions of the campground contract, other than terms or conditions for instalment payments of the purchase price or for dues payments, unless the campground member has been given at least 30 days' prior written notice of the breach and an opportunity within that period to cure the breach, and unless the breach constitutes any of the following:

(a) A threat to others or to the property of others.

(b) A repeated violation of rules or regulations or terms or conditions, after notice has been given of a previous breach.

(c) A public nuisance.

(d) An unreasonable infringement upon the rights of other campground members.

(2) SUSPENSION. A campground operator, upon prior written notice, may immediately suspend a campground member's right or privilege to use campgrounds and campground amenities upon a breach of rules or regulations or terms or conditions under sub. (1) (a) to (d) or upon failure to make instalment payments of the purchase price or to make dues payments.

(3) TERMINATION; INSTALMENT PAYMENTS. A campground operator may not terminate a campground contract because of a campground member's failure to make instalment payments of the purchase price unless the campground member has been given at least 30 days' prior written notice of the breach and an opportunity within that period to cure the breach.

(4) TERMINATION; DUES PAYMENTS. A campground operator may not terminate a campground contract because of a campground member's failure to make dues payments unless the default continues for more than 6 months.

(5) REINSTATING A CAMPGROUND CONTRACT. A campground operator may reinstate a campground contract that was terminated or suspended for failure to make instalment payments of the purchase price or dues payments if the campground member pays all delinquent amounts, together with any interest or penalties specified in the campground contract.

(6) NO UNREASONABLE FORFEITURE. The termination of a campground contract because of a campground member's breach may not result in an unreasonable forfeiture of the amount of the purchase price already paid. During the first 5 years after a campground contract is signed, the campground operator may not retain a forfeiture, as the result of a campground member's breach, in an amount which exceeds that portion of the total purchase price which is equal to the percentage of the number of months the campground contract has been in effect during the first 5-year period plus 20% of the total purchase price.

707.53 Warranties. (1) EXPRESS WARRANTIES OF QUALITY. (a) Express warranties made by any seller of a time share to a purchaser, if relied upon by the purchaser, are created as follows:

1. Any affirmation of fact or promise which relates to the time share, the time-share unit, rights appurtenant to either, area improvements that would directly benefit the time share or the right to use or have the benefit of facilities not located on the time-share unit, creates an express warranty that the time share, the time-share unit and related rights and uses will conform to the affirmation or promise.

2. Any model or description of the physical characteristics of the time-share property, including plans and specifications of or for improvements, creates an

express warranty that the time-share property will conform to the model or description.

3. Any description of the quantity or extent of the real estate constituting the time-share property, including plats or surveys, creates an express warranty that the time-share property will conform to the description, subject to customary tolerances.

4. A provision that a purchaser may put a time-share unit only to a specified use is an express warranty that the specified use is lawful.

(b) Neither formal words, such as “warranty” or “guarantee”, nor a specific intention to make a warranty, is necessary to create an express warranty of quality, but a statement purporting to be merely an opinion or commendation of the time share, the time-share unit or the value of either does not create a warranty.

(c) Any transfer of a time share transfers to the purchaser all express warranties of quality made by previous sellers.

(2) **IMPLIED WARRANTIES OF QUALITY.** (a) A developer and any person in the business of selling real estate for the person’s own account impliedly warrants all of the following:

1. That except for reasonable wear and tear a time-share unit will be in at least as good condition at the earlier of the time of the transfer or of the delivery of possession of the time-share unit as it was at the time of contracting.

2. That a time-share unit and any other real property that the time-share owners have a right to use in conjunction with the time-share unit are suitable for the ordinary uses of real estate of its type, and that any improvements made or contracted for by the developer or the person in the business of selling real estate for the person’s own account, or made by any person before transfer, will be all of the following:

a. Free from defective materials.

b. Constructed in accordance with applicable law, according to sound engineering and construction standards, and in a workmanlike manner.

(b) In addition to par. (a), a developer impliedly warrants to a purchaser of a time share that an existing use of the time-share unit, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of transfer or of the delivery of possession of the time-share unit.

(c) For purposes of this subsection, improvements made or contracted for by an affiliate of a developer are made or contracted for by the developer.

(d) Any transfer of a time share transfers to the purchaser all of the developer’s implied warranties of quality.

(3) **ACCRUAL OF ACTIONS.** (a) Subject to par. (b), a cause of action for breach of warranty of quality, regardless of the purchaser’s lack of knowledge of the breach, accrues, unless extended by agreement, as follows:

1. As to a unit, at the time of the first transfer of a time share in the unit by the seller to a bona fide purchaser.

2. As to other improvements, at the time each improvement is completed.

(b) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the property, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

707.54 Labeling of promotional material. If any improvement in the time-share property is not required to be built, no promotional material may be displayed or delivered to prospective purchasers which describes or portrays that improvement unless the description or portrayal of the improvement is conspicuously labeled or identified as “NEED NOT BE BUILT”.

707.55 Prohibited advertising and sales practices. In connection with the offer or sale of a time share, no person may engage in any of the following practices:

(1) **FALSE OR MISLEADING STATEMENTS.** Making any assertion, representation or statement of material fact that is false, deceptive or misleading.

(2) **INCENTIVES.** Making any assertion, representation or statement that any incentives, including discounts, special prices, merchandise awards, types of memberships or other financial benefits, are only available to a prospective purchaser for the remainder of the day on which the assertion, representation or statement is made, except that the person may state that the incentives are not guaranteed in the future and that they may be subject to negotiation in the future.

(2m) **VALUE OF INCENTIVES.** Making any assertion, representation or statement that an incentive or inducement to purchase has a specified price or value unless the incentive or inducement is customarily sold apart from the sale of a time share.

(3) **RESALE VALUE.** Misrepresenting the resale value of a time share.

(4) **FINANCIAL INVESTMENT.** Representing a time share as a financial investment.

(5) **SALESPERSONS.** Misrepresenting the identity, function or authority of a salesperson, including a time-share salesperson, as defined in s. 452.01 (9), or team of salespersons.

(6) **CONTRADICTORY STATEMENTS.** Making any assertion, representation or statement of material fact which is inconsistent with or contradictory to the terms or provisions of the purchase contract or material provided with the purchase contract.

(7) **LENGTH OF SALES PRESENTATION.** Misrepresenting the reasonably estimated length of any sales presentation by a salesperson, including a time-share salesperson, as defined in s. 452.01 (9), or team of salespersons.

(8) **SELLER'S IDENTITY.** Failing to clearly disclose the seller's identity and that time shares are being offered for sale at the beginning of an initial contact with a prospective purchaser, if the contact is initiated by or on behalf of a seller.

(9) **PURPOSE OF ADVERTISING MATERIAL.** Failing to include the following disclosure, in boldface type, on any printed advertising material, including any lodging certificate, gift, award, prize, premium or discount: **THIS ADVERTISING MATERIAL IS BEING USED FOR THE PURPOSE OF SOLICITING THE SALE OF REAL PROPERTY OR INTERESTS IN REAL PROPERTY.**

(10) **GIFTS AND PRIZES.** With respect to any mail or coupon promotion sent to residents of this state that offers any award, gift or prize for visiting a development or attending any sales presentation:

(a) Failing to set forth a statement of the odds, in arabic numerals, of receiving each item offered in the promotion if an element of chance is involved in receiving any of the items offered in the promotion.

(b) Misrepresenting the approximate retail value of the items offered in the promotion through prices other than those reflecting fair market value for the region consisting of Wisconsin, Illinois, Michigan, Ohio and Indiana.

(c) Misrepresenting the approximate retail value of any item offered in the promotion through the graphic or pictorial clustering of the items offered or through a misleading description of the items.

(d) Failing to disclose the conditions, restrictions and any additional charges reasonably expected to be incurred in connection with the goods or services or both constituting the award, gift or prize.

(11) **WAIVER.** Entering into or requesting a person to enter into any agreement or stipulation that binds the person to waive compliance with this section or that requests the person to certify the absence of any misrepresentation or other violation of this section.

707.56 Developer's obligation to complete improvements. The developer shall complete all promised improvements as described in the time-share instrument, promotional materials, advertising and the time-share disclosure statements. The developer shall be excused for the period or periods of delay in the completion of any promised improvement if delayed, hindered or prevented from doing so by causes beyond the developer's control, including any of the following:

- (1) Labor disputes not caused by the developer.
- (2) Riots.
- (3) Civil commotion or insurrection.
- (4) War or warlike operations.
- (5) Governmental restrictions, regulations or control.
- (6) Inability to obtain any materials or services.
- (7) Fire or other casualties.
- (8) Acts of God.

(9) Forces not under the control or supervision of the developer.

707.57 Remedies and penalties. (1) **PRIVATE REMEDIES.** (a) If a developer or any other person subject to this chapter fails to comply with this chapter or the time-share instrument, any person or class of persons adversely affected by the failure to comply has a claim for appropriate relief, including but not limited to damages, injunctive or declaratory relief, specific performance and rescission.

(b) A person or class of persons entitled to relief under par. (a) is also entitled to recover costs, disbursements and reasonable attorney fees, notwithstanding s. 814.04 (1).

(2) **ATTORNEY GENERAL'S AUTHORITY.** (a) The department of justice, or any district attorney upon informing the department of justice, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any violation of this chapter. Before entry of final judgment, the court may make such orders or judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action if proof of these acts or practices is submitted to the satisfaction of the court.

(b) The department of justice may conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its investigation of violations of this chapter.

(3) **PENALTY.** Any person who violates this chapter shall be required to forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall be enforced by action on behalf of the state by the department of justice or by the district attorney of the county where the violation occurs.

(4) **LIBERAL CONSTRUCTION.** The remedies provided by this chapter shall be liberally administered.

707.58 Applicability to existing time shares. (1) This chapter applies to all time shares created in units within this state on or after the effective date of this subsection [revisor inserts date], and to time shares created before the effective date of this subsection [revisor inserts date], as provided in subs. (2) to (12).

(2) Sections 707.03, 707.30 (5) (a) 1 to 9 and 14 to 16 and (c) 1, 707.35 (1) to (6) and (8), 707.36, 707.37 and 707.38 (1), (2), (3) and (5) apply to time shares created before the effective date of this subsection [revisor inserts date].

(3) Sections 707.06 and 707.07 apply to contracts relating to time shares created before the effective date of this subsection [revisor inserts date], if the contract is entered into on or after the effective date of this subsection [revisor inserts date].

(4) Section 707.23 applies to time-share units created before the effective day of this subsection [revisor inserts date], but s. 707.23 does not apply to actions for partition which are brought before the effective day of this subsection [revisor inserts date].

(5) Section 707.34 applies to actions relating to time shares created before the effective date of this subsection [revisor inserts date], if those actions accrued on or after the effective date of this subsection [revisor inserts date].

(6) Section 707.35 (7) applies to time-share property created before the effective date of this subsection [revisor inserts date], which is damaged or destroyed on or after the effective date of this subsection [revisor inserts date].

(7) Sections 707.38 (1m) and (4) and 707.48 apply to time shares which were created before the effective date of this subsection [revisor inserts date], and which are sold on or after the effective date of this subsection [revisor insert date].

(8) Section 707.49 applies to time shares created before the effective date of this subsection [revisor inserts date], with respect to deposits, as defined in s. 707.49 (1) (b), relating to those time shares which are received on or after the effective date of this subsection [revisor inserts date].

(9) Section 707.53 applies to time shares created before the effective date of this subsection [revisor inserts date], with respect to warranties relating to those time shares which are made on or after the effective date of this subsection [revisor inserts date].

(10) Section 707.57 applies to actions relating to time shares created before the effective date of this subsection [revisor inserts date], to the extent the time shares are subject to this chapter.

(11) Section 707.02 applies to time shares created before the effective date of this subsection [revisor inserts date] to the extent necessary to construe any of the provisions listed in subs. (2) to (10).

(12) The provisions listed in subs. (2) to (11) do not apply to time shares created before the effective date of this subsection [revisor inserts date], if the provision conflicts with any rights or obligations created by a time-share instrument, document transferring an estate or interest in real property, or contract, existing before the effective date of this subsection [revisor inserts date].

(13) The time-share instrument or similar document of a time-share property created before the effective date of this subsection [revisor inserts date], may be amended to accomplish any result permitted by this chapter if the amendment is adopted in conformity with the procedures and requirements specified by the time-share instrument or similar document. If the amendment grants to any person any rights, powers or privileges permitted by this chapter, all correlative obligations, liabilities and restrictions in this chapter also apply to that person.

707.59 Time-share units not within state. (1) Except as provided in sub. (2), if time shares in a time-share unit located outside of this state are offered or sold in this state, the laws of the state where the time-share unit is located which relate to a general matter covered

by this chapter apply to the offer or sale of those time shares in this state. If the state in which the time-share unit is located has no laws relating to a general matter covered by this chapter, the provision in this chapter relating to that matter applies to the offer or sale of those time shares in this state.

(2) Section 707.55 applies to any offer or sale of a time share in a time-share unit, whether the time-share unit is located in this state or outside this state.

~~SECTION 458e. 752.31 (4) of the statutes is amended to read:~~

~~752.31 (4) If a request for a 3-judge panel is granted under sub. (3), the district attorney handling the case under s. 59.47 (7) 978.05 (5) shall transfer all necessary files and papers relating to the case to the attorney general.~~

~~SECTION 458d. 767.02 (3) of the statutes is amended to read:~~

~~767.02 (3) Commencement of an action affecting the family which affects a minor child constitutes an application to the department of health and social services for services on behalf of the minor child under s. 46.25. This application does not authorize representation under s. 46.25 or 59.47 (14) 59.458 (2), or intervention as a party in any action, by the department of health and social services.~~

~~SECTION 458e. 767.085 (1) (g) of the statutes is amended to read:~~

~~767.085 (1) (g) Whenever the petitioner requests an order or judgment affecting a minor child, that the petitioner requests the department of health and social services to provide services on behalf of the minor child under s. 46.25, except that this application does not authorize representation under s. 46.25 or 59.47 (14) 59.458 (2), or intervention as a party in any action, by the department of health and social services.~~

~~SECTION 458f. 767.085 (5) of the statutes is amended to read:~~

~~767.085 (5) RESPONSE, CONTENTS. Whenever the respondent requests an order or judgment affecting a minor child, the response shall state that the respondent requests the department of health and social services to provide services on behalf of the minor child under s. 46.25, except that this application does not authorize representation under s. 46.25 or 59.47 (14) 59.458 (2), or intervention as a party in any action, by the department of health and social services.~~

~~SECTION 458m. 767.45 (1) (j) of the statutes is amended to read:~~

~~767.45 (1) (j) 1. A parent of a person listed under par. (b), (c) or (d), if the parent is liable or is potentially liable for maintenance of a child of a dependent person under s. 49.90 (1) (a) 2.~~

~~2. Subdivision 1 does not apply after December 31, 1989.~~

~~SECTION 458p. 767.45 (6) of the statutes is amended to read:~~

Vetoed in Part

Vetoed in Part

Vetoed
in Part

~~767.45 (6) (a) The county board shall designate either the district attorney or the corporation counsel as support enforcement attorney under s. 59.458 shall provide this representation authorized under par. (b) in cases brought under this section.~~

~~(b) The support enforcement attorney designated under par. (a) or any state other attorney may represent any petitioner who commences an action under this section with that person's consent. The county support enforcement attorney authorized under par. (a) is the only county attorney who may provide this representation with the consent of the petitioner and is the only county attorney who may provide representation when the state delegates its authority under sub. (1) (g).~~

~~(c) The county support enforcement attorney or any state attorney acting under par. (b) may not represent a party in an action under this section and at the same time act as guardian ad litem for the child or the alleged child of the party.~~

~~SECTION 472b. 767.52 (3) of the statutes is amended to read:~~

~~767.52 (3) Nothing contained in this This section shall does not prevent a district attorney, corporation counsel support enforcement attorney or other attorney employed under s. 46.25 or 59.07 (97) from appearing in any paternity action as provided under s. 767.45 (6).~~

~~SECTION 472bd. 767.65 (2) (am) of the statutes is repealed.~~

~~SECTION 472be. 767.65 (6) (a) and (b) of the statutes are amended to read:~~

~~767.65 (6) (a) Before making the demand upon the governor of another state for the surrender of a person charged criminally in this state with failing to provide for the support of a person, the governor of this state may require any district support enforcement attorney of this state to satisfy him or her that at least 60 days prior thereto the obligee initiated proceedings for support under this section or that any proceeding would be of no avail.~~

~~(b) If under a substantially similar law the governor of another state makes a demand upon the governor of this state for the surrender of a person charged criminally in that state with failure to provide for the support of a person, the governor may require any district support enforcement attorney to investigate the demand and to report to him the governor whether proceedings for support have been initiated or would be effective. If it appears to the governor that a proceeding would be effective but has not been initiated, he or she may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.~~

~~SECTION 472bf. 767.65 (12) of the statutes is amended to read:~~

~~767.65 (12) OFFICIALS TO REPRESENT OBLIGEE. If this state is acting as an initiating state, the district support enforcement attorney, upon the request of the court or the person in charge of county welfare activities, shall~~

~~represent the obligee in any proceeding under this section. If the district support enforcement attorney neglects or refuses to represent the obligee, the department of justice may undertake the representation.~~

~~SECTION 472bg. 767.65 (17) (c) of the statutes is amended to read:~~

~~767.65 (17) (c) After the deposit of 3 copies of the petition and certificate and one copy of the law of the initiating state with the clerk of the appropriate court, if the state information agency knows or believes that the district support enforcement attorney is not prosecuting the case diligently, the department of justice may undertake the representation.~~

~~SECTION 472bh. 767.65 (18) of the statutes is amended to read:~~

~~767.65 (18) DUTY OF THE COURT AND OFFICIALS OF THIS STATE AS RESPONDING STATE. (a) After the responding court receives copies of the petition, certificate and law from the initiating court, the clerk of the court shall docket the case and notify the district support enforcement attorney of his or her action.~~

~~(b) The district support enforcement attorney shall prosecute the case diligently. He or she shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or his or her property and shall request the court to set a time and place for a hearing and give notice thereof to the obligor in accordance with law.~~

~~(c) If the district support enforcement attorney neglects or refuses to represent the obligee, the department of justice may undertake the representation.~~

~~SECTION 472bi. 767.65 (19) of the statutes is amended to read:~~

~~767.65 (19) FURTHER DUTIES OF COURT AND OFFICIALS IN THE RESPONDING STATE. (a) The district support enforcement attorney on his own personal initiative shall use all available means at his disposal to locate the obligor or his or her property, and, if because of inaccuracies in the petition or otherwise the court cannot obtain jurisdiction, the district support enforcement attorney shall inform the court of what he or she has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the initiating court.~~

~~(b) If the obligor or his or her property is not found in the county, and the district support enforcement attorney discovers that the obligor or his or her property may be found in another county of this state or in another state he, the attorney shall so inform the court. Thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that the documents be forwarded to the proper court. All powers and duties provided by this section apply to the recipient of the documents so forwarded. If the clerk of a court of this state forwards documents to another~~

Vetoed
in Part

Vetoed
in Part

~~court, he or she shall forthwith notify the initiating court.~~

~~(c) If the district support enforcement attorney has no information as to the location of the obligor or his or her property he, the attorney shall so inform the initiating court.~~

~~SECTION 472bj. 767.65 (24) of the statutes is amended to read:~~

~~767.65 (24) ORDER OF SUPPORT. If the responding court finds a duty of support it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made pursuant to this section shall require that payments be made to the clerk of the court of the responding state. The court and district support enforcement attorney of any county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible or cannot be completed in the county in which the order was issued, the district support enforcement attorney shall send a certified copy of the order to the district support enforcement attorney of any county in which it appears that proceedings to enforce the order would be effective. The district support enforcement attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order. The enforcement may proceed as provided in subs. (37) to (40).~~

~~SECTION 472bk. 767.65 (33) of the statutes is amended to read:~~

~~767.65 (33) INTRASTATE APPLICATION. This section applies if both the obligee and the obligor are in this state but one or both are in the jurisdiction of a federally recognized elected tribal governing body or the 2 are in different counties. If the court of the tribal jurisdiction or the circuit court for the county in which the petition is filed finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and finds that a court of another tribal jurisdiction or the circuit court for another county in this state may obtain jurisdiction over the obligor or his or her property, the clerk of the court shall send the petition and a certification of the findings to the court of the tribal jurisdiction or the circuit court for the county in which the obligor or his or her property is found. The clerk of the court receiving these documents shall notify the district support enforcement attorney or the tribal attorney of their receipt. The attorney and the court to which the copies are forwarded then shall have duties corresponding to those imposed upon them when acting for this state as a responding state.~~

~~SECTION 472bl. 767.65 (38) of the statutes is amended to read:~~

~~767.65 (38) OFFICIAL TO REPRESENT OBLIGEE. (a) If this state is acting either as a rendering or a registering~~

Vetoed
in Part

~~state, the district support enforcement attorney, upon the request of the court, shall represent the obligee in proceedings under sub. subs. (36) to (40).~~

~~(b) If the district support enforcement attorney neglects or refuses to represent the obligee, the department of justice may undertake the representation.~~

~~SECTION 472bm. 767.65 (39) (b) of the statutes is amended to read:~~

~~767.65 (39) (b) Promptly upon registration, the clerk of the court shall send by certified or registered mail to the obligor at the address given a notice of the registration with a copy of the registered support order and the post-office address of the obligee. He The clerk shall also docket this case and notify the district support enforcement attorney of his or her action. The district support enforcement attorney shall proceed diligently to enforce the order.~~

~~SECTION 472c. 778.25 (2) (g) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

~~778.25 (2) (g) Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the failure to appear will be considered tender of a plea of no contest and submission to a forfeiture, penalty assessment and jail assessment plus costs, including any applicable fees prescribed in ss. 814.63 (1) and (2) and 814.635 ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant or, if the defendant is an adult, issue an arrest warrant for the defendant rather than accept the deposit and plea.~~

~~SECTION 472d. 778.25 (2) (h) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

~~778.25 (2) (h) Notice that if the defendant makes a deposit and signs the stipulation, the stipulation is treated as a plea of no contest and submission to a forfeiture, penalty assessment and jail assessment plus costs, including any applicable fees prescribed in ss. 814.63 (1) and (2) and 814.635 ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant or, if the defendant is an adult, issue an arrest warrant for the defendant rather than accept the deposit and stipulation, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation.~~

~~SECTION 472e. 778.25 (3) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

~~778.25 (3) If a person is issued a citation under this section the person may deposit the amount of money the issuing officer directs by mailing or delivering the deposit and a copy of the citation to the clerk of court of the county where the violation occurred or the sheriff's office or police headquarters of the officer who~~

issued the citation prior to the court appearance date. The basic amount of the deposit shall be determined under a deposit schedule established by the judicial conference. The judicial conference shall annually review and revise the schedule. In addition to the basic amount determined by the schedule the deposit shall include costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and (2) and 814.635 ch. 814,~~ penalty assessment and jail assessment.

SECTION 472f. 778.25 (5) of the statutes, as affected 1987 Wisconsin Act 27, is amended to read:

778.25 (5) Except as provided by sub. (6) a person receiving a deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment and jail assessment plus costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and (2) and 814.635 ch. 814,~~ not to exceed the amount of the deposit which the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, the check is the receipt.

SECTION 472g. 778.25 (6) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

778.25 (6) The person receiving a deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be considered to have submitted to a forfeiture, penalty assessment and jail assessment plus costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and (2) and 814.635 ch. 814,~~ not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as in sub. (5).

SECTION 472h. 778.25 (8) (b) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

778.25 (8) (b) If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment and jail assessment plus costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and (2) and 814.635 ch. 814,~~ not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons or arrest warrant, except if the defendant is a minor the court shall proceed under s. 48.28. Chapter 48 governs taking and holding a minor in custody. If the court accepts the plea of no

contest, the defendant may move within 90 days after the date set for appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If a party is relieved from the plea of no contest, the court or judge may order a written complaint or petition to be filed. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant's deposit returned.

SECTION 472i. 778.25 (8) (c) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

778.25 (8) (c) If the defendant has made a deposit and stipulation of no contest, the citation serves as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment and jail assessment plus costs, including any applicable fees prescribed in ~~ss. 814.63 (1) and (2) and 814.635 ch. 814,~~ not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons or arrest warrant, except if the defendant is a minor the court shall proceed under s. 48.28. Chapter 48 governs taking and holding a minor in custody. After signing a stipulation of no contest, the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on the motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects of the stipulation.

SECTION 472j. 779.14 (1) of the statutes is renumbered 779.14 (1m), and 779.14 (1m) (b) 2, as renumbered, is amended to read:

779.14 (1m) (b) 2. The bond shall carry a penalty of not less than the contract price, and shall be conditioned for ~~the~~ all of the following:

- a. ~~The faithful performance of the contract and the~~
- b. ~~The payment to every person entitled thereto, including every subcontractor or supplier, of all the claims that are entitled to payment for labor performed and materials furnished under the contract, to be used or consumed in~~ for the purpose of making the public improvement or performing the public work as provided in the contract and this subsection.

SECTION 472k. 779.14 (1) of the statutes is created to read:

779.14 (1) In this section, "subcontractor or supplier" means the following:

- (a) Any person who has a direct contractual relationship, expressed or implied, with the prime contractor or with any subcontractor of the prime contractor to perform labor or furnish materials, except as provided in par. (b).
- (b) With respect to contracts entered into under s. 84.06 (2) for highway improvements, any person who

has a direct contractual relationship, expressed or implied, with the prime contractor to perform labor or furnish materials.

SECTION 472L. 779.14 (2) of the statutes is renumbered 779.14 (2) (a) and amended to read:

779.14 (2) (a) Not later than one year after the completion of work under the contract, any party in interest, including any subcontractor or supplier, may maintain an action in that party's name against the prime contractor and the sureties upon the bond for the recovery of any damages sustained by reason of the failure any of the following:

1. Failure of the prime contractor to comply with the contract or with the contract between the prime contractor and subcontractors. If the amount realized on the bond is insufficient to satisfy all claims of the parties in full, it shall be distributed among the parties proportionally.

SECTION 472m. 779.14 (2) (a) 2 and 3 and (b) of the statutes are created to read:

779.14 (2) (a) 2. Except as provided in subd. 3, failure of the prime contractor or a subcontractor of the prime contractor to comply with a contract, whether express or implied, with a subcontractor or supplier for the performance of labor or furnishing of materials for the purpose of making the public improvement or performing the public work that is the subject of the contract under sub. (1m).

3. With respect to contracts entered into under s. 84.06 (2) for highway improvements, failure of the prime contractor to comply with a contract, whether express or implied, with a subcontractor or supplier of the prime contractor for the performance of labor or furnishing of materials for the purpose of making the highway improvement that is the subject of the contract under sub. (1m).

(b) If the amount realized on the bond is insufficient to satisfy all claims of the parties in full, it shall be distributed among the parties proportionally.

SECTION 472ma. 779.41 (1) (c) (intro.) of the statutes is amended to read:

779.41 (1) (c) (intro.) A motor vehicle not included under par. (a) or (b) with a manufacturer's gross weight rating, including, with respect to road tractors, a manufacturer's gross weight rating for the combined carrying capacity of the tractor and trailer, of:

SECTION 472mc. 809.80 (2) (b) of the statutes is amended to read:

809.80 (2) (b) Any paper required or authorized to be served on the state in appeals and other proceedings in felony cases in the court of appeals or supreme court shall be served on the attorney general unless the district attorney has been authorized under s. 59.47(2) 978.05 (5) to represent the state. Any paper required or authorized to be served on the state in appeals and other proceedings in misdemeanor cases decided by a single court of appeals judge under s. 752.31 (2) and (3) shall be served on the district attorney. Every peti-

Vetoed in Part

tion for review by the supreme court of a decision of the court of appeals in a misdemeanor case shall be served on the attorney general.

Vetoed in Part

SECTION 472mj. 812.233 of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

SECTION 472mm. 814.60 (2) (cm) of the statutes is created to read:

Vetoed in Part

814.60 (2) (cm) Well contamination assessment imposed by s. 144.029.

SECTION 472nb. 814.61 (1) (a) of the statutes, as affected by 1987 Wisconsin Act (Assembly Bill 205), is amended to read:

814.61 (1) (a) At the commencement of all civil actions and special proceedings not specified in ss. 814.62 to 814.66, \$45 \$60. Of the fees received by the clerk under this paragraph, the county treasurer shall pay 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 472ng. 814.61 (1) (a) of the statutes, as affected by 1987 Wisconsin Acts 27, (Assembly Bill 205) and (this act), is repealed and recreated to read:

814.61 (1) (a) At the commencement of all civil actions and special proceedings not specified in ss. 814.62 to 814.66, \$60. Of the fees received by the clerk under this paragraph, the county treasurer shall pay 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 472nj. 814.61 (1) (c) of the statutes, as created by 1987 Wisconsin Act (Assembly Bill 205), is amended to read:

814.61 (1) (c) Paragraphs (a) and (b) do not apply to any action to determine paternity brought by the state or its delegate under s. 767.45 (1) (g) or (h).

SECTION 472p. 814.61 (3) of the statutes is amended to read:

814.61 (3) (title) THIRD-PARTY COMPLAINT. When any defendant files a 3rd-party 3rd-party complaint, the defendant shall pay a fee of \$35 \$40. The defendant shall pay only one such \$35 \$40 fee in an action. Of the fees received by the clerk under this subsection, the county treasurer shall pay 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 472q. 814.61 (4) of the statutes is amended to read:

814.61 (4) JURY FEE. For a jury in all civil actions, except a garnishment action under ch. 812, a nonrefundable fee of \$5 \$6 per juror demanded to hear the case to be paid by the party demanding a jury within the time permitted to demand a jury trial. If the jury fee is not paid, no jury may be called in the action, and the action may be tried to the court without a jury.

SECTION 472r. 814.61 (5) (intro.) of the statutes is amended to read:

814.61 (5) JUDGMENTS, WRITS, EXECUTIONS, LIENS, WARRANTS, AWARDS, CERTIFICATES. (intro.) The clerk shall collect a fee of \$3 \$5 for the following:

SECTION 472s. 814.61 (5) (b) of the statutes is amended to read:

814.61 (5) (b) Filing and docketing judgments, transcripts of judgments, liens, warrants and awards, including filing and docketing assignments or satisfactions of judgments, liens or warrants, except as provided in par. (c).

SECTION 472t. 814.61 (5) (c) of the statutes is created to read:

814.61 (5) (c) Any act of the clerk relating to withdrawal, satisfaction or voidance of a tax warrant under s. 71.13 (3) (fm).

SECTION 472u. 814.61 (6) of the statutes is amended to read:

814.61 (6) FOREIGN JUDGMENTS. On filing a foreign judgment under s. 806.24, \$40 \$15.

SECTION 472v. 814.61 (7) (a) of the statutes, as affected by 1987 Wisconsin Act (Assembly Bill 205), is amended to read:

814.61 (7) (a) Except as provided in par. (b), upon the filing of any petition under s. 767.32 (1) or any motion, by either party, for the revision of a judgment in an action affecting the family, \$25 \$30. Of the fees received by the clerk under this paragraph, the county treasurer shall pay 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 472w. 814.61 (8) (a) 1 of the statutes is amended to read:

814.61 (8) (a) 1. If the appeal or review is by certiorari or on the record, \$30 \$35.

SECTION 472x. 814.61 (8) (a) 2 of the statutes is amended to read:

814.61 (8) (a) 2. If a new trial is authorized and requested, \$45 \$50.

SECTION 472xm. 814.61 (9) of the statutes is amended to read:

814.61 (9) TRANSMITTING DOCUMENTS. For certifying and transmitting documents upon appeal, writ of error, change of venue, for enforcing real estate judgments in other counties, or for enforcing judgments in other states, \$40 \$15 plus postage.

SECTION 472y. 814.61 (10) of the statutes is amended to read:

814.61 (10) COPIES. For copies, certified or otherwise, of any document for which a specific fee is not established by this section, or for comparison and attestation of copies not provided by the clerk, \$4 \$1.25 per page.

SECTION 472z. 814.61 (11) of the statutes is amended to read:

814.61 (11) SEARCHES. For searching files or records to locate any one action when the person requesting the same does not furnish the docket or file

number of the action, or to ascertain the existence or nonexistence of any instrument or record in the clerk's custody, \$4 \$5.

SECTION 472zb. 814.62 (1) of the statutes is amended to read:

814.62 (1) GARNISHMENT ACTIONS. The fee for commencing a garnishment action under ch. 812, including actions under s. 799.01 (4) (b), is \$12 \$15. Of the fees received by the clerk under this subsection, the county treasurer shall pay 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 472zc. 814.63 (1) of the statutes is amended to read:

814.63 (1) In all forfeiture actions in circuit court, the clerk of court shall collect a fee of \$40 \$15 to be paid by the defendant when judgment is entered against the defendant.

~~SECTION 472zom. 814.63 (3) (b) of the statutes is created to read:~~

~~814.63 (3) (b) Well contamination assessment imposed by s. 144.029.~~

SECTION 472zd. 814.63 (4) of the statutes is amended to read:

814.63 (4) In forfeiture actions in which a municipality prevails, costs and disbursements shall be allowed to the municipality subject only to sub. (2) and such other limitation as the court may direct.

SECTION 472zi. 814.65 (1) of the statutes is amended to read:

814.65 (1) COURT COSTS. In a municipal court action, the municipal judge shall collect a fee of \$40 \$15 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. Of each \$40 \$15 fee received by the judge under this subsection, the municipal treasurer shall pay monthly 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the municipality.

~~SECTION 472zjg. 880.295 (1) of the statutes is amended to read:~~

~~880.295 (1) When a patient in any state or county hospital or mental hospital or in any state institution for the mentally deficient, or a resident of the county home or infirmary, appears in need of a guardian, and does not have a guardian, the department of health and social services by its collection and deportation counsel, or the county corporation counsel or district attorney if there is no corporation counsel, may apply to the circuit court of the county in which the patient resided at the time of commitment or the circuit court of the county in which the facility in which the patient resides is located for the appointment of a guardian of the person and estate, or either, or for the appointment of a conservator of the estate, and the court, upon the application, may appoint the guardian or conservator in the manner provided for the appointment of guardians under ss. 880.08 (1) and 880.33 or~~

Vetoed in Part

Vetoed in Part

**Vetoed
in Part**

for the appointment of conservators under s. 880.31. If application is made by a district attorney or corporation counsel, a copy of the petition made to the court shall be filed with the department of health and social services. If application is made by a corporation counsel or district attorney for appointment of a guardian of the estate of the patient or resident, or by the patient or resident for appointment of a conservator of the patient's or resident's estate, the court may designate the county as guardian or conservator if the court finds that no relative or friend is available to serve as guardian or conservator and the county is not required to make or file any oath or give any bond or security, except in the discretion of the court making the appointment, as similarly provided under s. 223.03 (8) in the case of the appointment of a trust company bank corporation. The court may place any limitations upon the guardianship or conservatorship as it deems to be in the best interest of the patient. Before any county employe administers the funds of a person's estate of which the county has been appointed guardian or conservator, the employe must be designated as securities agent in the classified service of the county, and the employe's designation as securities agent shall appear on all court papers which the security agent signs in the names of the county as guardian or conservator. The securities agent, before entering upon the duties, shall also furnish an official bond in such amount and with such sureties as the county board determines, subject to the prior approval of the amount by the court assigned to exercise jurisdiction. The bond shall be filed in the office of the register in probate, and a duplicate original thereof filed in the office of the county clerk. A conservatorship under this section shall be terminated by the court upon discharge of the patient unless application for continued conservatorship is made. The superintendent or director of the facility shall notify the court of the discharge of a patient for whom a guardian or conservator has been appointed under this subsection.

SECTION 472zj. 885.235 (1) (intro.) of the statutes, as affected by 1987 Wisconsin Act 3, is amended to read:

885.235 (1) (intro.) In any action or proceeding in which it is material to prove that a person was under the influence of an intoxicant or had a blood alcohol concentration of 0.1% or more while operating or driving a motor vehicle, while operating a motorboat, except a sailboat operating under sail alone, while operating a snowmobile, while operating an all-terrain vehicle or while handling a firearm, evidence of the amount of alcohol in the person's blood at the time in question, as shown by chemical analysis of a sample of the person's blood or urine or evidence of the amount of alcohol in the person's breath, is admissible on the issue of whether he or she was under the influence of an intoxicant or had a blood alcohol concentration of 0.1% or more if the sample was taken within 3 hours after the event to be proved. The chemical analysis

shall be given effect as follows without requiring any expert testimony as to its effect:

SECTION 472zk. 885.235 (1m) of the statutes is amended to read:

885.235 (1m) In any action under s. 23.33 (4c) (a) 3, 346.63 (2m) or 350.101 (1) (c), evidence of the amount of alcohol in the person's blood at the time in question, as shown by chemical analysis of a sample of the person's blood or urine or evidence of the amount of alcohol in the person's breath, is admissible on the issue of whether he or she had a blood alcohol concentration in the range specified in s. 23.33 (4c) (a) 3, 346.63 (2m) or 350.101 (1) (c) if the sample was taken within 3 hours after the event to be proved. The fact that the analysis shows that there was more than 0.0% but not more than 0.1% by weight of alcohol in the person's blood or more than 0.0 grams but not more than 0.1 grams of alcohol in 210 liters of the person's breath is prima facie evidence that the person had a blood alcohol concentration in the range specified in s. 23.33 (4c) (a) 3, 346.63 (2m) or 350.101 (1) (c).

SECTION 472zkag. 885.365 (1) of the statutes is amended to read:

885.365 (1) Evidence obtained as the result of the use of voice recording equipment for recording of telephone conversations, by way of interception of a communication or in any other manner, shall be totally inadmissible in the courts of this state in civil actions, except as provided in ss. 968.28 to 968.33 ~~968.37~~.

SECTION 472zkb. 891.45 of the statutes is amended to read:

891.45 Presumption of employment connected disease. In any proceeding involving the application by a municipal fire fighter or his or her beneficiary for disability or death benefits under s. 40.65 (2) or 66.191, 1981 stats., or any pension or retirement system applicable to fire fighters, where at the time of death or filing of application for disability benefits the deceased or disabled fire fighter had served a total of 5 years as a fire fighter and a qualifying medical examination given prior to the time of his or her joining the department showed no evidence of heart or respiratory impairment or disease, and where the disability or death is found to be caused by heart or respiratory impairment or disease, such finding shall be presumptive evidence that such impairment or disease was caused by such employment. In this section, "municipal fire fighter" includes any person designated as primarily a fire fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter during the 5-year qualifying period took up at least two-thirds of his or her working hours.

SECTION 472zkba. 893.137 of the statutes is created to read:

893.137 Tolling of statute of limitations for certain time-share actions. Any statute of limitations affecting the right of an association organized under s. 707.30 (2) or a time-share owner, as defined in s. 707.02 (31),

against a developer, as defined in s. 707.02 (11), is tolled as provided in s. 707.34 (1) (bm).

SECTION 472zkbb. 895.01 (1) of the statutes is amended to read:

895.01 (1) In addition to the causes of action which survive at common law, the following shall also survive: ~~Causes~~ causes of action for the recovery of personal property or the unlawful withholding or conversion of personal property, for the recovery of the possession of real estate and for the unlawful withholding of the possession of real estate, for assault and battery, false imprisonment, invasion of privacy, violation of s. 968.31 (2) ~~(d)~~ (2m) or other damage to the person, for all damage done to the property rights or interests of another, for goods taken and carried away, for damages done to real or personal estate, equitable actions to set aside conveyances of real estate, to compel a reconveyance of real estate, or to quiet the title to real estate, and for a specific performance of contracts relating to real estate. Causes of action for wrongful death shall survive the death of the wrongdoer whether or not the death of the wrongdoer occurred before or after the death of the injured person.

SECTION 472zkbc. 895.50 (7) of the statutes is amended to read:

895.50 (7) No action for invasion of privacy may be maintained under this section if the claim is based on an act which is permissible under ss. 968.27 to ~~968.33~~ 968.37.

SECTION 472zkbd. 939.20 of the statutes is amended to read:

939.20 Provisions which apply only to chapters 939 to 948. Sections 939.22 and ~~939.23 to 939.25~~ apply only to crimes defined in chs. 939 to 948. Other sections in ch. 939 apply to crimes defined in other chapters of the statutes as well as to those defined in chs. 939 to 948.

SECTION 472zkbe. 939.22 (14) of the statutes is amended to read:

939.22 (14) "Great bodily harm" means bodily injury which creates a ~~high probability~~ substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

SECTION 472zkbf. 939.23 (3) and (4) of the statutes are amended to read:

939.23 (3) "Intentionally" means that the actor either has a purpose to do the thing or cause the result specified, or ~~believes that his act, if successful, will be~~ is aware that his or her conduct is practically certain to cause that result. In addition, except as provided in sub. (6), the actor must have knowledge of those facts which are necessary to make his or her conduct criminal and which are set forth after the word "intentionally".

(4) "With intent to" or "with intent that" means that the actor either has a purpose to do the thing or

cause the result specified, or ~~believes that his act, if successful, will be~~ is aware that his or her conduct is practically certain to cause that result.

SECTION 472zkg. 939.24 of the statutes is created to read:

939.24 Criminal recklessness. (1) In this section, "criminal recklessness" means that the actor creates an unreasonable and substantial risk of death or great bodily harm to another human being and the actor is aware of that risk.

(2) If criminal recklessness is an element of a crime in chs. 939 to 948, the recklessness is indicated by the term "reckless" or "recklessly".

(3) A voluntarily produced intoxicated or drugged condition is not a defense to liability for criminal recklessness if, had the actor not been in that condition, he or she would have been aware of creating an unreasonable and substantial risk of death or great bodily harm to another human being.

SECTION 472zkbh. 939.25 of the statutes is created to read:

939.25 Criminal negligence. (1) In this section, "criminal negligence" means ordinary negligence to a high degree, consisting of conduct which the actor should realize creates a substantial and unreasonable risk of death or great bodily harm to another.

(2) If criminal negligence is an element of a crime in chs. 939 to 948 or s. 346.62, the negligence is indicated by the term "negligent".

SECTION 472zkbi. 939.42 (2) of the statutes is amended to read:

939.42 (2) Negatives the existence of a state of mind essential to the crime, except as provided in s. 939.24 (3).

SECTION 472zkbj. 939.44 of the statutes is created to read:

939.44 Adequate provocation. (1) In this section:

(a) "Adequate" means sufficient to cause complete lack of self-control in an ordinarily constituted person.

(b) "Provocation" means something which the defendant reasonably believes the intended victim has done which causes the defendant to lack self-control completely at the time of causing death.

(2) Adequate provocation is an affirmative defense only to first-degree intentional homicide and mitigates that offense to 2nd-degree intentional homicide.

SECTION 472zkbk. 939.46 (1) of the statutes is amended to read:

939.46 (1) A threat by a person other than the actor's coconspirator which causes the actor reasonably to believe that his or her act is the only means of preventing imminent death or great bodily harm to himself the actor or another and which causes him or her so to act is a defense to a prosecution for any crime based on that act, ~~except that if the prosecution is for murder~~ first-degree intentional homicide, the degree

of the crime is reduced to ~~manslaughter~~ 2nd-degree intentional homicide.

SECTION 472zkbL. 939.47 of the statutes is amended to read:

939.47 Necessity. Pressure of natural physical forces which causes the actor reasonably to believe that his or her act is the only means of preventing imminent public disaster, or imminent death or great bodily harm to ~~himself the actor~~ or another and which causes him or her so to act, is a defense to a prosecution for any crime based on that act, except that if the prosecution is for ~~murder~~ first-degree intentional homicide, the degree of the crime is reduced to ~~manslaughter~~ 2nd-degree intentional homicide.

SECTION 472zkbm. 939.48 (3) of the statutes is amended to read:

939.48 (3) The privilege of self-defense extends not only to the intentional infliction of harm upon a real or apparent wrongdoer, but also to the unintended infliction of harm upon a ~~third 3rd~~ person, except that if ~~such the~~ unintended infliction of harm amounts to the crime of ~~injury by conduct regardless of life, injury by negligent use of weapon, homicide by reckless conduct or homicide by negligent use of vehicle or weapon~~ first-degree or 2nd-degree reckless homicide, homicide by negligent handling of dangerous weapon, explosives or fire, first-degree or 2nd-degree reckless injury or injury by negligent handling of dangerous weapon, explosives or fire, the actor is liable for whichever one of those crimes is committed.

SECTION 472zkcM. 939.74 (2) (a) of the statutes is amended to read:

939.74 (2) (a) A prosecution for ~~murder under s. 940.01, 940.02 or 940.03~~ may be commenced at any time;

SECTION 472zkcN. 940.01 of the statutes is repealed and recreated to read:

940.01 First-degree intentional homicide. (1) OFFENSE. Except as provided in sub. (2), whoever causes the death of another human being with intent to kill that person or another is guilty of a Class A felony.

(2) MITIGATING CIRCUMSTANCES. The following are affirmative defenses to prosecution under this section which mitigate the offense to 2nd-degree intentional homicide under s. 940.05:

(a) *Adequate provocation.* Death was caused under the influence of adequate provocation as defined in s. 939.44.

(b) *Unnecessary defensive force.* Death was caused because the actor believed he or she or another was in imminent danger of death or great bodily harm and that the force used was necessary to defend the endangered person, if either belief was unreasonable.

(c) *Prevention of felony.* Death was caused because the actor believed that the force used was necessary in the exercise of the privilege to prevent or terminate the

commission of a felony, if that belief was unreasonable.

(d) *Coercion; necessity.* Death was caused in the exercise of a privilege under s. 939.45 (1).

(3) BURDEN OF PROOF. When the existence of an affirmative defense under sub. (2) has been placed in issue by the trial evidence, the state must prove beyond a reasonable doubt that the facts constituting the defense did not exist in order to sustain a finding of guilt under sub. (1).

SECTION 472zkcO. 940.02 of the statutes, as affected by 1987 Wisconsin Act ... (Assembly Bill 662), is repealed and recreated to read:

940.02 First-degree reckless homicide. (1) Whoever recklessly causes the death of another human being under circumstances which show utter disregard for human life is guilty of a Class B felony.

(2) Whoever causes the death of another human being under any of the following circumstances is guilty of a Class B felony:

(a) By manufacture or delivery of a controlled substance classified in schedule I or II under ch. 161 in violation of s. 161.41 which another human being uses and dies as a result of that use. This paragraph applies:

1. Whether the human being dies as a result of using the controlled substance by itself or with any compound, mixture, diluent or other substance mixed or combined with the controlled substance.

2. Whether or not the controlled substance is mixed or combined with any compound, mixture, diluent or other substance after the violation of s. 161.41 occurs.

3. To any delivery described in this paragraph, regardless of whether the delivery is made directly to the human being who dies. If possession of the controlled substance classified in schedule I or II under ch. 161 is transferred more than once prior to the death as described in this paragraph, each person who delivers the controlled substance in violation of s. 161.41 is guilty under this paragraph.

(b) By administering or assisting in administering a controlled substance classified in schedule I or II under ch. 161, without lawful authority to do so, to another human being and that human being dies as a result of the use of the substance. This paragraph applies whether the human being dies as a result of using the controlled substance by itself or with any compound, mixture, diluent or other substance mixed or combined with the controlled substance.

SECTION 472zkcP. 940.03 of the statutes is created to read:

940.03 Felony murder. Whoever causes the death of another human being while committing or attempting to commit a crime specified in s. 940.225 (1) or (2) (a), 943.02, 943.10 (2) or 943.32 (2) may be imprisoned for not more than 20 years in excess of the maximum period of imprisonment provided by law for that crime or attempt.

SECTION 472zkcq. 940.05 of the statutes is repealed and recreated to read:

940.05 Second-degree intentional homicide. (1) Whoever causes the death of another human being with intent to kill that person or another is guilty of a Class B felony if:

(a) In prosecutions under s. 940.01, the state fails to prove beyond a reasonable doubt that the mitigating circumstances specified in s. 940.01 (2) did not exist as required by s. 940.01 (3); or

(b) The state concedes that it is unable to prove beyond a reasonable doubt that the mitigating circumstances specified in s. 940.01 (2) did not exist. By charging under this section, the state so concedes.

(2) In prosecutions under this section, it is sufficient to allege and prove that the defendant caused the death of another human being with intent to kill that person or another.

(3) The mitigating circumstances specified in s. 940.01 (2) are not defenses to prosecution for this offense.

SECTION 472zkr. 940.06 of the statutes is repealed and recreated to read:

940.06 Second-degree reckless homicide. Whoever recklessly causes the death of another human being is guilty of a Class C felony.

SECTION 472zks. 940.08 (1) of the statutes is renumbered 940.08 and amended to read:

940.08 (title) **Homicide by negligent handling of dangerous weapon, explosives or fire.** Whoever causes the death of another human being by ~~a high degree of negligence in the negligent operation or handling of a vehicle, firearm, airgun, knife or bow and arrow~~ dangerous weapon, explosives or fire is guilty of a Class D felony.

SECTION 472zkt. 940.08 (2) of the statutes is repealed.

SECTION 472zkd. 940.09 (1) (c) and (3) of the statutes are amended to read:

940.09 (1) (c) A person may be charged with and a prosecutor may proceed upon an information based upon a violation of par. (a) or (b) or both for acts arising out of the same incident or occurrence. If the person is charged with violating both pars. (a) and (b) in the information, the crimes shall be joined under s. 971.12. If the person is found guilty of both pars. (a) and (b) for acts arising out of the same incident or occurrence, there shall be a single conviction for purposes of sentencing and for purposes of counting convictions under s. 23.33 (13) (b) 2 and 3, under s. 30.80 (6) (a) 2 and 3 and counting convictions, under ss. 343.30 (1q) and 343.305 or under s. 350.11 (3) (a) 2 and 3. Paragraphs (a) and (b) each require proof of a fact for conviction which the other does not require.

(3) An officer who makes an arrest for a violation of this section shall make a report as required under s. 23.33 (4t), 30.686 or, 346.635 or 350.106.

SECTION 472zkg. 940.10 of the statutes is created to read:

940.10 Homicide by negligent operation of vehicle. Whoever causes the death of another human being by the negligent operation or handling of a vehicle is guilty of a Class E felony.

SECTION 472zkh. 940.19 (3) (intro.) of the statutes is amended to read:

940.19 (3) (intro.) Whoever intentionally causes bodily harm to another by conduct which creates a high probability of great bodily harm is guilty of a Class E felony. A rebuttable presumption of conduct creating a ~~high probability~~ substantial risk of great bodily harm arises:

SECTION 472zki. 940.23 of the statutes is repealed and recreated to read:

940.23 Reckless injury. (1) **FIRST-DEGREE RECKLESS INJURY.** Whoever recklessly causes great bodily harm to another human being under circumstances which show utter disregard for human life is guilty of a Class C felony.

(2) **SECOND-DEGREE RECKLESS INJURY.** Whoever recklessly causes great bodily harm to another human being is guilty of a Class D felony.

SECTION 472zkj. 940.24 (1) of the statutes is renumbered 940.24 and amended to read:

940.24 (title) **Injury by negligent handling of dangerous weapon, explosives or fire.** Whoever causes bodily harm to another by ~~a high degree of negligence in the negligent operation or handling of a firearm, airgun, knife or bow and arrow, dangerous weapon, explosives or fire~~ is guilty of a Class E felony.

SECTION 472zkk. 940.24 (2) of the statutes is repealed.

SECTION 472zkkb. 940.245 of the statutes is repealed.

SECTION 472zkL. 940.25 (1) (c) and (3) of the statutes are amended to read:

940.25 (1) (c) A person may be charged with and a prosecutor may proceed upon an information based upon a violation of par. (a) or (b) or both for acts arising out of the same incident or occurrence. If the person is charged with violating both pars. (a) and (b) in the information, the crimes shall be joined under s. 971.12. If the person is found guilty of both pars. (a) and (b) for acts arising out of the same incident or occurrence, there shall be a single conviction for purposes of sentencing and for purposes of counting convictions under s. 23.33 (13) (b) 2 and 3, under s. 30.80 (6) (a) 2 or 3 and counting convictions, under ss. 343.30 (1q) and 343.305 or under s. 350.11 (3) (a) 2 and 3. Paragraphs (a) and (b) each require proof of a fact for conviction which the other does not require.

(3) An officer who makes an arrest for a violation of this section shall make a report as required under s. 23.33 (4t), 30.686 or, 346.635 or 350.106.

SECTION 472zkLc. 941.01 (2) of the statutes is repealed.

SECTION 472zkLd. 941.01 (3) of the statutes is renumbered 941.01 (2) and amended to read:

941.01 (2) Upon conviction ~~hereunder~~ under sub. (1), no revocation or suspension of an operator's license shall may follow.

SECTION 472zkLe. 941.03 of the statutes is repealed.

SECTION 472zkLf. 941.04 of the statutes is repealed.

SECTION 472zkLg. 941.10 (2) of the statutes is amended to read:

941.10 (2) Burning material is handled in a highly negligent manner if, handled with criminal negligence under s. 939.25 or under the circumstances, in which the person should realize that he creates an a substantial and unreasonable risk and high probability of death or great bodily harm to another or serious damage to another's property is created.

SECTION 472zkLh. 941.20 (title) and (1) (a) of the statutes are amended to read:

941.20 (title) Endangering safety by use of dangerous weapon. (1) (a) Endangers another's safety by reckless conduct in the negligent operation or handling of a firearm, airgun, knife or bow and arrow dangerous weapon; or

SECTION 472zkLi. 941.20 (3) of the statutes is repealed.

Vetoed in Part SECTION 472zkr. 941.237 of the statutes is created to read:

~~941.237 Possessing loaded firearm while on a highway. (1) Whoever knowingly possesses a loaded firearm while on a highway, as defined in s. 940.01 (22), in any city or village is guilty of a Class A misdemeanor.~~

~~(2) Subsection (1) does not apply to peace officers or armed forces or military personnel who go armed in the line of duty or to any person duly authorized by the chief of police of any city or the sheriff of any county to possess a firearm under the circumstances described under sub. (1).~~

SECTION 472zktb. 941.30 of the statutes is repealed and recreated to read:

941.30 Recklessly endangering safety. (1) **FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever recklessly endangers another's safety under circumstances which show utter disregard for human life is guilty of a Class D felony.

(2) **SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever recklessly endangers another's safety is guilty of a Class E felony.

SECTION 472zktc. 943.01 (2) (a) of the statutes is renumbered 943.01 (2) (a) 2 and amended to read:

943.01 (2) (a) 2. The property damaged is a vehicle or highway as defined in s. 941.03 (2) and the damage is of a kind which is likely to cause injury to a person or further property damage; or

SECTION 472zktd. 943.01 (2) (a) 1 of the statutes is created to read:

943.01 (2) (a) 1. In this paragraph, "highway" means any public way or thoroughfare, including

bridges thereon, any roadways commonly used for vehicular traffic, whether public or private, any railroad, including street and interurban railways, and any navigable waterway or airport.

SECTION 472zkte. 943.70 (2) (b) 4 and (3) (b) 4 of the statutes are amended to read:

943.70 (2) (b) 4. A Class C felony if the offense creates a ~~situation of substantial and unreasonable risk and high probability of death or great bodily harm to another.~~

(3) (b) 4. A Class C felony if the offense creates a ~~situation of substantial and unreasonable risk and high probability of death or great bodily harm to another.~~

~~SECTION 472zktg. 944.21 of the statutes is repealed and recreated to read:~~

~~944.21 Hard-core obscene material. (1) In this section:~~

~~(a) "Community" means this state.~~

~~(b) "Hard-core sexual conduct" means the commission of any of the following: sadomasochistic abuse, bestiality or necrophilia.~~

~~(c) "Obscene material" means a picture, sound recording or film which:~~

~~1. The average person, applying contemporary community standards, would find appeals to the prurient interest if taken as a whole;~~

~~2. Under contemporary community standards, describes or shows hard-core sexual conduct in a patently offensive way; and~~

~~3. Lacks serious literary, artistic, political, educational or scientific value, if taken as a whole.~~

~~(2) Any person who, with knowledge of the character or content of the material, does any of the following is guilty of a Class D felony.~~

~~(a) Sells, offers for sale or commercially exhibits obscene material.~~

~~(b) Possesses obscene material with the intent to sell, offer for sale or commercially exhibit that material.~~

~~(3) Each day a violation under sub. (2) continues constitutes a separate violation under this section.~~

~~(4) A district attorney may submit a case for review under s. 165.25 (3m). No criminal action may be commenced against any person under sub. (2) unless the attorney general determines under s. 165.25 (3m) that the action may be commenced.~~

~~(5) (a) The legislature finds that the libraries and educational institutions under par. (b) carry out the essential purpose of making available to all citizens a current, balanced collection of books, reference materials, periodicals, sound recordings and audio-visual materials that reflect the cultural diversity and pluralistic nature of American society. The legislature further finds that it is in the interest of the state to protect the financial resources of libraries and educational institutions from being expended in litigation and to~~

Vetoed in Part

Vetoed
in Part

permit these resources to be used to the greatest extent possible for fulfilling the essential purpose of libraries and educational institutions.

(b) No person who is an employe, a member of the board of directors or a trustee of any of the following is liable to prosecution for violation of this section for acts or omissions while, in his or her capacity as an employe, a member of the board of directors or a trustee:

1. A public elementary or secondary school.
2. A private school, as defined in s. 115.001 (3r).
3. Any school offering vocational, technical or adult education that:
 - a. Is a vocational, technical and adult education district school, is a school approved by the educational approval board under s. 38.51 or is a school described in s. 38.51 (9) (f), (g) or (h); and
 - b. Is exempt from taxation under section 501 (c) (3) of the internal revenue code.
4. Any institution of higher education that is accredited, as described in s. 39.30 (1) (d), and is exempt from taxation under section 501 (c) (3) of the internal revenue code.
5. A library that receives funding from any unit of government.

(6) In determining whether material is obscene material under sub. (1) (c) 1 and 3, a judge or jury shall examine individual pictures in the context of the work, including written passages, in which they appear.

(7) The provisions of this section, including the provisions of sub. (5), are severable, as provided in s. 990.001 (11).

SECTION 472zL. 945.041 (9) of the statutes is amended to read:

945.041 (9) A written record shall be kept by every Every officer and district attorney shall keep a written record of reports made by or to him or her under sub. (2). On the first day of January, April, July and October in each year each district attorney shall report in writing to the governor the name, address and office, if any, of each person who has reported to him knowledge of gambling devices or any horse race betting under sub. (2). He shall also set out the disposition of such reports, the status of all cases instituted thereon and the status of cases not shown by any prior report to be finally determined.

SECTION 472zm. 946.13 (2) (a) of the statutes is amended to read:

946.13 (2) (a) Contracts in which any single public officer or employe is privately interested which that do not involve receipts and disbursements by the state or its political subdivision aggregating more than \$5,000 \$7,500 in any year.

SECTION 472zg. 948.11 (1) (bn) of the statutes is created to read:

948.11 (1) (bn) "Internal revenue code" has the meaning specified in s. 71.02 (2).

Vetoed
in Part

SECTION 472zn. 948.11 (4) and (5) of the statutes are created to read:

948.11 (4) LIBRARIES AND EDUCATIONAL INSTITUTIONS. (a) The legislature finds that the libraries and educational institutions under par. (b) carry out the essential purpose of making available to all citizens a current, balanced collection of books, reference materials, periodicals, sound recordings and audio-visual materials that reflect the cultural diversity and pluralistic nature of American society. The legislature further finds that it is in the interest of the state to protect the financial resources of libraries and educational institutions from being expended in litigation and to permit these resources to be used to the greatest extent possible for fulfilling the essential purpose of libraries and educational institutions.

(b) No person who is an employe, a member of the board of directors or a trustee of any of the following is liable to prosecution for violation of this section for acts or omissions while, in his or her capacity as an employe, a member of the board of directors or a trustee:

1. A public elementary or secondary school.
2. A private school, as defined in s. 115.001 (3r).
3. Any school offering vocational, technical or adult education that:
 - a. Is a vocational, technical and adult education district school, is a school approved by the educational approval board under s. 38.51 or is a school described in s. 38.51 (9) (f), (g) or (h); and
 - b. Is exempt from taxation under section 501 (c) (3) of the internal revenue code.
4. Any institution of higher education that is accredited, as described in s. 39.30 (1) (d), and is exempt from taxation under section 501 (c) (3) of the internal revenue code.
5. A library that receives funding from any unit of government.

(5) SEVERABILITY. The provisions of this section, including the provisions of sub. (4), are severable, as provided in s. 990.001 (11).

SECTION 472zo. 949.03 (1) (b) of the statutes, as affected by 1987 Wisconsin Act 90, is amended to read:

949.03 (1) (b) The commission or the attempt to commit any crime specified in s. 346.62 (4), 346.63 (2), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22, 940.225 (1) to (3), 940.23, 940.24, 940.245, 940.25, 940.26 (2), 940.28, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.32 or 944.12.

SECTION 472zp. 950.045 of the statutes, as created by 1987 Wisconsin Act ... (Senate Bill 4), is amended to read:

950.045 (title) Victims; application for parole or pardon; releases. Victims of crimes have the right to provide written statements concerning parole applications under s. 97.06 (1) (e) and, to provide written

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

~~statements concerning pardon applications under s. 57.10 (2) and to receive notification of release under ss. 53.11 (5m) and 57.06 (1) (g).~~

SECTION 472zpac. 968.27 (intro.) of the statutes is amended to read:

968.27 Definitions. (intro.) ~~As used in In~~ ss. 968.28 to 968.33 968.37:

SECTION 472zpad. 968.27 (1) of the statutes is renumbered 968.27 (17) and amended to read:

968.27 (17) “Wire communication” means any ~~communication~~ aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, microwave or other like connection between the point of origin and the point of reception, including the use of the connection in any switching station, furnished or operated by any person engaged as a public utility in providing or operating such the facilities for the transmission of intrastate, interstate or foreign communications. “Wire communication” includes the electronic storage of any such aural transfer, but does not include the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit.

SECTION 472zpac. 968.27 (2) of the statutes is renumbered 968.27 (12) and amended to read:

968.27 (12) “Oral communication” means any oral communication uttered by a person exhibiting an expectation that ~~such the~~ communication is not subject to interception under circumstances justifying ~~such the~~ expectation. “Oral communication” does not include any electronic communication.

SECTION 472zpac. 968.27 (2) of the statutes is created to read:

968.27 (2) “Aural transfer” means a transfer containing the human voice at any point from the point of origin to the point of reception.

SECTION 472zpac. 968.27 (3) of the statutes is renumbered 968.27 (9) and amended to read:

968.27 (9) “Intercept” means the aural or other acquisition of the contents of any wire, electronic or oral communication through the use of any electronic, mechanical or other device.

SECTION 472zpac. 968.27 (3m) of the statutes is renumbered 968.27 (7), and 968.27 (7) (intro.) and (a) 1 and 2, as renumbered, are amended to read:

968.27 (7) “Electronic, mechanical, or other device” means any device or apparatus which can be used to intercept a wire, electronic or oral communication other than:

(a) 1. Furnished to the subscriber or user by a ~~communications common carrier~~ provider of electronic or wire communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by the subscriber or user for connection to the facilities of the

service and used in the ordinary course of its business; or

2. Being used by a ~~communications carrier~~ provider of electronic or wire communication service in the ordinary course of its business, or by a law enforcement officer in the ordinary course of his or her duties.

SECTION 472zpai. 968.27 (4) of the statutes is renumbered 968.27 (10) and amended to read:

968.27 (10) “Investigative or law enforcement officer” means any officer of this state or political subdivision thereof, who is empowered by the laws of this state to conduct investigations of or to make arrests for offenses enumerated in ss. 968.28 to ~~968.33~~ 968.37, and any attorney authorized by law to prosecute or participate in the prosecution of ~~such those~~ offenses.

SECTION 472zpai. 968.27 (4) of the statutes is created to read:

968.27 (4) “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature wholly or partially transmitted by a wire, radio, electromagnetic, photoelectronic or photooptical system. “Electronic communication” does not include any of the following:

(a) The radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit.

(b) Any wire or oral communication.

(c) Any communication made through a tone-only paging device.

(d) Any communication from a tracking device.

SECTION 472zpac. 968.27 (5) of the statutes is renumbered 968.27 (3) and amended to read:

968.27 (3) “Contents” when used with respect to any wire, electronic or oral communication, includes any information concerning the ~~identity of the parties to such communication or the existence, substance, purport or meaning of that communication.~~

SECTION 472zpaL. 968.27 (5) of the statutes is created to read:

968.27 (5) “Electronic communication service” means any service that provides its users with the ability to send or receive wire or electronic communications.

SECTION 472zpac. 968.27 (6) of the statutes is renumbered 968.27 (1) and amended to read:

968.27 (1) “Aggrieved person” means a person who was a party to any intercepted wire, electronic or oral communication or a person against whom the interception was directed.

SECTION 472zpan. 968.27 (6) of the statutes is created to read:

968.27 (6) “Electronic communications system” means any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of electronic communications, and any computer facili-

ties or related electronic equipment for the electronic storage of those communications.

SECTION 472zpao. 968.27 (7) of the statutes is renumbered 968.27 (11) and amended to read:

968.27 (11) "Judge" means the judge sitting at the time an application is made under s. 968.30 or his or her successor.

SECTION 472zpap. 968.27 (8) of the statutes is created to read:

968.27 (8) "Electronic storage" means any of the following:

(a) Any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof.

(b) Any storage of a wire or electronic communication by an electronic communication service for purposes of backup protection of the communication.

SECTION 472zpaq. 968.27 (13) of the statutes is created to read:

968.27 (13) "Pen register" means a device that records or decodes electronic or other impulses that identify the numbers dialed or otherwise transmitted on the telephone line to which the device is attached. "Pen register" does not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by the provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business.

SECTION 472zpar. 968.27 (14) of the statutes is created to read:

968.27 (14) "Readily accessible to the general public" means, with respect to a radio communication, that the communication is not any of the following:

(a) Scrambled or encrypted.

(b) Transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of the communication.

(c) Carried on a subcarrier or other signal subsidiary to a radio transmission.

(d) Transmitted over a communication system provided by a common carrier, unless the communication is a tone-only paging system communication.

(e) Transmitted on frequencies allocated under 47 CFR part 25, subpart D, E or F of part 74, or part 94, unless in the case of a communication transmitted on a frequency allocated under 47 CFR part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a 2-way voice communication by radio.

SECTION 472zpas. 968.27 (15) of the statutes is created to read:

968.27 (15) "Trap and trace device" means a device that captures the incoming electronic or other impulses that identify the originating number of an

instrument or device from which a wire or electronic communication was transmitted.

SECTION 472zpat. 968.27 (16) of the statutes is created to read:

968.27 (16) "User" means any person who or entity that:

(a) Uses an electronic communication service; and

(b) Is duly authorized by the provider of the service to engage in that use.

SECTION 472zpau. 968.28 of the statutes is amended to read:

968.28 Application for court order to intercept communications. The attorney general together with the district attorney of any county may approve a request of an investigative or law enforcement officer to apply to the chief judge of the judicial administrative district for the county where the interception is to take place for an order authorizing or approving the interception of wire, electronic or oral communications. The chief judge may under s. 968.30 grant an order authorizing or approving the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense for which the application is made. The authorization shall be permitted only if the interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, commercial gambling, bribery, extortion or dealing in controlled substances or a computer crime ~~which that~~ is a felony under s. 943.70 or any conspiracy to commit any of the foregoing offenses.

SECTION 472zpc. 968.28 of the statutes, as affected by 1987 Wisconsin Act (this act), is amended to read:

968.28 Application for court order to intercept communications. The attorney general together with the district attorney of any county may approve a request of an investigative or law enforcement officer to apply to the chief judge of the judicial administrative district for the county where the interception is to take place for an order authorizing or approving the interception of wire, electronic or oral communications. The chief judge may under s. 968.30 grant an order authorizing or approving the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense for which the application is made. The authorization shall be permitted only if the interception may provide or has provided evidence of the commission of the offense of homicide, felony murder, kidnapping, commercial gambling, bribery, extortion or dealing in controlled substances or a computer crime that is a felony under s. 943.70 or any conspiracy to commit any of the foregoing offenses.

SECTION 472zpc. 968.29 of the statutes is amended to read:

968.29 (title) Authorization for disclosure and use of intercepted wire, electronic or oral communications. (1) Any investigative or law enforcement officer who, by

any means authorized by ss. 968.28 to ~~968.33~~ 968.37 or 18 USC 2510 to 2520, has obtained knowledge of the contents of any wire, electronic or oral communication, or evidence derived therefrom, may disclose ~~such the~~ contents to another investigative or law enforcement officer only to the extent that ~~such the~~ disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

(2) Any investigative or law enforcement officer who, by any means authorized by ss. 968.28 to ~~968.33~~ 968.37 or 18 USC 2510 to 2520, has obtained knowledge of the contents of any wire, electronic or oral communication or evidence derived therefrom may use ~~such the~~ contents only to the extent ~~such the~~ use is appropriate to the proper performance of ~~his or her~~ official duties.

(3) Any person who has received, by any means authorized by ss. 968.28 to ~~968.33~~ 968.37 or 18 USC 2510 to 2520 or by a like statute of any other state, any information concerning a wire, electronic or oral communication or evidence derived therefrom intercepted in accordance with ss. 968.28 to ~~968.33~~ 968.37, may disclose the contents of that communication or ~~such that~~ derivative evidence only while giving testimony under oath or affirmation in any proceeding in any court or before any magistrate or grand jury in this state, or in any court of the United States or of any state, or in any federal or state grand jury proceeding.

(4) No otherwise privileged wire, electronic or oral communication intercepted in accordance with, or in violation of, ss. 968.28 to ~~968.33~~ 968.37 or 18 USC 2510 to 2520, shall may lose its privileged character.

(5) When an investigative or law enforcement officer, while engaged in intercepting wire, electronic or oral communications in the manner authorized, intercepts wire, electronic or oral communications relating to offenses other than those specified in the order of authorization or approval, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in subs. (1) and (2). ~~Such~~ The contents and any evidence derived therefrom may be used under sub. (3) when authorized or approved by the judge who acted on the original application where ~~such the~~ judge finds on subsequent application, made as soon as practicable but no later than 48 hours, that the contents were otherwise intercepted in accordance with ss. 968.28 to ~~968.33~~ 968.37 or 18 USC 2510 to 2520 or by a like statute.

SECTION 472zpcf. 968.30 (title) of the statutes is amended to read:

968.30 (title) Procedure for interception of wire, electronic or oral communications.

SECTION 472zpcg. 968.30 (1) (intro.) of the statutes is amended to read:

968.30 (1) (intro.) Each application for an order authorizing or approving the interception of a wire, electronic or oral communication shall be made in

writing upon oath or affirmation to the court and shall state the applicant's authority to make ~~such the~~ application and may be upon personal knowledge or information and belief. Each application shall include the following information:

SECTION 472zpch. 968.30 (1) (e) of the statutes is amended to read:

968.30 (1) (e) A full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any court for authorization to intercept, or for approval of interceptions of, wire, electronic or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the court on each such application; and

SECTION 472zpci. 968.30 (3) (intro.) of the statutes is amended to read:

968.30 (3) (intro.) Upon ~~such the~~ application the court may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire, electronic or oral communications, if the court determines on the basis of the facts submitted by the applicant that all of the following exist:

SECTION 472zpcj. 968.30 (3) (d) of the statutes is amended to read:

968.30 (3) (d) There is probable cause for belief that the facilities from which, or the place where, the wire, electronic or oral communications are to be intercepted are being used, or are about to be used, in connection with the commission of ~~such the~~ offense, or are leased to, listed in the name of, or commonly used by ~~such the~~ person.

SECTION 472zpc. 968.30 (4) (intro.) of the statutes is amended to read:

968.30 (4) (intro.) Each order authorizing or approving the interception of any wire, electronic or oral communication shall specify:

SECTION 472zpcL. 968.30 (5) of the statutes is amended to read:

968.30 (5) No order entered under this section may authorize or approve the interception of any wire, electronic or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than 30 days. The 30-day period begins on the earlier of the day on which the investigative or law enforcement officer first begins to conduct an interception under the order or 10 days after the order is entered. Extensions of an order may be granted, but only upon application for an extension made in accordance with sub. (1) and the court making the findings required by sub. (3). The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event be for longer than 30 days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be con-

ducted in such a way as to minimize the interception of communications not otherwise subject to interception under this chapter, and must terminate upon attainment of the authorized objective, or in any event in 30 days. In the event the intercepted communication is in a code or foreign language, and an expert in that foreign language or code is not reasonably available during the interception period, minimization may be accomplished as soon as practicable after the interception.

SECTION 472zpcn. 968.30 (7) (a) of the statutes is amended to read:

968.30 (7) (a) The contents of any wire, electronic or oral communication intercepted by any means authorized by ss. 968.28 to ~~968.33~~ 968.37 shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire, electronic or oral communication under this subsection shall be done in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order or extensions thereof all such recordings and records of an intercepted wire, electronic or oral communication shall be filed with the court issuing ~~such~~ the order and the court shall order the same to be sealed. Custody of the recordings and records shall be wherever the judge handling the application shall order. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be properly kept and preserved for 10 years. Duplicate recordings and other records may be made for use or disclosure pursuant to the provisions for investigations under s. 968.29 (1) and (2). The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire, electronic or oral communication or evidence derived therefrom under s. 968.29 (3).

SECTION 472zpcn. 968.30 (7) (d) 3 of the statutes is amended to read:

968.30 (7) (d) 3. The fact that during the period wire, electronic or oral communications were or were not intercepted.

SECTION 472zpcn. 968.30 (8) of the statutes is amended to read:

968.30 (8) The contents of any intercepted wire, electronic or oral communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in any court of this state unless each party, not less than 10 days before the trial, hearing or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized or approved. This 10-day period may be waived by the judge if he or she finds that it was not possible to furnish the party with the above information 10 days before the trial, hearing or proceeding and that the party will not be prejudiced by the delay in receiving ~~such~~ the information.

SECTION 472zpcp. 968.30 (9) (a) of the statutes is amended to read:

968.30 (9) (a) Any aggrieved person in any trial, hearing or proceeding in or before any court, department, officer, agency, regulatory body or other authority of this state, or a political subdivision thereof, may move before the trial court or the court granting the original warrant to suppress the contents of any intercepted wire, electronic or oral communication, or evidence derived therefrom, on the grounds that 1) the communication was unlawfully intercepted; 2) the order of authorization or approval under which it was intercepted is insufficient on its face; or 3) the interception was not made in conformity with the order of authorization or approval. ~~Such~~ The motion shall be made before the trial, hearing or proceeding unless there was no opportunity to make ~~such~~ the motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire, electronic or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of ss. 968.28 to ~~968.33~~ 968.37. The judge may, upon the filing of ~~such~~ the motion by the aggrieved person, make available to the aggrieved person or his or her counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interest of justice.

SECTION 472zpcq. 968.30 (10) of the statutes is amended to read:

968.30 (10) Nothing in ss. 968.28 to ~~968.33~~ 968.37 shall be construed to allow the interception of any wire, electronic or oral communication between an attorney and a client.

SECTION 472zpcr. 968.31 (title) of the statutes is amended to read:

968.31 (title) Interception and disclosure of wire, electronic or oral communications prohibited.

SECTION 472zpcs. 968.31 (1) (a) of the statutes is amended to read:

968.31 (1) (a) Intentionally intercepts, attempts to intercept or procures any other person to intercept or attempt to intercept, any wire, electronic or oral communication;

SECTION 472zpcr. 968.31 (1) (b) of the statutes is amended to read:

968.31 (1) (b) Intentionally uses, attempts to use or procures any other person to use or attempt to use any electronic, mechanical or other device to intercept any oral communication;

SECTION 472zpcu. 968.31 (1) (c) of the statutes is amended to read:

968.31 (1) (c) Discloses, or attempts to disclose, to any other person the contents of any wire, electronic or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in viola-

tion of this section or under circumstances constituting violation of this section;

SECTION 472zpcv. 968.31 (1) (d) of the statutes is amended to read:

968.31 (1) (d) Uses, or attempts to use, the contents of any wire, electronic or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or oral communication in violation of this section or under circumstances constituting violation of this section;

SECTION 472zpcw. 968.31 (1) (e) of the statutes is amended to read:

968.31 (1) (e) Intentionally discloses the contents of any oral, electronic or wire communication obtained by authority of ss. 968.28, 968.29 and 968.30, except as therein provided.

SECTION 472zpcx. 968.31 (1) (f) of the statutes is amended to read:

968.31 (1) (f) Intentionally alters any wire, electronic or oral communication intercepted on tape, wire or other device.

SECTION 472zpcxb. 968.31 (2) (intro.) of the statutes is amended to read:

968.31 (2) (intro.) It is not unlawful under ss. 968.28 to ~~968.33~~ 968.37:

SECTION 472zpcxc. 968.31 (2) (a) of the statutes is amended to read:

968.31 (2) (a) For an operator of a switchboard, or an officer, employe or agent of any ~~telecommunications utility provider~~ of a wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication to intercept, disclose or use that communication in the normal course of his or her employment while engaged in any activity which is a necessary incident to the rendition of his or her service or to the protection of the rights or property of the ~~carrier of such communication, but telecommunications utilities provider of that service, except that a provider of a wire or electronic communication service shall not utilize service observing or random monitoring except for mechanical or service quality control checks.~~

SECTION 472zpcxd. 968.31 (2) (b) of the statutes is amended to read:

968.31 (2) (b) For a person acting under color of law to intercept a wire, electronic or oral communication, where ~~such~~ the person is a party to the communication or one of the parties to the communication has given prior consent to ~~such~~ the interception.

SECTION 472zpcxe. 968.31 (2) (c) of the statutes is amended to read:

968.31 (2) (c) For a person not acting under color of law to intercept a wire, electronic or oral communication where ~~such~~ the person is a party to the communication or where one of the parties to the communication has given prior consent to ~~such~~ the

interception unless ~~such~~ the communication is intercepted for the purpose of committing any criminal or tortious act in violation of the constitution or laws of the United States or of any state or for the purpose of committing any other injurious act.

SECTION 472zpcxf. 968.31 (2) (d) of the statutes is renumbered 968.31 (2m), and 968.31 (2m) (intro.), as renumbered, is amended to read:

968.31 (2m) (intro.) Any person whose wire, electronic or oral communication is intercepted, disclosed or used in violation of ss. 968.28 to ~~968.33~~ 968.37 shall ~~1) have a civil cause of action against any person who intercepts, discloses or uses, or procures any other person to intercept, disclose, or use, such~~ the communication, and ~~2) shall be entitled to recover from any such person:~~

SECTION 472zpcxg. 968.31 (2) (d) to (j) of the statutes are created to read:

968.31 (2) (d) For any person to intercept or access an electronic communication made through an electronic communication system that is configured so that the electronic communication is readily accessible to the general public.

(e) For any person to intercept any radio communication that is transmitted:

1. By any station for the use of the general public, or that relates to ships, aircraft, vehicles or persons in distress;

2. By any governmental, law enforcement, civil defense, private land mobile or public safety communications system, including police and fire, readily accessible to the general public;

3. By a station operating on an authorized frequency within the bands allocated to the amateur, citizens band or general mobile radio services; or

4. By any marine or aeronautical communications system.

(f) For any person to engage in any conduct that:

1. Is prohibited by section 633 of the communications act of 1934; or

2. Is excepted from the application of section 705 (a) of the communications act of 1934 by section 705 (b) of that act.

(g) For any person to intercept any wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of the interference.

(h) For users of the same frequency to intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of the system, if the communication is not scrambled or encrypted.

(i) To use a pen register or a trap and trace device as authorized under ss. 968.34 to 968.37; or

(j) For a provider of electronic communication service to record the fact that a wire or electronic com-

munication was initiated or completed in order to protect the provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful or abusive use of the service.

SECTION 472zpcxh. 968.31 (3) of the statutes is amended to read:

968.31 (3) Good faith reliance on a court order or on s. 968.30 (7) shall constitute a complete defense to any civil or criminal action brought under ss. 968.28 to ~~968.33~~ 968.37.

SECTION 472zpcxi. 968.34 of the statutes is created to read:

968.34 Use of pen register or trap and trace device restricted. (1) Except as provided in this section, no person may install or use a pen register or a trap and trace device without first obtaining a court order under s. 968.36 or 18 USC 3123 or 50 USC 1801 to 1811.

(2) The prohibition of sub. (1) does not apply with respect to the use of a pen register or a trap and trace device by a provider of electronic or wire communication service:

(a) Relating to the operation, maintenance and testing of a wire or electronic communication service or to the protection of the rights or property of the provider, or to the protection of users of that service from abuse of service or unlawful use of service;

(b) To record the fact that a wire or electronic communication was initiated or completed in order to protect the provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service; or

(c) Where the consent of the user of that service has been obtained.

(3) Whoever knowingly violates sub. (1) shall be fined not more than \$10,000 or imprisoned not more than one year or both.

SECTION 472zpcxj. 968.35 of the statutes is created to read:

968.35 Application for an order for a pen register or a trap and trace device. (1) The attorney general or a district attorney may make application for an order or an extension of an order under s. 968.36 authorizing or approving the installation and use of a pen register or a trap and trace device, in writing under oath or equivalent affirmation, to a circuit court for the county where the device is to be located.

(2) An application under sub. (1) shall include all of the following:

(a) The identity of the person making the application and the identity of the law enforcement agency conducting the investigation.

(b) A certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.

SECTION 472zpcxk. 968.36 of the statutes is created to read:

968.36 Issuance of an order for a pen register or a trap and trace device. (1) Upon an application made under s. 968.35, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court if the court finds that the applicant has certified to the court that the information likely to be obtained by the installation and use is relevant to an ongoing criminal investigation.

(2) An order issued under this section shall do all of the following:

(a) Specify the identity, if known, of the person to whom is leased or in whose name is listed the telephone line to which the pen register or trap and trace device is to be attached.

(b) Specify the identity, if known, of the person who is the subject of the criminal investigation.

(c) Specify the number and, if known, the physical location of the telephone line to which the pen register or trap and trace device is to be attached and, in the case of a trap and trace device, the geographic limits of the trap and trace order.

(d) Provide a statement of the offense to which the information likely to be obtained by the pen register or trap and trace device relates.

(e) Direct, upon the request of the applicant, the furnishing of information, facilities and technical assistance necessary to accomplish the installation of the pen register or trap and trace device under s. 968.37.

(3) An order issued under this section shall authorize the installation and use of a pen register or a trap and trace device for a period not to exceed 60 days.

(4) Extensions of the order may be granted, but only upon an application for an order under s. 968.35 and upon the judicial finding required by sub. (1). The period of extension shall be for a period not to exceed 60 days.

(5) An order authorizing or approving the installation and use of a pen register or a trap and trace device shall direct that:

(a) The order be sealed until otherwise ordered by the court; and

(b) The person owning or leasing the line to which the pen register or a trap and trace device is attached, or who has been ordered by the court to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the court.

SECTION 472zpcxL. 968.37 of the statutes is created to read:

968.37 Assistance in the installation and use of a pen register or trap and trace device. (1) Upon the request of the attorney general, a district attorney or an officer of a law enforcement agency authorized to install and

use a pen register under ss. 968.28 to 968.37, a provider of wire or electronic communication service, landlord, custodian or other person shall furnish the investigative or law enforcement officer forthwith all information, facilities and technical assistance necessary to accomplish the installation of the pen register unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if the assistance is directed by a court order under s. 968.36 (5) (b).

(2) Upon the request of the attorney general, a district attorney or an officer of a law enforcement agency authorized to receive the results of a trap and trace device under ss. 968.28 to 968.37, a provider of a wire or electronic communication service, landlord, custodian or other person shall install the device forthwith on the appropriate line and shall furnish the investigative or law enforcement officer all additional information, facilities and technical assistance including installation and operation of the device unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if the installation and assistance is directed by a court order under s. 968.36 (5) (b). Unless otherwise ordered by the court, the results of the trap and trace device shall be furnished to the officer of a law enforcement agency, designated by the court, at reasonable intervals during regular business hours for the duration of the order.

(3) A provider of a wire or electronic communication service, landlord, custodian or other person who furnishes facilities or technical assistance under this section shall be reasonably compensated for the reasonable expenses incurred in providing the facilities and assistance.

(4) No cause of action may lie in any court against any provider of a wire or electronic communication service, its officers, employees or agents or other specified persons for providing information, facilities or assistance in accordance with the terms of a court order under s. 968.36.

(5) A good faith reliance on a court order, a legislative authorization or a statutory authorization is a complete defense against any civil or criminal action brought under ss. 968.28 to 968.37.

SECTION 472zpd. 969.001 (2) of the statutes is amended to read:

969.001 (2) "Serious bodily harm" means bodily injury which causes or contributes to the death of a human being or which creates a high probability substantial risk of death or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

SECTION 472zpe. 969.035 (1) of the statutes, as affected by 1987 Wisconsin Act 90, is amended to read:

969.035 (1) In this section, "violent crime" means any crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.10, 940.19 (2), 940.201, 940.21, 940.225 (1), 940.23 or 941.327.

SECTION 472zpf. 969.08 (10) (b) of the statutes, as affected by 1987 Wisconsin Act 90, is amended to read:

969.08 (10) (b) "Serious crime" means any crime specified in s. 346.62 (4), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (2), 940.20, 940.201, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.245, 940.25, 940.29, 940.31, 940.32, 941.20 (2), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.02, 943.03, 943.04, 943.06, 943.10, 943.30, 943.32, 944.12, 946.01, 946.02, 946.43 or 947.015.

SECTION 472zpg. 971.35 of the statutes is repealed.

SECTION 472zs. 973.03 (4) (a) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

973.03 (4) (a) In lieu of a sentence of imprisonment to the county jail, a court may impose a sentence of detention at the defendant's place of residence or other place designated by the court. The length of detention may not exceed the maximum possible period of imprisonment. The detention shall be monitored by the use of an electronic device worn continuously on the defendant's person and capable of providing positive identification of the wearer at the detention location at any time. A sentence of detention in lieu of jail confinement may be imposed only if agreed to by the defendant. The court shall ensure that the defendant is provided a written statement of the terms of the sentence of detention, including a description of the detention monitoring procedures and requirements and of any applicable liability issues. The terms of the sentence of detention may include a requirement that the defendant pay a daily fee to cover the costs associated with monitoring him or her. In that case, the terms must specify to whom the payments are made.

~~SECTION 472zv. 973.05 (1) and (2) of the statutes, as affected by 1987 Wisconsin Act 27, are amended to read:~~

~~973.05 (1) When a defendant is sentenced to pay a fine, the court may grant permission for the payment of the fine, of the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 53.46 (1), the crime victim and witness assistance surcharge under s. 973.045, any applicable domestic abuse assessment imposed by s. 971.37 (1m) (c) 1 or 973.055, any applicable driver improvement surcharge imposed by s. 346.655, any applicable weapons assessment imposed by s. 167.31, any well contamination assessment imposed under s. 144.029, any applicable natural resources assessment imposed by s. 29.997 and any~~

Vetoed
in Part

**Vetoed
in Part**

~~applicable natural resources restitution payment imposed by s. 29.998 to be made within a period not to exceed 60 days. If no such permission is embodied in the sentence, the fine, the penalty assessment, the jail assessment, the crime victim and witness assistance surcharge, any applicable domestic abuse assessment, any applicable driver improvement surcharge, any applicable weapons assessment, any well contamination assessment imposed under s. 144.029, any applicable natural resources assessment and any applicable natural resources restitution payment shall be payable immediately.~~

~~(2) When a defendant is sentenced to pay a fine and is also placed on probation, the court may make the payment of the fine, the penalty assessment, the jail assessment, the crime victim and witness assistance surcharge, any applicable domestic abuse assessment, any applicable driver improvement surcharge, any applicable weapons assessment, any applicable natural resources assessment, any well contamination assessment imposed under s. 144.029 and any applicable natural resources restitution payments a condition of probation. When the payments are made a condition of probation by the court, payments thereon shall be applied first to payment of the penalty assessment until paid in full, shall then be applied to the payment of the jail assessment until paid in full, shall then be applied to the payment of the crime victim and witness assistance surcharge until paid in full, shall then be applied to payment of the driver improvement surcharge until paid in full, shall then be applied to payment of the domestic abuse assessment until paid in full, shall then be applied to payment of the natural resources assessment if applicable until paid in full, shall then be applied to payment of the natural resources restitution payment until paid in full, shall then be applied to the payment of the well contamination assessment, if imposed, until paid in full, shall then be applied to payment of the weapons assessment until paid in full and shall then be applied to payment of the fine.~~

SECTION 473. 977.02 (7r) of the statutes is created to read:

977.02 (7r) (a) Promulgate rules to reduce payment rates under s. 977.08 (4m) for either or both of the following:

1. A reduction of not more than \$2 per hour for time spent in court.
2. A reduction of not more than \$2 per hour for time spent out of court, excluding travel.

(b) Any reduction under par. (a) applies to cases assigned on or after the effective date of the applicable rule promulgated under par. (a).

**Vetoed
in Part**

~~SECTION 473m. 977.05 (4) (cm) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:~~

~~977.05 (4) (cm). Appoint one deputy, and the number of division administrators specified in s. 230.08 (2) (c) 8m and all staff attorneys in the unclassi-~~

~~fyed service and appoint all other employees in the classified service.~~

**Vetoed
in Part**

SECTION 474m. 977.07 (3) of the statutes, as affected by 1987 Wisconsin Act 61, is amended to read:

977.07 (3) A circuit court may review any indigency determination upon its own motion or the motion of the defendant and shall review any indigency determination upon the motion of the district attorney or the state public defender. The court, district attorney or state public defender may summon the defendant. The defendant may be compelled to testify only as to his or her financial eligibility under this section. If the defendant refuses to testify, the court may find the defendant is not eligible to have counsel assigned for him or her under s. 977.08. If the defendant testifies at this hearing, his or her testimony as to his or her financial eligibility under this section may not be used directly or indirectly in any criminal action, except in a criminal action regarding a subsequent charge of perjury or false swearing.

SECTION 476. 977.08 (4m) of the statutes is amended to read:

977.08 (4m) For cases assigned prior to December 1, 1987, private local attorneys shall be paid \$40 per hour for time spent in court; \$30 per hour for time spent out of court, excluding travel, related to a case; and \$25 per hour for time spent in travel related to a case if any portion of the trip is outside the county in which the attorney's principal office is located. ~~For~~ Unless otherwise provided by a rule promulgated under s. 977.02 (7r), for cases assigned on or after December 1, 1987, private local attorneys shall be paid \$45 per hour for time spent in court; \$35 per hour for time spent out of court, excluding travel, related to a case; and \$25 per hour for time spent in travel related to a case if any portion of the trip is outside the county in which the attorney's principal office is located.

~~SECTION 476m. Chapter 978 of the statutes is created to read:~~

~~CHAPTER 978~~

~~DISTRICT ATTORNEYS~~

~~978.001 Definitions. In this chapter:~~

- (1) "Executive secretary" means the executive secretary of the prosecutors council.
- (2) "Prosecution district" means a prosecution district described in s. 978.07.
- (3) "Prosecution system" means all of the prosecutorial units.
- (4) "Prosecutorial unit" means a prosecutorial unit described in s. 978.01.

**Vetoed
in Part**

~~978.01 Number of district attorneys; election; term. There shall be 68 district attorneys elected for full terms at the general election held in each even-numbered year. The regular term of office for each district attorney is 2 years, commencing on the first Monday of January next succeeding his or her election. Each county is a prosecutorial unit and shall elect a district~~

Vetoed
in Part

Vetoed
in Part

attorney, except that the following 2-county prosecutorial units shall elect a single district attorney by the combined electorate of the 2 counties:

- (1) Shawano and Menominee.
- (2) Pepin and Buffalo.
- (3) Forest and Florence.
- (4) Burnett and Washburn.

978.02 Eligibility for office. No person is eligible to hold the office of district attorney unless he or she is licensed to practice law in this state and resides in the prosecutorial unit from which he or she was elected.

978.03 Deputies and assistants in certain prosecutorial units. The district attorney of any prosecutorial unit having a population of 200,000 or more may appoint 3 deputy district attorneys and such assistant district attorneys as may be authorized by the prosecutors council in accordance with s. 16.505. The district attorney shall rank the deputy district attorneys for purposes of carrying out duties under this section. The deputies, according to rank, may perform any duty of the district attorney, under the district attorney's direction. In the absence or disability of the district attorney, the deputies, according to rank, may perform any act required by law to be performed by the district attorney. Any such deputy must have practiced law in this state for at least 2 years prior to appointment under this section. Any such assistant district attorney must be an attorney admitted to practice law in this state and may perform any duty required by law to be performed by the district attorney. The district attorney of the prosecutorial unit may appoint such temporary counsel as may be authorized by the prosecutors council.

978.04 Assistants. The district attorney of any prosecutorial unit having a population of less than 200,000 may appoint one or more assistant district attorneys as necessary to carry out the duties of his or her office and as may be authorized by the prosecutors council in accordance with s. 16.505. Any such assistant district attorney must be an attorney admitted to practice law in this state and may perform any duty required by law to be performed by the district attorney.

978.05 Duties of the district attorney. The district attorney shall:

- (1) **CRIMINAL ACTIONS.** Except as otherwise provided by law, prosecute all criminal actions before any court within his or her prosecutorial unit.
- (2) **FORFEITURES.** Except as otherwise provided by law, prosecute all state forfeiture actions, county traffic actions and actions concerning violations of county ordinances which are in conformity with state criminal laws in the courts within his or her prosecutorial unit.
- (3) **JURY DOB PROCEEDINGS.** Participate in investigatory proceedings under s. 968.26.
- (4) **GRAND JURY.** When requested by a grand jury under s. 756.15, attend the grand jury for the purpose

of examining witnesses in their presence; give the grand jury advice in any legal matter; draw bills of indictment, and issue subpoenas and other processes to compel the attendance of witnesses.

(5) **CRIMINAL APPEALS.** Upon the request and under the supervision and direction of the attorney general, brief and argue all criminal cases brought by appeal or writ of error or certified from a county within his or her prosecutorial unit to the court of appeals or supreme court. The district attorney for the prosecutorial unit in which the case was filed shall represent the state in any appeal or other proceeding regarding the case which is decided by a single court of appeals judge, as specified in s. 752.31 (3).

(6) **CIVIL ACTIONS OR SPECIAL PROCEEDINGS.** (a) Institute, commence or appear in all civil actions or special proceedings under and perform the duties set forth under ss. 17.14, 38.51 (18) (d), 48.09 (1), (2) and (5), 48.18, 59.073, 59.77, 69.07 (3), 70.36, 103.50 (8), 103.92 (4), 109.09 (1), 161.55 (5), 343.305 (9) (a), 453.08, 806.05, 946.86, 946.87, 971.14 and 973.075 to 973.077, perform any duties in connection with court proceedings in a court assigned to exercise jurisdiction under ch. 48 as the judge may request and perform all appropriate duties and appear if the district attorney is designated in specific statutes, including matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85.

(b) Enforce the provisions of all general orders of the department of industry, labor and human relations relating to the sale, transportation and storage of explosives.

(7) **ACTIONS TRANSFERRED TO ANOTHER COUNTY.** If the place of trial is changed in any action or proceeding under this section to another county within or outside his or her prosecutorial unit, prosecute or defend the action or proceeding in that county.

(8) **ADMINISTRATION.** (a) Establish such offices throughout the prosecutorial unit as are necessary to carry out the duties of the office of district attorney.

(b) Supervise his or her staff and make appropriate assignments of the staff throughout the prosecutorial unit. The district attorney may request the assistance of district attorneys or assistant district attorneys from other prosecutorial units who then may appear and assist in the prosecution of criminal matters in like manner as assistants in the prosecutorial unit and with the same authority as the district attorney in the unit in which the action is brought.

(c) Supervise all expenditures of the district attorney's office.

(9) **BUDGET.** Prepare a biennial budget request for submission to the prosecutors council under s. 978.11 by September 1 of each even-numbered year.

978.06 Restriction on district attorney. (1) No district attorney may receive any fee or reward from or on behalf of any prosecutor or any other individual for services in any prosecution or business to which it is the district attorney's official duty to attend.

Vetoed
in Part

(2) No district attorney may be considered as attorney or counsel for either party, other than for the state or county, in any civil action depending upon the same state of facts upon which any criminal prosecution commenced but undetermined depends.

(3) No district attorney while in office may hold any judicial office, or hold the office of or act as corporation counsel or city, village or town attorney.

(4) No person who acted as district attorney, assistant district attorney or special district attorney for a county at the time of an arrest, examination or indictment of any person charged with a crime in that county may thereafter appear for, or defend that person against the crime charged in the complaint, information or indictment.

(5) No district attorney, deputy district attorney or assistant district attorney may engage in a private practice of law, but he or she is authorized to complete all civil cases, not in conflict with the interest of the county or counties of his or her prosecutorial unit, in which he or she is counsel, pending in court before he or she takes office.

(6) No district attorney, deputy district attorney or assistant district attorney may appear in civil actions or proceedings under ss. 46.25 (7), 59.07 (97), 767.45 and 767.65.

978.07 Prosecution districts. The state is divided into prosecution districts as follows:

- (1) The 1st district consists of Milwaukee county.
- (2) The 2nd district consists of Kenosha, Racine and Walworth counties.
- (3) The 3rd district consists of Jefferson, Ozaukee, Washington and Waukesha counties.
- (4) The 4th district consists of Calumet, Fond du Lac, Manitowoc, Sheboygan and Winnebago counties.
- (5) The 5th district consists of Dane, Green, Lafayette and Rock counties.
- (6) The 6th district consists of Adams, Clark, Columbia, Dodge, Green Lake, Juneau, Marquette, Portage, Sauk, Waushara and Wood counties.
- (7) The 7th district consists of Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Monroe, Pepin, Pierce, Richland, Trempealeau and Vernon counties.
- (8) The 8th district consists of Brown, Door, Kewaunee, Marinette, Oconto and Outagamie and Waupaca counties.
- (9) The 9th district consists of Florence, Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Price, Shawano, Taylor and Vilas counties.
- (10) The 10th district consists of Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Iron, Polk, Rusk, St. Croix, Sawyer and Washburn counties.

978.08 Election of chief district prosecutors. The district attorneys of each prosecution district shall elect from their ranks a chief district prosecutor who shall have the administrative duties for the district.

Vetoed
in Part

978.09 Term of office of chief district prosecutor. The chief district prosecutor shall serve a term of 2 years commencing August 1 of the year of election.

978.10 Responsibilities and duties of chief district prosecutor. (1) The chief district prosecutor is the administrative chief of the prosecution district. The chief district prosecutor has general responsibility for supervising and directing the administration of the district.

(2) In the exercise of this general responsibility, the chief district prosecutor may:

(a) Assign prosecutors within the district for conflict of interest and other reasons if requested to do so by a district attorney, except in districts consisting of one county the prosecutors council shall make those assignments.

(b) Appoint the department of justice to perform prosecutorial functions within a prosecutorial unit if the department and the district attorney consent to the agreement.

(c) Cooperate with the executive secretary in the review and submission of budgets for his or her prosecution district.

(3) In any case in which the chief district prosecutor has a conflict of interest, the prosecution council shall exercise the authority of the chief district prosecutor under subs. (1) and (2).

978.11 Prosecutors council. (1) **DEFINITION.** In this section, "council" means the prosecutors council created under s. 15.83.

(2) **POWERS AND DUTIES.** The council shall:

(a) Appoint an executive secretary and support staff subject to s. 16.505, outside the classified service, who shall provide the bookkeeping, payroll, accounting and personnel advisory services required by the prosecution districts and perform the functions and duties assigned by the council.

(b) Meet as necessary to carry out its duties. Meetings shall be called by the chairperson or, in the absence of the chairperson, by the vice chairperson.

(c) Prepare the budget of the prosecution system and submit it in accordance with s. 16.42.

(d) Recommend additional legislation necessary to improve the efficiency and effectiveness of the prosecution system established under this chapter.

(e) Promulgate rules necessary for the performance of council duties and responsibilities.

(3) **TRANSITION; SUPPORT ENFORCEMENT.** (a) To respond to exceptional circumstances in the transitional period, on or after June 30, 1989, and prior to June 30, 1990, in which a county may require assistance in the operation of its support enforcement functions, the prosecutors council may authorize assistant district attorneys with support enforcement experience to assist the county in training and overseeing any new county employees who are hired to perform support enforcement duties. An assistant district attorney shall provide the assistance only if he or she consents to do so.

Vetoed
in Part

(b) Paragraph (a) does not apply on or after June 30, 1990.

978.12 Salaries and benefits of the district attorney and state employees in the office of the district attorney.

(1) **SALARIES.** (a) *District attorneys.* District attorneys shall be compensated based on prosecutorial unit population as follows:

1. For prosecutorial units having a population of more than 500,000, 110% of the annual salary of a circuit judge.
2. For prosecutorial units having a population of more than 250,000 but not more than 500,000, 100% of the annual salary of a circuit judge.
3. For prosecutorial units having a population of more than 100,000 but not more than 250,000, 95% of the annual salary of a circuit judge.
4. For prosecutorial units having a population of more than 75,000 but not more than 100,000, 90% of the annual salary of a circuit judge.
5. For prosecutorial units having a population of more than 50,000 but not more than 75,000, 85% of the annual salary of a circuit judge.
6. For prosecutorial units having a population of more than 25,000 but not more than 50,000, 80% of the annual salary of a circuit judge.
7. For prosecutorial units having a population of not more than 25,000, 70% of the annual salary of a circuit judge.

(b) *Deputy district attorneys.* Deputy district attorneys shall be employed outside the classified service. The state shall pay a salary to deputy district attorneys which shall not exceed the maximum of any pay range to which assistant district attorney positions are assigned, except that a deputy district attorney may receive additional compensation for supervisory duties in accordance with supplementary provisions for supervisory and managerial employees in the state compensation plan.

(c) *Assistant district attorneys.* Assistant district attorneys shall be employed outside the classified service. For purposes of salary administration, the prosecutors council shall establish one or more classifications for assistant district attorneys in accordance with the classification or classifications allocated to assistant attorneys general. Except as provided in s. 111.93 (3), the salaries of assistant district attorneys shall be established and adjusted in accordance with the state compensation plan for assistant attorneys general whose positions are allocated to the classification or classifications established by the prosecutors council.

(2) **CONTINUOUS SERVICE DATE.** For a county employe transferring to state employment under 1987 Wisconsin Act ... (this act), the employment date for determining an employe's period of continuous service shall be the employe's adjusted seniority date with the county. State seniority shall be accrued from that date.

(3) **SICK LEAVE.** For a county employe transferring to state employment under 1987 Wisconsin Act ... (this act), sick leave earned and accrued under the employe's county plan, not to exceed the amount of sick leave the employe would have earned and accrued under the state system for the same period, shall be transferred to the transferred employe's sick leave account if the employe is able to provide adequate documentation in accounting for sick leave used during the accrual period with the county. If there is a formal plan but no adequate documentation in accounting, credit may be granted on the basis of the number of years of service times one-half the state rate for earning sick leave. Sick leave which transfers under this section is not subject to a right of conversion, under s. 40.05 (4) or otherwise, upon death or termination of creditable service for payment of health insurance benefits on behalf of the employe or the employe's dependents.

(4) **ANNUAL LEAVE.** Annual leave for the district attorney and state employes of the office of district attorney shall be accrued at the rate provided in s. 230.35 using the seniority date established under sub. (2) as a continuous service date. Annual leave shall be earned on a calendar year basis prorated from the effective date of the employe's transfer or acquisition for the balance of the calendar year.

(5) **RETIREMENT.** (a) *Definition.* In this subsection, "required employer contribution rate" means the total amount paid to the Wisconsin retirement fund for similar participants, including actuarially determined current costs, any prior service amortization costs and any amount of employe contributions presently paid by the employer. These required employer contribution rates are subject to annual redetermination by the actuaries of the respective retirement systems, however, the contribution rates for elected public officials and other employes shall be determined separately when the calculations are actuarially available from the Wisconsin retirement system and adopted by the employe trust funds board and other respective retirement systems.

(b) *Employes generally.* District attorneys and state employes of the office of district attorney shall be included within the provisions of the Wisconsin retirement system under ch. 40 as a participating employe of that office, except that the district attorney and state employes of Milwaukee county have the option provided under par. (c).

(c) *Milwaukee county district attorney employes.* The Milwaukee county district attorney and state employes of that office shall have the option of continuing as participants in the retirement system established under chapter 201, laws of 1937, as follows:

1. The salaries authorized under this section for the district attorney and the state employes of the office of district attorney shall be paid by the state treasurer to the county treasurer pursuant to a voucher submitted by the district attorney to the prosecutors council

Vetoed
in Part

Vetoed
in Part

under s. 978.11. The county treasurer shall pay the amounts directly to the district attorney and state employees of the office of district attorney and the amounts paid shall be subject to the retirement system established under chapter 201, laws of 1937.

2. The state shall pay to the county treasurer in the manner specified in subd. 1 on behalf of the district attorney and state employees of the office of the district attorney the required employer contribution rate as provided under ch. 40 or the required employer contribution rate under chapter 201, laws of 1937, whichever rate is less. The county shall pay any portion of the required employer contribution rate not covered by the state payment. For future retirement benefits, the district attorney and state employees of the office of district attorney shall be given the same consideration as other elected county officials and county employees under the county's retirement system.

3. The option under this paragraph to remain under a county program shall be exercised in writing, on forms provided by the prosecutors council under s. 978.11, not later than September 30, 1989, and the action shall apply retrospectively to June 30, 1989.

4. If the district attorney or a state employee of the office of district attorney does not elect to continue as a participant in the retirement system established under chapter 201, laws of 1937, he or she may not receive retirement benefits under that system during his or her employment with the state.

(6) LIFE AND HEALTH INSURANCE. District attorneys and state employees of the office of district attorney shall be included within the health care, disability and survivor benefits provisions of ch. 40 as eligible employees of that office.

978.13 Operational expenses of district attorney offices. (1) Except for expenses under sub. (2), the state shall assume financial responsibility for all necessary expenses relating to the operation of district attorney offices in the state.

(2) Each county in a district attorney's prosecutorial unit shall provide all of the following:

(a) Adequate office space in or near the county courthouse for district attorney operations in the county.

(b) The necessary maintenance services for the upkeep and repair of the office space.

(c) Necessary utilities for the office space.

(d) A sufficient law library and subscriptions to legal books and publications necessary for the performance of the duties of the district attorney. Books and publications under this paragraph shall remain assets and property of the county.

(e) Adequate investigators and clerical staff subject to the approval and supervision of the district attorney.

(f) Office equipment and supplies.

978.14 County transition payments. (1) For the period beginning June 30, 1989, and ending June 30, 1992, counties shall make payments to the state as

part of a transition toward state assumption of costs relating to the prosecution system. As a basis for those payments, the department of administration shall determine the monthly amount that each county pays as of June 29, 1989, for salaries, but not fringe benefits, associated with county positions relating to the prosecution system that become state positions under 1987 Wisconsin Act ... (this act).

(2) Each county shall make the following payments to the state treasurer for deposit in the general fund.

(a) For June 30, 1989, four eighty-sevenths of its monthly amount. The county shall make the payment on or before June 30, 1989.

(b) For the period beginning July 1, 1989, and ending December 31, 1989, 4.5 times its monthly amount. The county shall make the payment on or before December 31, 1989.

(c) For the period beginning January 1, 1990, and ending June 30, 1990, 4.5 times its monthly amount. The county shall make the payment on or before June 30, 1990.

(d) For the period beginning July 1, 1990, and ending December 31, 1990, 3 times its monthly amount. The county shall make the payment on or before December 31, 1990.

(e) For the period beginning January 1, 1991, and ending June 30, 1991, 3 times its monthly amount. The county shall make the payment on or before June 30, 1991.

(f) For the period beginning July 1, 1991, and ending December 31, 1991, 1.5 times its monthly amount. The county shall make the payment on or before December 31, 1991.

(g) For the period beginning January 1, 1992, and ending June 30, 1992, 1.5 times its monthly amount. The county shall make the payment on or before June 30, 1992.

(3) Upon request, counties shall provide the department of administration with information necessary to implement this section.

SECTION 476mac. 979.04 (1) of the statutes is amended to read:

979.04 Inquests: when called. (1) If the district attorney has notice of the death of any person and there is reason to believe from the circumstances surrounding the death that murder, manslaughter, homicide resulting from negligent control of a vicious animal, homicide by reckless conduct felony murder, first-degree or 2nd-degree intentional homicide, first-degree or 2nd-degree reckless homicide, homicide by negligent use of a handling of dangerous weapon, explosives or fire, homicide by negligent operation of vehicle or firearm, homicide resulting from negligent control of a vicious animal or homicide by intoxicated user of a vehicle or firearm may have been committed, or that death may have been due to suicide or unexplained or suspicious circumstances, the district attorney may order that an inquest be conducted for the purpose of inquiring how the person died. The district

Vetoed
in Part

attorney shall appear in any such inquest representing the state in presenting all evidence which may be relevant or material to the inquiry of the inquest. The inquest may be held in any county in this state in which venue would lie for the trial of any offense charged as the result of or involving the death. An inquest may only be ordered by the district attorney under this subsection or by the circuit judge under sub. (2).

SECTION 476mag. 990.01 (7g) of the statutes is created to read:

990.01 (7g) "Fire chief" or "chief of a fire department" includes the chief of a department under s. 61.66.

SECTION 476mb. 990.01 (7m) of the statutes is created to read:

990.01 (7m) "Fire department" includes a department under s. 61.66.

SECTION 476mc. 990.01 (7r) of the statutes is created to read:

990.01 (7r) "Fire fighter" includes a person serving under s. 61.66.

SECTION 476mf. 990.01 (28g) of the statutes is created to read:

990.01 (28g) "Police chief" or "chief of a fire department" includes the chief of a department under s. 61.66.

SECTION 476mh. 990.01 (28m) of the statutes is created to read:

990.01 (28m) "Police department" includes a department under s. 61.66.

SECTION 476mj. 990.01 (28r) of the statutes is created to read:

990.01 (28r) "Police officer" includes a person serving under s. 61.66.

Vetoed in Part SECTION 481c. 1985 Wisconsin Act 289, section 1 is repealed.

SECTION 481m. 1987 Wisconsin Act 4, sections 20 and 20m are repealed.

SECTION 482m. 1987 Wisconsin Act 4, section 24 (2) is amended to read:

(1987 Wisconsin Act 4) Section 24 (2) The treatment of sections 13.02 (3m) (by SECTION 1m), 13.09 (4) (by SECTION 2m), 13.093 (2) (b) (by SECTION 3m), 13.101 (3) (b) (by SECTION 4m), 13.101 (4) (by SECTION 5m), 16.40 (1) (by SECTION 6m), 16.42 (1) (intro.) (by SECTION 7m), 16.45 (by SECTION 8m), 16.47 (1m) (by SECTION 9m), 16.47 (2) (by SECTION 10m), 16.476 (by SECTION 11m), 16.50 (3) (by SECTION 12m), 16.50 (5) (by SECTION 13m), 16.50 (7) (a) (by SECTION 14m), 16.50 (8) (by SECTION 15m), 16.517 (by SECTION 16m), 16.54 (8) (by SECTION 17m), 20.001 (3) (b) (by SECTION 18m), 20.001 (5) (by SECTION 19m), ~~20.002 (1) (by SECTION 20m)~~, 20.928 (3) (by SECTION 21m), 36.09 (1) (j) (by SECTION 22m) and 73.03 (32) (by SECTION 23m) of the statutes takes effect July 1, 1989.

SECTION 485ja. 1987 Wisconsin Act 27, sections 132g and 132gb are repealed.

SECTION 485jb. 1987 Wisconsin Act 27, sections 133b and 133ga are repealed.

SECTION 485jc. 1987 Wisconsin Act 27, sections 133gb and 133gm are repealed.

SECTION 485jd. 1987 Wisconsin Act 27, sections 133gp and 133gr are repealed.

SECTION 485je. 1987 Wisconsin Act 27, sections 134bc and 134bf are repealed.

SECTION 485jf. 1987 Wisconsin Act 27, sections 134bg and 134bj are repealed.

SECTION 485jg. 1987 Wisconsin Act 27, section 134bn is repealed.

SECTION 485jh. 1987 Wisconsin Act 27, sections 134cb and 134cf are repealed.

SECTION 485ji. 1987 Wisconsin Act 27, sections 134cg and 134cj are repealed.

SECTION 485jj. 1987 Wisconsin Act 27, section 134cm is repealed.

SECTION 485jk. 1987 Wisconsin Act 27, sections 135gt and 136m are repealed.

SECTION 486. 1987 Wisconsin Act 27, section 3024 (4) (a) is amended to read:

(1987 Wisconsin Act 27) Section 3024 (4) (a) For community youth and family aids under section 46.26 of the statutes, as affected by this act, amounts not to exceed \$17,745,900 for the last 6 months of 1987, \$35,491,800 for 1988 and \$17,745,900 for the first 6 months of 1989.

SECTION 487. 1987 Wisconsin Act 27, section 3024 (4) (bn) is amended to read:

(1987 Wisconsin Act 27) Section 3024 (4) (bn) For counties not eligible for payments under paragraph (b), amounts not to exceed \$200,000 for 1988 and \$100,000 for the first 6 months of 1989.

SECTION 488. 1987 Wisconsin Act 27, section 3024 (4) (e) is amended to read:

(1987 Wisconsin Act 27) Section 3024 (4) (e) For emergencies related to community youth and family aids under section 46.26 of the statutes, as affected by this act, amounts not to exceed \$125,000 for the last 6 months of 1987, \$250,000 for 1988 and \$125,000 for the first 6 months of 1989. A county is eligible for payments under this paragraph only if it has a population of not more than 45,000 and it is not eligible for payments under paragraph (b).

SECTION 489. 1987 Wisconsin Act 27, section 3024 (4) (f) is amended to read:

(1987 Wisconsin Act 27) Section 3024 (4) (f) For adjustments to have allocations to compensate for increases in per person daily cost assessments, amounts not to exceed \$114,600 for the last 6 months of 1987, \$368,200 for 1988 and \$171,500 for the first 6 months of 1989. The department of health and social services shall allocate funds under this paragraph in

accordance with the requirements of section 46.26 (3) (d) of the statutes.

SECTION 490. 1987 Wisconsin Act 27, section 3024 (8) is amended to read:

(1987 Wisconsin Act 27) Section 3024 (8) COMMUNITY OPTIONS PROGRAM; ALZHEIMER'S DISEASE. For services to persons with Alzheimer's disease who are eligible under section 46.27 (6r) (a) or (d) of the statutes or section 46.27 (6r) (c) of the statutes, as affected by this act, for services, the department of health and social services shall allocate from the appropriation under section 20.435 (4) (bd) of the statutes, as affected by this act, \$513,700 for the last 6 months of 1987, ~~\$1,027,300~~ \$1,006,600 for 1988 and \$500,100 for the first 6 months of 1989.

SECTION 490m. 1987 Wisconsin Act 27, section 3024 (10) (a) is amended to read:

(1987 Wisconsin Act 27) Section 3024 (10) (a) Total reimbursement to all centers, excluding amounts available for resident activity therapy and amounts collected from other state facilities under shared services agreements, may not exceed \$88,001,900 in fiscal year 1987-88 and ~~\$89,586,700~~ \$92,028,400 in fiscal year 1988-89, unless a supplement to section 20.435 (2) (gk) of the statutes, as affected by this act, is received under section 16.515 of the statutes.

SECTION 490p. 1987 Wisconsin Act 27, section 3030 (4g) is repealed.

SECTION 490r. 1987 Wisconsin Act 27, section 3130 (1g) is repealed.

SECTION 491. 1987 Wisconsin Act 27, section 3203 (47) (y) is amended to read:

(1987 Wisconsin Act 27) Section 3203 (47) (y) *Federalizing the corporate tax; general issues.* The treatment of sections 70.375 (4) (e) and (k) (intro.), 70.40 (3) (in respect to the cross-reference change), 70.41 (3), 70.415 (3), 70.42 (3), 70.421 (3), 71.01 (1), (2) and (4) (a) (intro.), 2, 6g, 7 and 9 and (g) 7 to 10, 71.02 (1) (intro.), (b), (bc), ~~(bg)~~, (bi), (c) (intro.) and 8 to 12, (d), (dm), (fm) and (m) and (2) (intro.), 71.03 (title), (1), (2) (a), (b) and (f), (5) and (6), 71.035, 71.041, 71.043 (1) and (2), 71.045, 71.046, 71.047, 71.05 (2r), (2t) and (2u), 71.06 (1), 71.07 (2) (intro.) and (cr) 8, 71.09 (2h), (2n) and (11) (a) 6. b (by SECTION 1407am) and (13) (cm), 71.10 (1) (am), (3m) (a), (5) (a) and (10) (a) and (bn), 71.11 (8) (a) and (b), (8m), (9) and (21) (g) 2, 71.135 (1m) and (3), 71.301 to 71.372, 77.51 (14g) (g), 97.28 (2m) (e) and 895.51 (1) (b) of the statutes and the repeal of section 71.04 of the statutes first apply to taxable year 1987.

SECTION 491m. 1987 Wisconsin Act 27, section 3204 (4) (bj) is repealed.

SECTION 491r. 1987 Wisconsin Act 70, section 37 (1) is amended to read:

(1987 Wisconsin Act 70) Section 37 (1) The treatment of sections 118.125 (1) (a) and (d), (2m) (a) and (3) and 146.81 (4) of the statutes takes effect on September 1, ~~1989~~ 1990.

SECTION 493. 1987 Wisconsin Act 96, section 2 (1) is amended to read:

(1987 Wisconsin Act 96) Section 2 (1) The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (2) (gk) of the statutes, as affected by the acts of 1987, are increased by \$48,500 for fiscal year 1987-88 and by \$72,700 for fiscal year 1988-89 to provide an increase of 4.5 FTE PRO positions for the provision of assessment and treatment under the Anchorage program at Winnebago mental health institute, as created by this act. In addition, the funding of the ROAD (Reflections of a Dream) program under section ~~20.432~~ 20.435 (2) (gk) of the statutes is terminated, and \$113,400 for fiscal year 1987-88 and \$170,100 for fiscal year 1988-89 and 5.5 FTE PRO positions are transferred from the ROAD program to the Anchorage program for the provision of assessment and treatment under the Anchorage program at Winnebago mental health institute, as created by this act.

SECTION 494. 1987 Wisconsin Act 107, section 8 is amended to read:

(1987 Wisconsin Act 107) Section 8. **Nonstatutory provisions; Employe trust funds.** (1) POSITION AUTHORIZATIONS. The authorized FTE positions for the department of employe trust funds are increased by 1.5 FTE SEG positions beginning on the first day of the 2nd month after the effective date of this subsection, to be funded from the appropriation under section 20.515 (1) ~~(s)~~ (w) of the statutes, for the purposes of making informational mailings to all current annuitants and of performing administrative responsibilities.

~~SECTION 494gm. 1987 Wisconsin Act 132, section 10m is amended to read:~~

~~(1987 Wisconsin Act 132) Section 10m. **Nonstatutory provisions; transportation.** The secretary of transportation shall, until April 2 February 1, 1989, monitor the enactment of safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5. Immediately upon determining that such laws would, with the inclusion of this act, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population, the secretary shall so certify to the governor and the revisor of statutes.~~

Vetoed in Part

~~SECTION 494i. 1987 Wisconsin Act ... (Senate Bill 335), section 2 is repealed and recreated to read:~~

~~(1987 Wisconsin Act ... (Senate Bill 335)) Section 2. **Effective date.** This act takes effect on January 1, 1988.~~

Vetoed in Part

SECTION 494u. 1987 Wisconsin Act (Senate Bill 379), section 33 is repealed and recreated to read:

(1987 Wisconsin Act (Senate Bill 379)) Section 33. **Effective dates.** (1) Except as provided in subsection (2), this act takes effect on the first day of the 6th month commencing after publication.

(2) The creation of sections 800.09 (1) (c) and 800.095 (4) (b) 4 of the statutes takes effect on the first day of the 12th month commencing after publication.

SECTION 3001. Nonstatutory provisions; administration.

(1) DESEGREGATION LAWSUIT REIMBURSEMENT.

(a) The department of administration shall audit the expert witness fees and the actual and necessary expenses of the expert witnesses paid by the school districts listed under paragraph (b) resulting from the recently settled desegregation lawsuit, Civil Action No. 84-C-877, U.S. District Court for the Eastern District of Wisconsin. The department of administration shall determine the amount of the expert witness fees and the actual and necessary expenses of the expert witnesses that were related to the state's defense of the lawsuit and were paid by the school districts listed under paragraph (b) and shall submit a plan for the reimbursement of such fees and expenses to the joint committee on finance for its approval. Notwithstanding section 20.865 (4) (a) of the statutes, upon the approval of the joint committee on finance, the department of administration shall certify payment of the approved fees and expenses from the appropriation under section 20.865 (4) (a) of the statutes to the school board of each school district entitled to such reimbursement. The department of administration shall ensure that fees and expenses previously reimbursed through state aids under sections 121.08 and 121.085 of the statutes are not reimbursed under this paragraph. The sum of all payments made under this paragraph shall not exceed \$250,000.

(b) Brown Deer school district, Cudahy school district, Elmbrook school district, Fox Point joint no. 2 school district, Fox Point joint no. 8 school district, Franklin school district, Germantown school district, Glendale joint no. 1 school district, Greendale school district, Greenfield school district, Hamilton school district, Menomonee Falls school district, Mequon-Thiensville school district, Muskego-Norway school district, New Berlin school district, Nicolet union high school district, Oak Creek-Franklin school district, St. Francis school district, Shorewood school district, South Milwaukee school district, Wauwatosa school district, West Allis school district, Whitefish Bay school district and Whitnall school district.

SECTION 3004. Nonstatutory provisions; agriculture, trade and consumer protection.

(1) RECEIPT OF FEES; ISSUANCE OF LICENSE OR PERMIT.

The department of agriculture, trade and consumer protection, or an agent city or county authorized by the department under section 97.41 of the statutes, as affected by this act, may accept an application and

issue a license or permit under chapter 97 of the statutes, as affected by this act, prior to the first day on which the license or permit is required under chapter 97 of the statutes, as affected by this act.

(2) **RETAIL FOOD ESTABLISHMENTS; RULES.** The department of health and social services and the department of agriculture, trade and consumer protection shall propose rules under sections 50.51 (1) (d) and 97.30 (2) (b) 1. c of the statutes, as created by this act, and shall submit those proposed rules to the legislative council under section 227.15 (1) of the statutes no later than April 1, 1989.

~~(3m) **TOBACCO INDUSTRY DIVERSIFICATION.** Notwithstanding section 20.115 (7) (c) of the statutes, as affected by the acts of 1987, no later than June 30, 1989, the department of agriculture, trade and consumer protection shall award a grant of \$50,000 from the appropriation under section 20.115 (7) (c) of the statutes, as affected by the acts of 1987, to a cooperative which is organized under chapter 185 of the statutes, which is engaged in marketing tobacco products on the effective date of this subsection and which is located in a county with a population density of less than 100 persons per square mile, for the purpose of diversifying the products which that cooperative markets.~~

Vetoed in Part

~~**SECTION 3005. Nonstatutory provisions; arts board.**~~

~~(1g) **POSITION FUNDING.** Of the total authorized FTE positions for the arts board, 0.5 FTE GPR position is effective on July 1, 1988, to be funded from the appropriation under section 20.215 (1) (d) of the statutes.~~

Vetoed in Part

SECTION 3006. Nonstatutory provisions; banking.

(1g) **LEGISLATIVE INTENT; CHARITABLE TRUSTS.** It is the legislature's intent that the treatment of sections 220.02 (2) (e) and 221.56 (1) of the statutes and the creation of sections 701.107, 701.108 and 701.109 of the statutes, by this act, are enacted pursuant to 12 USC 1842 (d) solely to aid charitable trusts, as defined in section 701.107 (3) of the statutes, as created by this act, to dispose of certain assets to avoid liability for the tax imposed under section 4943 (a) and (b) of the internal revenue code of 1954.

SECTION 3008. Nonstatutory provisions; building commission.

(1) **1987-89 STATE BUILDING PROGRAM CHANGE.** In 1987 Wisconsin Act 27, section 3008 (1) (h) 2m, under projects financed by building trust funds, the amount authorized for the parks maintenance program is decreased from \$500,000 to \$250,000 and the appropriate totals are adjusted accordingly.

(1g) **1987-89 STATE BUILDING PROGRAM CHANGE.** In 1987 Wisconsin Act 27, section 3008 (1), the following project is added to the 1987-89 state building program and the appropriate totals are adjusted accordingly:

1. In paragraph (m) 2, under projects financed by program revenue supported borrowing:
 - Madison - Synchrotron radiation center addition \$1,000,000

(1r) 1987-89 STATE BUILDING PROGRAM CHANGES. In 1987 Wisconsin Act 27, section 3008 (1), the following project is added to the 1987-89 state building program and the appropriate totals are adjusted accordingly:

- 1. In paragraph (h) 3, under projects financed by segregated fund revenue:
 - Kewaunee River/Lake Michigan
 - Coho Salmon handling facility \$ 440,000

(2m) ATHLETIC FACILITIES SURVEY. The building commission shall provide for a survey of the athletic facilities on the university of Wisconsin-Madison campus, which shall be completed no later than February 15, 1989.

SECTION 3011. Nonstatutory provisions; community development finance authority.

(1) COMMUNITY DEVELOPMENT FINANCE COMPANY.

(a) On the effective date of this paragraph, the community development finance authority shall transfer all of its stock or partnership interest in the community development finance company to the Wisconsin housing and economic development authority.

(b) On the effective date of this paragraph, the chairperson of the board of directors of the community development finance authority shall end his or her term as a member of the board of directors of the community development finance company and the chairperson of the Wisconsin housing and economic development authority, or his or her designee, shall become a member of the board of directors of the community development finance company. New members may be elected to the community development finance company's board of directors consistent with section 234.95 of the statutes, as affected by this act, and section 180.32 of the statutes.

(c) Records of the community development finance authority pertaining to community development finance company stock or partnership interest are transferred to the Wisconsin housing and economic development authority on the effective date of this paragraph.

(2) GENERAL TRANSFER PROVISIONS.

(a) On the effective date of this paragraph the remaining assets and liabilities of the community development finance authority shall become the assets and liabilities of the Wisconsin housing and economic development authority. Subject to section 234.96 (1) (h) of the statutes, as affected by this act, the Wisconsin housing and economic development authority shall use any surplus of assets over liabilities to purchase stock or partnerships interests in the community development finance company established under section 234.95 of the statutes, as affected by this act, or to make grants and loans to community development corporations, as defined in section 234.94 (2) of the statutes, as affected by this act. The assets and liabilities transferred from the community development finance authority shall be separate from all other assets and liabilities of the Wisconsin housing and economic development authority. The obligations or liabilities of the community development finance authority which are outstanding on the effective date

of this paragraph shall be paid only from the assets transferred from the community development finance authority under this paragraph.

(b) On the effective date of this paragraph, the secretary of development shall appoint 4 of the employees of the community development finance authority who provide technical assistance to community development corporations to fill 4.0 FTE GPR positions authorized for the department of development.

(c) The employees appointed under paragraph (b) shall have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes as if they had been employed by the department of development since the date of their original appointment with the community development finance authority. If an employee appointed under paragraph (b) was employed by the community development finance authority long enough to have achieved permanent status in class in the classification established by the secretary of employment relations under paragraph (d), the employee is not required to serve a probationary period.

(d) The secretary of employment relations shall incorporate the positions identified in paragraph (b) into the classified service in accordance with section 230.15 (1) of the statutes and paragraph (c). However, the secretary of employment relations shall assign pay rates or ranges to the positions which are at least equal to the pay rates or ranges assigned by the community development finance authority.

(e) Records of the community development finance authority pertaining to technical assistance to community development corporations and persons who are forming community development corporations are transferred to the department of development on the effective date of this paragraph.

(f) Records of the community development finance authority pertaining to vocational rehabilitation are transferred to the subunit of the department of health and social services which deals with vocational rehabilitation on the effective date of this paragraph.

(g) Subject to subsection (1) (c) and paragraphs (e) and (f), all furniture, equipment, supplies and records of the community development finance authority are transferred to the department of development on the effective date of this paragraph.

(3) DEBT AND LOAN OBLIGATIONS. The community development finance authority need not repay amounts appropriated or loaned to it by the state as required under sections 233.04 (2) (d) and 233.08, 1985 stats. The community development finance authority shall repay, before July 1, 1988, any other loans made to it or debt obligations issued by it.

SECTION 3016. Nonstatutory provisions; development.

Vetoed in Part

~~(3m) SMALL BUSINESS ASSISTANCE. The department of development shall establish a bureau, or equivalent subunit organized under section 15.02 (3) of the statutes, for community economic development, to administer small businesses assistance under chapter 560 of the statutes. On or before January 1, 1990, the bureau or equivalent subunit shall submit a report explaining how the department of development may improve the administration of the small business program to the chief clerk of each house of the legislature for distribution to the legislature.~~

Vetoed in Part

~~(3l) TOURIST INFORMATION CENTER STUDY. The department of development shall study the need and possible locations for additional tourist information centers. The department of development shall submit a report of its findings under this subsection to the chief clerk of each house of the legislature for distribution to the legislature on or before January 1, 1989.~~

(4g) PLAT ADMINISTRATION TRANSFER.

(a) On July 1, 1988, the assets and liabilities of the department of development associated with plat administration shall become the assets and liabilities of the department of agriculture, trade and consumer protection.

(b) On July 1, 1988, 4.0 FTE PRO positions associated with plat administration are transferred from the department of development to the department of agriculture, trade and consumer protection.

(c) Employees transferred under paragraph (b) to the department of agriculture, trade and consumer protection shall have the same rights and status under subchapter V of chapter III of chapter 230 of the statutes in the department of agriculture, trade and consumer protection which they enjoyed in the department of development immediately before the transfer. Employees with permanent status in class are not required to serve a probationary period.

(d) On July 1, 1988, all furniture, equipment, supplies and records of the department of development relating to plat administration are transferred to the department of agriculture, trade and consumer protection.

(e) All contracts entered into by the department of development relating to plat administration in effect on July 1, 1988, remain in effect and are transferred to the department of agriculture, trade and consumer protection. The department of agriculture, trade and consumer protection shall carry out any such contractual obligations.

(f) All rules promulgated and orders issued by the department of development relating to plat administration in effect on July 1, 1988, remain in effect until their specified expiration date or until modified or rescinded by the secretary of agriculture, trade and consumer protection.

(g) Any matter pending with the department of development on July 1, 1988, is transferred to the department of agriculture, trade and consumer protection and all materials submitted to or actions taken by July 1, 1988, with respect to the pending matter are considered as having been submitted to or taken by the department of agriculture, trade and consumer protection.

(h) The department of agriculture, trade and consumer protection may collect any amount payable under the statutes before July 1, 1988, for the costs of materials, activities or services provided by the department of development, and the amounts collected shall be credited to the appropriation under section 20.115 (8) (ig) of the statutes.

(4m) EMPLOYE OWNERSHIP LOANS.

(a) In this section:

1. "Employee group" means a group formed by or on behalf of employes or former employes of a business, which is considering substantial layoffs or closing, to explore the feasibility of assuming control of the business and reorganizing it as an employe-owned business:

2. "Employe-owned business" has the meaning given in section 560.16 (1) (c) of the statutes.

(b) From the appropriation under section 20.143 (1) (d) of the statutes, as created by 1987 Wisconsin Act 27 and as affected by this act, the department of development may expend not more than \$200,000 for a loan to an employe group, if all of the following apply:

1. The employe group will use the proceeds of the loan for financial, legal and organizational services related to assuming control of an existing business and reorganizing the business as an employe-owned business.

2. The department of development determines that the employe group has developed a financially sound plan to implement the steps described in subdivision 1.

3. The department determines that the criteria in section 560.605 (1) (a) to (d) and (h) of the statutes, as created by 1987 Wisconsin Act 27, apply.

4. The employe group will contribute, from funds not provided by this state, not less than 25% of the cost of the services described in subdivision 1.

5. Funds from the loan will not be used to pay overhead costs or to replace funds from any other source.

(c) An employe group seeking an employe-ownership loan under paragraph (b) shall provide the department of development with a proposed budget and any other documents or information that the department of development requests.

(d) In connection with a loan under paragraph (b), the department of development shall do all of the following:

1. Determine whether an employe group has developed a financially sound plan to implement the steps

necessary to reorganize an existing business as an employe-owned business.

Vetoed in Part

2. If the department accepts the plan under subdivision 1, the department shall disburse loan funds to the employe group in 2 stages, at intervals of at least 15 working days and in amounts at any one stage of \$100,000 or less.

3. Act on any application for a loan under this subsection, or for funding under subdivision 2, within 10 days after receipt of the application or request for additional funding.

(e) If the department of development or an employe group determines at any time that a proposed reorganization into an employe-owned business is not economically feasible, the employe group shall return any unexpended moneys received from the department of development for the loan and the department of development may advance no more funds under paragraph (d).

Vetoed in Part

(f) After receiving a loan under this subsection and reorganizing a business into an employe-owned business, an employe group shall submit quarterly financial statements for the employe-owned business to the department of development. If the department of development determines that the employe-owned business has had 2 successive profitable quarters, the department of development and employe-owned business shall negotiate the repayment of the principal of loan under this subsection, without interest.

Vetoed in Part

(g) 1. The department shall deposit any moneys returned or repaid under paragraph (e) or (f) into the appropriation under section 20.143 (1) (ie) of the statutes, as created by 1987 Wisconsin Act 27.

2. No funds may be expended under this subsection after June 30, 1989.

(4n) EMPLOYE OWNERSHIP ASSISTANCE PROGRAM. Notwithstanding section 560.16 (4) (a) of the statutes, the employe ownership board may approve, and the department of development may make, a loan under section 560.16 of the statutes of not more than \$50,000 without the approval of the joint committee on finance, if the loan is made to an employe group receiving a loan under subsection (4m). This subsection does not apply after June 30, 1989.

SECTION 3017. Nonstatutory provisions; educational communications board.

(1g) STUDY OF NORTHERN WISCONSIN PUBLIC BROADCASTING SERVICES. The educational communications board shall study the most effective means of providing Wisconsin public broadcast services to northern residents of this state. The study shall assess broadcast service needs, the implications of federal regulations, frequency availability, the impact of facility location charges and cost estimates. The educational communications board shall report its findings and recommendations to the chief clerk of each house of the legislature for distribution to the appropriate standing committees by July 1, 1989.

(1gg) GENERAL PROGRAM OPERATIONS. From the appropriation under section 20.225 (1) (a) of the statutes, the educational communications board shall not spend or encumber \$6,000 for fiscal year 1988-89 to provide funds to purchase a final drive tube for the Adams county television translator without the approval of the department of administration.

(1hh) PROGRAMMING SERVICES FOR UNAFFILIATED STATIONS. From the appropriation under section 20.225 (1) (f) of the statutes, the educational communications board shall allocate \$20,000 in the 1988-89 fiscal year to contract with public radio stations that are not currently affiliated with the state public radio network for programming services to enhance the coverage of the state network.

Vetoed in Part

SECTION 3021. Nonstatutory provisions; employment relations department.

(1ig) CLASSIFICATION SURVEY. On or before January 1, 1989, the secretary of employment relations shall complete and act upon the personnel management classification survey for the engineering occupational group begun on November 1, 1985, according to department of employment relations bulletin CC-54 dated October 9, 1985.

Vetoed in Part

(1im) PILOT DAY CARE FACILITY. The department of employment relations shall work with the governing body of the day care provider operating the day care facility in Madison to try to make the day care facility fully self-supporting.

SECTION 3023. Nonstatutory provisions; governor.

(1m) ALLOCATION OF OIL OVERCHARGE FUNDS TO COMMUNITY ENERGY DEMONSTRATION PROJECTS.

- (a) In this subsection:
 - 1. "Community energy demonstration project" means a project which does all of the following:
 - a. Implements energy conservation strategies for retention of dollars in the municipality in which the project is located.
 - b. Promotes economic development through energy efficiency in homes, businesses and public buildings.
 - c. Educates consumers in the purchase of energy efficient appliances and the installation of state-of-the-art lighting and retrofitting.
 - 2. "Municipality" means a city, village or town.
- (b) Notwithstanding section 14.065 of the statutes, in fiscal year 1988-89, the governor shall direct the department of administration to expend \$300,000 in oil overcharge funds, not authorized prior to the effective date of this paragraph for expenditure by the joint committee on finance, for community energy demonstration projects.
- (c) Oil overcharge funds directed to be expended under paragraph (b) shall be used to contract with the university of Wisconsin-extension for not more than 2 community energy demonstration projects.
- (d) The university of Wisconsin-extension shall ensure that one project which is the subject of a con-

tract under paragraph (c) is located in a municipality with a population of not more than 1,500, and that one such project is located in a municipality with a population of not more than 4,000. For purposes of this paragraph, the population of a municipality shall be determined by the department of administration 1986 population estimates.

(e) Oil overcharge funds allocated for expenditure under paragraph (b) may be used only for those purposes permitted under the court order governing their disbursements to this state.

(f) The department of administration shall submit, for the purpose of information only, to the committees under section 14.065 (3) of the statutes a detailed budget and description of any project funded under this subsection.

SECTION 3024. Nonstatutory provisions; health and social services.

(1) **FUNDING SOURCE FOR POSITION AUTHORIZATIONS.** Notwithstanding section 16.505 of the statutes, as affected by 1987 Wisconsin Act 27, on July 1, 1988, the department of health and social services may change the funding source for not more than 15.0 FTE GPR management support positions from one of the department's sum certain general purpose revenue appropriations for general program operations to another of the department's sum certain general purpose revenue appropriations for general program operations. Any such change shall be implemented only as necessary to decrease general purpose revenue by \$500,000 for fiscal year 1988-89 as reflected under section 20.005 (3) (schedule) of the statutes and a decrease of 15.0 FTE GPR management support positions for fiscal year 1988-89 and is subject to the prior approval of the department of administration.

(7) **PLAN FOR DELIVERY OF SERVICE TO MENTALLY ILL PERSONS.** The department of health and social services shall, following consultation with service providers and other interested groups or persons, develop a long-range plan for delivery of service to persons in this state who are mentally ill and are aged 21 to 64 and shall, by October 1, 1988, submit the plan for review to the governor and to the chief clerk of each house of the legislature for distribution to the legislature under section 13.172 (2) of the statutes.

~~(7g) **STUDY OF MANAGED CARE SYSTEM FOR EMOTIONALLY DISTURBED CHILDREN.** The department of health and social services shall study expanding medical assistance to provide coverage of day treatment services and in-home treatment for severely emotionally disturbed children within a managed care system. On or before September 1, 1988, the department shall submit a plan for a medical assistance managed care system for severely emotionally disturbed children, including day treatment services and in-home treatment, to the joint committee on finance.~~

(7m) **ADVISORY COMMITTEE REIMBURSEMENT POLICY.** The department of health and social services shall

develop a policy for the reimbursement of members of advisory committees to ensure that reimbursement is made on an equitable basis. ~~The department shall not reduce expenditures for reimbursement of advisory committee members.~~

Vetoed in Part

(8) **RULES ON INSTITUTIONS FOR MENTAL DISEASES.**

(a) The department of health and social services shall submit in proposed form rules defining "convalescent leave" and "conditional release" under sections 49.46 (2) (dm) and 49.47 (6) (c) 4 of the statutes, as affected by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than January 1, 1989.

(b) Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules defining "convalescent leave" and "conditional release" under sections 49.46 (2) (dm) and 49.47 (6) (c) 4 of the statutes, as affected by this act, for the period beginning on the first day of the 3rd month beginning after publication to the effective date of the rules submitted under paragraph (a). Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency. Notwithstanding section 227.24 (1) (c) of the statutes, a rule promulgated under this paragraph remains in effect until January 1, 1989, or until the rule submitted under paragraph (a) takes effect, whichever is earlier.

(8m) **INSTITUTION FOR MENTAL DISEASES LICENSURE; RULES.**

(a) The department of health and social services shall submit any proposed rules for the administration of section 50.03 (1m) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than October 1, 1988.

(b) Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules for the administration of section 50.03 (1m) of the statutes, as created by this act, for the period prior to the effective date of the rules submitted under paragraph (a). Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency. Notwithstanding section 227.24 (1) (c) of the statutes, a rule promulgated under this paragraph remains in effect until January 1, 1990, or until the corresponding rule submitted under paragraph (a) goes into effect, whichever is earlier.

(9) **CONTRACT FOR SERVICES FOR CERTAIN MENTALLY ILL PERSONS.** No later than the first day of the 4th month following the effective date of this subsection, a county department under section 46.23 or 51.42 of the statutes shall determine the level of need in that county for the 2nd 6 months of 1988 and for calendar year 1989 for services in a skilled nursing facility or an intermediate care facility which is an institution for mental diseases, as defined under 42 CFR 435.1009,

Vetoed in Part

for persons residing in the county who are mentally ill and are aged 21 to 64 and shall develop and submit to the county board of supervisors for review and approval a contract with an appropriate facility for provision of these services.

(9g) MEDICAL ASSISTANCE; RULES CONCERNING PRIOR AUTHORIZATION OF THERAPIES. Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules requiring prior authorization of services under section 49.46 (2) (b) 6. b and c of the statutes in excess of 35 treatment days per spell of illness, except in situations excluded by the department, effective July 1, 1988. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency. Notwithstanding section 227.24 (1) (c) of the statutes, a rule promulgated under this subsection remains in effect until January 1, 1989, or until a permanent rule under section 49.45 (10) of the statutes requiring prior authorization of those services in excess of 35 days, takes effect, whichever is earlier.

(9h) MEDICAL ASSISTANCE; INPATIENT PSYCHIATRIC REVIEW.

(a) The department of health and social services shall submit a plan for implementing section 49.46 (2) (i) of the statutes, as created by this act, to the joint committee on finance prior to the committee's regular and quarterly meeting under section 13.10 of the statutes in 1988 for the committee's review and approval.

Vetoed
in Part

(b) Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules for implementing section 49.46 (2) (i) of the statutes, as created by this act, beginning on January 1, 1989. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency.

(10m) MEDICAL ASSISTANCE PERSONAL CARE RULES. Using the procedure under section 227.24 of the statutes, the department of health and social services may promulgate rules for certification under section 49.45 (2) (a) 11 of the statutes of providers of personal care services under the medical assistance program, including county departments and independent living centers. Notwithstanding section 227.24 (1) and (3) of the statutes, the department of health and social services is not required to make a finding of emergency.

(10r) CANCER CONTROL GRANT RULES. The department of health and social services shall submit proposed rules on the procedures and criteria for the awarding of grants for control and prevention of cancer under section 146.027 (3) of the statutes, as created by this act, in final draft form to the legislative council staff for review under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after publication.

(11) RULES ON RELOCATION FUNDS FOR COMMUNITY SERVICES.

(a) The department of health and social services shall submit in proposed form rules required under section 46.266 (1) (am) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than January 1, 1989.

(b) Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules under section 46.266 (1) (am) of the statutes, as created by this act, for the period beginning on the first day of the 3rd month after the effective date of this paragraph to the effective date of the rules submitted under paragraph (a). Notwithstanding section 227.24 (1) and (3) of the statutes, the department of health and social services is not required to make a finding of emergency. Notwithstanding section 227.24 (1) (c) of the statutes, a rule promulgated under this paragraph remains in effect until January 1, 1989, or until the rule submitted under paragraph (a) takes effect, whichever is earlier.

(11m) MEDICAL ASSISTANCE HOSPICE COVERAGE REPORT. The department of health and social services shall study the cost-effectiveness of providing coverage of hospice care under the medical assistance program and shall report the results of the study to the joint committee on finance on or before April 1, 1989.

(12n) PAYMENT FOR SERVICES IN A FACILITY IN RACINE COUNTY.

(a) In this subsection, "state share" means that portion of the medical assistance costs payable to a facility under section 49.45 (6m) of the statutes for the provision of authorized services that is not reimbursed by federal funds, unless no federal financial participation is available for these services. If no federal financial participation is available for a service which is payable under section 49.45 (6m) of the statutes, "state share" means that portion of the costs which would be the state share if federal financial participation were available.

(b) Notwithstanding sections 20.435 (1) (b) and 49.45 (2) (a) 12 of the statutes, if the Westview health care center, inc., in Racine county is decertified by the department of health and social services from participation for the provision of skilled care under the medical assistance program, the department of health and social services shall, from the appropriation under section 20.435 (1) (b) of the statutes and under the payment formula specified under section 49.45 (6m) of the statutes, pay the lessee or purchaser of the facility from the individual who owned the facility on January 1, 1988, for services which the owner or lessee or purchaser provides to recipients of medical assistance who are residents of that facility, an amount that is equal to the state share. Payment shall be for the period that begins on January 16, 1988, and ends on the day that the facility is eligible for federal financial participation as a provider of skilled care under the medical assistance program or on April 16, 1988, whichever is first, except that no payment may be made for services provided beginning on March 16,

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

Vetoed in Part ~~1988, and ending on April 16, 1988,~~ unless the department of health and social services has first inspected the facility and determined that the deficiencies requiring decertification have been eliminated. If during the period of payment authorized under this subsection the individual who owned the facility on January 1, 1988, and the lessee or purchaser of the facility from that owner each provide payable services to residents of the facility who are recipients of medical assistance, payment for the services shall be prorated between the owner and the lessee or purchaser in proportion to the number of patient days of skilled nursing care services each provided at the facility during this period. If during the period of payment authorized under this subsection the department of health and social services determines that the standard of care provided by the facility under this subsection poses a threat to the lives, health or safety of the facility's residents, the department of health and social services shall cease all payments so authorized.

Vetoed in Part ~~(12g) STUDY OF COMMUNITY OPTIONS PROGRAM SERVICES FOR THE ELDERLY.~~ The department of health and social services shall perform a study of the relationship between the number of elderly persons in need of long-term care services and the percentage of persons receiving community options program services who are elderly, and shall report its findings to the joint committee on finance on or before November 1, 1988.

~~(12gm) STUDY OF COMMUNITY OPTIONS PROGRAM ASSESSMENTS AND INFORMATION PROVISION.~~ The department of health and social services shall perform a study of the cost of offering to all nursing home applicants an assessment to determine the applicant's functional abilities, disabilities and need for medical and social long-term community support services, and information on the options for and cost of receiving care in a community setting. The department of health and social services shall report its findings to the joint committee on finance on or before November 1, 1988.

(13r) LONG-TERM DOMESTIC ABUSE SERVICES. From the appropriation under section 20.435 (4) (cb) of the statutes, the department of health and social services shall fund long-term housing and support services provided to victims of domestic abuse by an organization which on May 15, 1987, operated a long-term housing and support services program for victims of domestic abuse who have left the abusive relationship. In addition to the moneys authorized under section 46.95 (2) of the statutes, the department of health and social services shall expend \$50,000 in fiscal year 1988-89 for long-term housing and support services funded under this subsection. Any amounts received under this subsection shall be excluded from the amounts received and the operating budget in making determinations under section 46.95 (2) (d) 1 of the statutes in fiscal year 1988-89.

Vetoed in Part ~~(14m) LEAD POISONING PREVENTION.~~ From the appropriation under section 20.435 (1) (md) of the

~~statutes, the department of health and social services shall expend \$31,900 for fiscal year 1988-89 to fund one sanitarian in the city health department of a 1st class city for the purpose of providing services related to lead poisoning prevention.~~

~~(15m) FUNDS FOR RUNAWAY SERVICES.~~ Of the funds specified under section 48.985 (1) (b) of the statutes, as affected by this act, for federal fiscal year 1989, the department of health and social services shall expend not more than \$86,700 to establish 7 runaway service programs in areas of the state where runaway service programs do not exist, not more than \$13,900 to maintain and extend existing runaway service programs throughout the state and not more than \$8,900 to contract with a statewide runaway services association for provision of technical assistance to runaway service programs.

~~(15t) PROVISION OF EDUCATION AT NORTHERN WISCONSIN CENTER FOR THE DEVELOPMENTALLY DISABLED.~~ Any individual who resided and received education at northern Wisconsin center for the developmentally disabled on March 1, 1988, shall continue to be educated at northern Wisconsin center for the developmentally disabled unless the school district in which northern Wisconsin center for the developmentally disabled is located and the parent or guardian of the individual determines that transferring to the school district the responsibility for educating the individual is appropriate to meet the individual's needs. If the individual is not a minor and has no guardian or if the individual is a minor and has no parent or guardian, the school district in which northern Wisconsin center for the developmentally disabled is located may make the determination under this subsection.

~~(16g) SECOND CLASS CITY LONG-TERM DOMESTIC ABUSE SERVICES.~~ From the appropriation under section 20.435 (4) (cb) of the statutes, the department of health and social services shall fund long-term housing and support services provided to victims of domestic abuse by an organization which is located in a 2nd class city that has a population of 175,000 or more and is a comprehensive shelter program for victims of domestic abuse who have left the abusive relationship. In addition to the moneys authorized under section 46.95 (2) of the statutes, the department of health and social services shall expend \$50,000 in fiscal year 1988-89 for long-term housing and support services funded under this subsection. Any amounts received under this subsection shall be excluded from the amounts received and the operating budget in making determinations under section 46.95 (2) (d) 1 of the statutes in fiscal year 1988-89.

(16m) OFFICE OF HEALTH CARE INFORMATION.

(a) *Board on health care information membership.* Notwithstanding the length of terms specified under section 15.195 (6) of the statutes, as created by this act, of the members of the board on health care information under section 15.195 (6) of the statutes, the mem-

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed in Part

bers initially appointed to the board shall be appointed for the following terms:

1. One member, for a term that expires on May 1, 1989.
2. Two members, for terms that expire on May 1, 1990.
3. Two members, for terms that expire on May 1, 1991.
4. Two members, for terms that expire on May 1, 1992.

(b) *Rules on health care providers.*

1. The department of health and social services shall submit to the legislative council staff under section 227.15 (1) of the statutes the rules required under section 153.75 (1) (a), (b) and (d) to (j) of the statutes, as created by this act, before October 1, 1988.

Vetoed in Part

2. By January 1, 1991, the department of health and social services shall submit to the legislative council staff under section 227.15 of the statutes proposed rules required under section 153.75 (1) (c) in final draft form with a proposed effective date of April 1, 1992.

(d) *Submission of information from hospitals.* Information that is required to be submitted by a hospital under section 153.05 (5) (b) and (bm) of the statutes, as created by this act, for completion of reports by April 1, 1990, by the office of health care information under sections 153.10 to 153.35 of the statutes, as created by this act, shall include information for the hospital's 1987, 1988 and 1989 fiscal years.

Vetoed in Part

(e) *Report by the office of health care information.* The office of health care information shall, by July 1, 1990, submit to the chief clerk of each house of the legislature for distribution to the legislature under section 13.172 (2) of the statutes a report concerning the feasibility and cost-effectiveness of action by the office of health care information with respect to all of the following:

1. Obtaining more detailed information than is permitted under chapter 153 of the statutes, as created by this act, concerning the numbers of times during a hospital's entire fiscal year that the hospital charges patients for each of up to 100 charge elements, as defined in section 153.01 (3) of the statutes, as selected by the office.

2. Establishing methods by formula under which net hospital revenue increases or decreases may be identified in increases or decreases charged by hospitals for charge elements, as defined in section 153.01 (3) of the statutes.

(f) *Health care status report by the office of health care information.* The office of health care information shall, by March 1, 1989, submit to the governor and the chief clerk of each house of the legislature for distribution to the legislature under section 13.172 (2) of the statutes a report that shall include all of the following:

Vetoed in Part

1. The status of implementation, by the office of health care information, of the requirements of chapter 153 of the statutes, as created by this act.

~~2. Information regarding changes in charge elements, revenues and expenditures, as specified in section 153.35 (1) and (2) of the statutes, as created by this act.~~

Vetoed in Part

3. Other information collected under section 153.05 of the statutes, as created by this act, which the board on health care information determines should be included in the report under this subsection and for which the board has determined all of the following:

a. That the information meets the applicable procedures for data verification and review under section 153.40 of the statutes, as created by this act.

b. That the information meets the applicable requirements for protection of patient confidentiality under section 153.50 of the statutes, as created by this act.

~~(17g) COUNCIL ON PHYSICAL DISABILITIES. Notwithstanding the length of terms specified under section 15.197 (2) (b) 3 of the statutes, as created by this act, of the initial members of the council on physical disabilities under section 15.197 (2) (b) 3 of the statutes, as created by this act, the following shall be appointed by the first day of the 4th month beginning after the effective date of this subsection for the following terms:~~

Vetoed in Part

~~(a) Two members who are physically disabled persons or who are parents, guardians or relatives of physically disabled persons, one provider of services to physically disabled persons and one other member, for terms expiring on July 1, 1989.~~

~~(b) Two members who are physically disabled persons or who are parents, guardians or relatives of physically disabled persons and one other member, for terms expiring on July 1, 1990.~~

~~(c) Four members who are physically disabled persons or who are parents, guardians or relatives of physically disabled persons and 2 other members, for terms expiring on July 1, 1991.~~

(18g) *PARAMEDIC AND AMBULANCE ATTENDANT LICENSURE RENEWAL RULES.* The department of health and social services, in conjunction with the board of vocational, technical and adult education, shall submit in proposed form the rules required under sections 146.35 (6) and 146.50 (10) of the statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than April 1, 1989.

(18x) *RECONCILIATION OF ACTS.* The amendment of section 20.435 (1) (km), (kx), (ky) and (kz) and (8) (k), (kx) and (ky) of the statutes, the repeal and recreation of sections 103.155 (2) (b) 1 and 146.25 (1), (2), (4), (5) (c) and (g) and (6) of the statutes and the creation of section 146.25 (1m) of the statutes by this act are void unless 1987 Wisconsin Act (Assembly Bill 247) is enacted into law.

SECTION 3027. Nonstatutory provisions; historical society.

(1c) *STONEFIELD VILLAGE.* The legislature recognizes the special needs of the Stonefield Village his-

toric site, including the renovation of artifacts and the interiors of the buildings.

SECTION 3030. Nonstatutory provisions; industry, labor and human relations.

(1g) RELOCATION ASSISTANCE; REPORT. Within 3 months after the date the U.S. department of transportation issues regulations implementing the Uniform Relocation Act Amendments of 1987, the department of industry, labor and human relations, in cooperation with the department of transportation, shall prepare and submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees. The report shall include recommended changes to chapter 32 of the statutes necessary to achieve compliance with the revised federal regulations.

(2m) INSULATION REQUIREMENTS. The prohibition under section 101.122 (2) (a) 3 of the statutes, as created by this act, applies to any requirement which is the subject of a stipulation under section 101.122 (4) (c) of the statutes which is in effect on the effective date of this subsection.

(3r) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. Notwithstanding section 15.227 (18) of the statutes, as created by this act, the members of the petroleum storage environmental cleanup council initially appointed under section 15.227 (18) of the statutes, as created by this act, shall be appointed as follows:

(a) Two members shall serve for terms which shall expire on July 1, 1989.

(b) Three members shall serve for terms which shall expire on July 1, 1991.

Vetoed in Part

~~**SECTION 3036. Nonstatutory provisions; justice.**~~

Vetoed in Part

~~(2g) CRIME LABORATORIES STUDY. The department of justice shall study the possibility of creating larger administrative sections within each of the 2 state crime laboratories, headed by intermediary supervisors who would report to the applicable laboratory director, as a way to improve the productivity and case load management of the state crime laboratories. The department shall report the findings and recommendations of the study as part of the budget submission of the department under section 16.42 of the statutes for the 1989-91 budget period.~~

Vetoed in Part

~~(2h) TRUST FUND AUTHORITY.~~

~~(a) In fiscal year 1988-89, \$30,000 of the moneys available under section 20.455 (4) (h) of the statutes, as affected by 1987 Wisconsin Act 27, may not be expended until the expenditure has been requested by the department of justice and approved by the joint committee on finance. The department of justice, in requesting the release of funding, shall furnish calculations of the costs of automated loan processing and estimated savings in reduced manual processing that would result from automated loan processing.~~

~~(b) In fiscal year 1988-89, \$63,200 of the moneys available under section 20.455 (4) (h) of the statutes,~~

~~as affected by 1987 Wisconsin Act 27, shall be released by the department of administration in fiscal year 1988-89 only if 1987 Assembly Bill 882 has been enacted.~~

Vetoed in Part

SECTION 3037. Nonstatutory provisions; legislature.

(1g) LEGISLATIVE COMPUTER AND DATA PROCESSING SYSTEM. The individuals who are employed on June 30, 1988, in 1.0 FTE GPR position funded under section 20.765 (1) (a) of the statutes, 2.0 FTE GPR positions funded under section 20.765 (1) (b) of the statutes and 1.0 FTE GPR position funded under section 20.765 (1) (d) of the statutes and who are providing data processing services in relation to the legislative computer and data processing system are transferred on July 1, 1988, to the 4.0 FTE GPR positions authorized by this act and funded under section 20.765 (3) (em) of the statutes, as created by this act.

(1r) NURSING HOME REIMBURSEMENT FORMULA STUDY. The legislative council shall study the effects of the medical assistance nursing home reimbursement formula on ~~county~~ nursing homes and shall report its findings and recommendations to the presiding officer of each house of the legislature on or before June 30, 1989.

Vetoed in Part

(2g) MILK CERTIFICATION SERVICES AUDIT. The legislative audit bureau shall, by December 31, 1988, conduct a program and performance audit of the services performed by the department of health and social services in certifying the compliance rating of certain milk sheds under section 146.24 of the statutes to determine whether the services could be performed more efficiently, with fewer personnel and at a reduced cost, by the department of agriculture, trade and consumer protection, rather than by the department of health and social services.

~~(2t) SMALL BUSINESS FINANCING STUDY. The legislative audit bureau shall study the availability of financing for very small businesses through the Wisconsin housing and economic development authority, the investment board and other sources, including financial institutions in this state.~~

Vetoed in Part

(2u) HOMELESS SHELTER GRANT AUDIT. The legislative audit bureau shall conduct an audit of the use, through December 31, 1988, of funds granted for the provision of shelter for homeless individuals and families under section 46.97 of the statutes and shall report its findings to the presiding officer of each house of the legislature on or before April 1, 1989.

(3m) DISADVANTAGED BUSINESS DEMONSTRATION AND TRAINING AUDIT. On or before January 1, 1990, the legislative audit bureau shall conduct a financial and program audit of the disadvantaged business demonstration and training program under section 84.076 of the statutes, as created by this act.

(3r) MEDICAL ASSISTANCE MENTAL HEALTH COVERAGE AUDIT. The legislative audit bureau shall conduct an audit, and shall report its findings to the presiding

officer of each house of the legislature no later than November 1, 1991, to determine all of the following:

Vetoed in Part

(a) Whether expenditures by counties for community support program services, including those under section 49.46 (2) (cm) of the statutes, as created by this act, in 1989 and 1990 exceed expenditures by counties for community support program services in 1988.

(b) The impact of medical assistance coverage of community support program services on inpatient care funded under section 46.40 of the statutes.

(c) The effectiveness of the process for inpatient psychiatric review under medical assistance in section 49.46 (2) (i) of the statutes.

Vetoed in Part

(d) Whether the process for inpatient psychiatric review under medical assistance in section 49.46 (2) (i) of the statutes and medical assistance coverage of community support program services have resulted in savings in general program revenue expenditures under the medical assistance program which could be used for community services.

Vetoed in Part

(4m) CLEAN WATER FUND STUDY. The legislative council is requested to study the clean water fund, as created by this act, concerning funding priorities, financial hardship assistance and other policy considerations. The legislative council is requested to report its findings and recommendations to the 1989 legislature when it convenes.

Vetoed in Part

SECTION 3040. Nonstatutory provisions; natural resources.

(1g) LEGISLATIVE DECLARATION; DEER DAMAGE. The legislature declares that its purpose in authorizing the department of natural resources to issue permits to capture or destroy deer causing damage to land is to aid in crop damage abatement and is not to create exceptions to the regulations governing the hunting of deer.

(2m) SALMON IN BIG GREEN LAKE. The department of natural resources shall examine the effects of salmon in Big Green lake in Green Lake county if salmon were introduced into that lake and shall report its findings to the presiding officer of each house of the legislature on or before January 1, 1989.

(3n) LEGISLATIVE FINDINGS. The legislature finds that financial assistance for the planning, design and construction or replacement of water pollution abatement facilities and management of nonpoint sources of water pollution is a public purpose and proper state government function in that the state is the trustee of the waters of the state and that this financial assistance is necessary to protect the purity of state waters and the health of persons in this state.

(4m) WATERWAYS COMMISSION GRANT. The waterways commission shall provide a grant of at least \$10,000 in fiscal year 1988-89 from the appropriation under section 20.370 (4) (bu) of the statutes, as affected by this act, to the east central Wisconsin regional planning commission.

Vetoed in Part

(4r) MUNICIPAL SOLID WASTE DISPOSAL ENVIRONMENTAL IMPACT STUDY. The department of natural

resources shall conduct a programmatic environmental impact study on municipal solid waste disposal techniques and costs. The department of natural resources shall select for use as benchmarks for the study facilities in this state which utilize the best commercially available control technology design and operating criteria, including an incineration facility with a fabric filter baghouse-air scrubber installation operating under permits issued before the effective date of this subsection and a dedicated use ash landfill site constructed in compliance with requirements under chapters 144 and 147 of the statutes and the rules promulgated under those chapters in effect on the effective date of this paragraph.

Vetoed in Part

(4x) MILWAUKEE RIVER REVITALIZATION COUNCIL. Notwithstanding section 15.347 (15) of the statutes, as created by this act, of the initial members of the Milwaukee river revitalization council appointed under section 15.347 (15) (c) of the statutes, 3 shall be appointed for terms expiring on July 1, 1991, 3 shall be appointed for terms approving on July 1, 1992, and 3 shall be appointed for terms expiring on July 1, 1993.

(5m) SENIOR CITIZEN RECREATION CARD FEE ALLOCATION. In fiscal year 1987-88, the department of natural resources shall allocate revenues from the sale of senior citizen recreation cards under section 29.095 of the statutes to the parks account of the conservation fund in an amount sufficient to maintain positive balances in the parks account during the 1987-88 fiscal year.

(6d) KENOSHA MARINA FEASIBILITY STUDY. Notwithstanding subchapter JN of chapter 33 of the statutes, as affected by this act, the department of natural resources shall provide to the city of Kenosha \$100,000 of financial assistance in fiscal year 1988-89 from the appropriation under section 20.370 (4) (bu) of the statutes, as affected by this act, to fund a feasibility study for a marina for the city of Kenosha.

Vetoed in Part

(6e) LOCAL PARKS LAND ACQUISITION AIDS. In fiscal year 1988-89, the department of natural resources shall pay state aid of at least \$50,000 under section 23.09 (20) of the statutes, as created by 1987 Wisconsin Act (Senate Bill 364), to a 4th class city in a county having a population of 250,000 or more for the acquisition of land on which an Indian mound is located, for inclusion in the city's park system.

(7g) PUBLIC EDUCATION RULES. The department of natural resources shall submit the proposed rules required under sections 23.33 (4z) (a) and 350.108 (1) of the statutes, as created by this act, to the legislative council under section 227.15 (1) of the statutes no later than the first day of the 6th month beginning after the effective date of this subsection.

(9m) YAHARA WATERSHED. The repeal and recreation of sections 33.001 and 33.01 (12) of the statutes by this act is void if 1987 Wisconsin Act (Assembly Bill 499) is not enacted into law.

Vetoed in Part

(11dx) CLEAN WATER REPORTS.

(a) The department of natural resources, before July 1, 1991, shall report to the joint committee on finance and to each standing committee of each house of the legislature that has jurisdiction over environmental matters, as determined by the presiding officer of each house, on the status of financial assistance under section 144.241 of the statutes for unsewered municipalities. The report shall include information on the number of unsewered municipalities requesting financial assistance, the amount of the financial assistance needed to meet the unsewered project loan requests, what effect section 144.241 (10) (f) of the statutes has had on projects under section 144.241 (7) (b) 1 and 2 of the statutes, the amount of unsewered projects funded under section 144.241 of the statutes, and how the priority ranking system under section 144.241 (7) (b), (10) (a) and (f) and (12) (a) of the statutes is affecting unsewered projects in relation to other kinds of projects.

(b) The department of natural resources shall appoint a committee to review section 144.241 of the statutes as it relates to providing financial hardship assistance. The committee shall include, at the minimum, a representative of the department of administration, legislators and persons who are not officers or employes of this state. The department shall submit its recommendations as legislation to the legislature by January 1, 1989.

(1) AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION AID. Subject to section 115.75 (1) (b) of the statutes, during the 1988-89 fiscal year the state superintendent of public instruction may use amounts in the appropriation under section 20.255 (1) (cw) of the statutes to pay aid to alternative schools under section 115.75 of the statutes for pupils who completed the fall 1987 semester in the American Indian language and culture program. Notwithstanding section 115.75 (2) of the statutes, aid under this subsection may be paid prior to April 1989.

~~(1m) TUTORING GRANT RULES. Using the procedure specified under section 227.24 of the statutes, the department of public instruction shall promulgate rules to implement and administer section 115.38 of the statutes, as created by this act, during the period beginning with the effective date of this subsection and ending with the effective date of the rules required to be promulgated under section 115.38 (3) (c) of the statutes, as created by this act. Notwithstanding section 227.24 of the statutes, the department is not required to make or submit an emergency finding in conjunction with the promulgation of the rules required under this subsection. The rules promulgated under this subsection are subject to review by the joint committee for the review of administrative rules under section 227.26 of the statutes.~~

**Vetoed
in Part**

(2g) TEACHER INDUCTION STUDY. Notwithstanding section 20.255 (1) (hg) of the statutes, the state superintendent of public instruction may use up to \$51,200 of the amount in the appropriation under section 20.255 (1) (hg) of the statutes in the 1987-88 fiscal year and up to \$53,400 of the amount in the appropriation under section 20.255 (1) (hg) of the statutes in the 1988-89 fiscal year to conduct a teacher induction study.

(2h) INTERSYSTEM BORROWING AGREEMENTS. By January 1, 1989, the state superintendent of public instruction shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees. The report shall make recommendations on borrowing agreements between library systems, including recommendations on reimbursement provisions when justified by usage.

(3e) DEBT SERVICE FUND. Notwithstanding section 121.004 (6) of the statutes, for the purpose of calculating shared cost under section 121.07 (6) (a) of the statutes for the payment of state aid under section 121.08 of the statutes in the 1987-88 school year, if a school district was required in the 1986-87 school year by section 67.11 (1) (a) of the statutes to include in its debt service fund all moneys accruing to its borrowed money fund that were not needed for the purpose for which borrowed, only that portion of the included moneys that were used to repay the principal and interest on the loan shall be deducted from the gross cost of its debt service fund. For the purpose of calculating the payment of state aid under section 121.08 of the statutes in the 1988-89 school year, the remaining

**Vetoed
in Part**

~~SECTION 3042. Nonstatutory provisions; Personnel commission.~~

~~(1m) RULES FOR ARBITRATION. The personnel commission shall submit the proposed rules required under section 230.86 of the statutes, as created by this act, to the legislative council no later than the first day of the 10th month beginning after the effective date of this subsection.~~

**Vetoed
in Part**

~~SECTION 3043. Nonstatutory provisions; public defender board.~~

~~(2g) PERSONNEL IN CLASSIFIED SERVICE. Notwithstanding sections 230.14, 230.145, 230.15, 230.16, 230.25 and 230.28 of the statutes, on the effective date of this subsection all individuals occupying attorney-supervisor or staff attorney positions in the unclassified service with the office of the state public defender immediately before the effective date of this subsection shall be appointed to positions in the classified service with the office of the state public defender under which they shall have substantially similar responsibilities. If the length of continuous service for any such individual in any such position equals or exceeds the length of the probationary period for the position to which he or she is appointed in the classified service, the individual shall not be required to serve a probationary period in the position to which he or she is appointed.~~

~~SECTION 3044. Nonstatutory provisions; public instruction.~~

amount of the included moneys shall be deducted from the gross cost of the school district's debt service fund.

~~(4d) GRANTS FOR PRESCHOOL TO GRADE 5 PROGRAMS.~~

Vetoed in Part

~~(a) From the appropriation under section 20.255 (2) (d) of the statutes, the department of public instruction shall provide a grant under section 121.03 of the statutes of \$350,000 in fiscal year 1988-89 to the Milwaukee school district for use in elementary schools located within that portion of the city of Milwaukee consisting of wards 9 to 18, 117, 183 to 195 and 225. The state superintendent of public instruction shall appoint a council under section 15.04 (1) (c) of the statutes to advise him or her on which elementary schools under this paragraph should receive the funds allocated under that section and the amounts that should be awarded to each school. No school is eligible for funds under this paragraph unless it complies with section 121.03 (4) of the statutes.~~

~~(b) The council under paragraph (a) shall consist of teachers employed in the elementary schools described under paragraph (a), parents of pupils enrolled in those schools and community leaders residing in that portion of the city of Milwaukee described under paragraph (a).~~

Vetoed in Part

~~(5e) MARSHALL PLAN. The state superintendent of public instruction shall pay \$75,000 in the 1988-89 fiscal year to the committee established by the Milwaukee school board and known as the Marshall Plan committee to assist in implementing the committee's recommendations for improving the quality of education in the Milwaukee school district. Notwithstanding section 20.255 (2) (ac) and chapter 121 of the statutes, the payment shall be made from the appropriation under section 20.255 (2) (ac) of the statutes and the state superintendent of public instruction shall reduce the aid paid in the 1988-89 fiscal year to the Milwaukee school district under section 121.08 of the statutes by \$75,000.~~

(6f) STATE AID. It is the intent of the legislature that state aid for elementary and secondary education funded with general purpose revenue will increase by at least \$90,000,000 in the 1989-90 fiscal year as compared to the amount of such aid in the 1988-89 fiscal year.

SECTION 3046. Nonstatutory provisions; regulation and licensing.

Vetoed in Part

~~(1h) RULES ON RECIPROcity OF LICENSURE AND CERTIFICATION.~~

~~(a) The dentistry examining board shall submit any proposed rules for the administration of sections 447.05 (2) and 447.08 (5) of the statutes, as affected by this act, to the legislative council staff for review under section 227.15 (1) of the statutes, no later than October 1, 1988.~~

~~(b) Using the procedure under section 227.24 of the statutes, the dental examining board shall promulgate rules for the administration of sections 447.05 (2) and~~

~~447.08 (5) of the statutes, as affected by this act, for the period prior to the effective date of the rules submitted under paragraph (a). Notwithstanding section 227.24 (1) and (3) of the statutes, the dentistry examining board is not required to make a finding of emergency. Notwithstanding section 227.24 (1) (c) of the statutes, a rule promulgated under this paragraph remains in effect until January 1, 1990, or until the corresponding rule submitted under paragraph (a) goes into effect, whichever is earlier.~~

Vetoed in Part

(2p) LEGISLATIVE INTENT REGARDING OCCUPATIONAL THERAPY. The legislature intends by this act to provide for the regulation of persons offering occupational therapy in order to safeguard the public health, safety and welfare; to protect the public from incompetent or unauthorized persons; to assure the highest degree of professional conduct by occupational therapists and occupational therapy assistants; and to assure the availability of occupational therapy of high quality to persons in need of it.

(2q) OCCUPATIONAL THERAPY EXAMINING COUNCIL.

(a) Notwithstanding the requirements for certification of members of the occupational therapy examining council under section 15.407 (1) (c) of the statutes, as created by this act, the initial occupational therapist members of the occupational therapy examining council shall meet the requirements for occupational therapy certification under section 448.05 (1) of the statutes, but need not be so certified at the time of appointment. The initial occupational therapy assistant member of the occupational therapy examining council shall meet the requirements for occupational therapy assistant certification under section 448.05 (1) of the statutes but need not be so certified at the time of appointment.

(b) Notwithstanding the length of terms specified under section 15.407 (1) (c) of the statutes, as created by this act, of the initial members of the occupational therapy examining council under section 15.407 (1) (c) of the statutes, the following shall be appointed by the first day of the 4th month after the effective date of this paragraph for the following terms:

1. One occupational therapist and one public member, for terms expiring on July 1, 1988.
2. The occupational therapy assistant and one public member, for terms expiring on July 1, 1989.
3. One occupational therapist, for a term expiring on July 1, 1990.

(2r) OCCUPATIONAL THERAPY; RULES. The medical examining board shall submit in final draft form the rules required under section 448.40 (2) (b) to (d) of the statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 7th month after the effective date of this subsection.

SECTION 3047. Nonstatutory provisions; revenue.

(1) TRANSITION; TAX-OPTION CORPORATIONS. Each tax-option corporation shall calculate, as of the close of its taxable year 1986, the amount that, because of

this act, is required to be added to, or subtracted from, income in order to avoid the double inclusion, or omission, of any item of income, loss or deduction, except that the adjustments required to the deductions for depreciation and amortization shall be made under section 71.02 (1) (d) of the statutes, as affected by this act. If the amount required to be added or subtracted is \$25,000 or less, the proper amount shall be added or subtracted for taxable year 1987. If the amount required to be added or subtracted is more than \$25,000, it shall be added or subtracted in amounts as nearly equal as possible over the 5 taxable years beginning with 1987, except that if the final taxable year that the tax-option corporation is subject to tax under chapter 71 of the statutes, as affected by this act, occurs before the total amount is added or subtracted all of the remaining amount shall be added or subtracted for that final taxable year.

(2g) TRANSITION; MIRROR SUBSIDIARIES. The transitional rules under section 10223 (d) of P.L. 100-203, as they apply for federal income tax purposes, apply for purposes of the taxes under chapter 71 of the statutes.

(2h) TRANSITION; REGULATED INVESTMENT COMPANIES. The transitional rules under section 10104 of P.L. 100-203, as they apply for federal income tax purposes, apply for purposes of the taxes under chapter 71 of the statutes.

(2i) TRANSITION; PUBLICLY TRADED PARTNERSHIPS. The transitional rules under section 10211 of P.L. 100-203, as they apply for federal income tax purposes, apply for purposes of the taxes under chapter 71 of the statutes.

Vetoed in Part (3m) STUDY OF ~~LONG-DISTANCE~~ TELECOMMUNICATIONS TAX.

Vetoed in Part (a) The legislature recognizes the need to study the sales and gross receipts taxes paid by long-distance telecommunications companies.

Vetoed in Part (b) In order to address these issues, the legislature directs the department of revenue to establish a study committee, appointed by the governor in consultation with the presiding officers of the legislature. The committee shall include a representative of the department of administration, a representative of the department of revenue, a representative of the department of development and representatives of the long-distance telecommunications industry, long-distance telecommunications customers, local government and 4 legislators, one each from the majority and minority party of each house.

Vetoed in Part (c) The committee's report shall provide a discussion of issues, including the taxation of access charges, alternative forms of taxation and the conversion from a gross receipts tax to a property tax. The report, which shall also list alternatives and recommendations, shall be submitted to the governor and the joint committee on finance ~~by November 1, 1988.~~

SECTION 3051. Nonstatutory provisions; supreme court.

(2g) CASE ARBITRATION STUDY. The director of state courts shall study the feasibility of implementation in the 1989-91 biennium of a circuit court-based civil case arbitration system in the state and report the findings to the joint committee on finance before January 1, 1989.

SECTION 3052. Nonstatutory provisions; transportation.

(2) DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE; RULE MAKING. The department of transportation shall submit the rules required under section 85.25 (4) of the statutes, as created by this act, in final draft form under section 227.15 (1) of the statutes no later than 180 days after the effective date of this subsection.

~~(2m) FINANCIAL RESPONSIBILITY FOR MOTOR VEHICLE ACCIDENTS; RULE MAKING. The department of transportation shall submit in proposed form the rule required under section 344.10 (1) (am) 3 of the statutes, as created by this act, to the legislative council under section 227.15 (1) of the statutes no later than the first day of the 9th month beginning after the effective date of this subsection.~~

Vetoed in Part

~~(3r) БЕЛОИТ NORTHWEST BYPASS STUDY. The department of transportation shall conduct a study relating to facilitating the movement of truck and other heavy vehicle traffic around the northwestern part of the city of Beloit. The study shall include an examination of alternative bypass solutions to facilitate this traffic movement, including a route from STH 81 west of the Beloit city limits, northerly to the intersection of STH 213 and Nye School road, westerly on STH 213 to the intersection of CTH Q, easterly on CTH Q to US 51, northerly on US 51 to both Avalon and Townline roads and westerly on Townline road to I 90 and an interchange at the intersection of Townline road and I 90. The department shall report its findings and recommendations from the study by January 1, 1989,~~

Vetoed in Part

~~to the presiding officer of each house of the legislature and to the members of each house of the legislature whose districts include the area of the study.~~

Vetoed in Part

Vetoed in Part

Vetoed in Part

~~(3w) STH 36 STUDY. The department of transportation shall conduct a study relating to improving the safety of travel on STH 36 from its origin in Milwaukee county to its intersection with STH 11 in the city of Burlington in Racine county. The study shall include consideration of plans for making this section of STH 36 a 4-lane, divided highway. The department shall report its findings and recommendations from the study by September 1, 1988, to the transportation projects commission under section 13.489 (2) of the statutes, to the presiding officer of each house of the legislature and to the members of each house of the legislature whose districts include the area of the study.~~

Vetoed in Part

(5m) VEHICLE WEIGHT, SIZE AND REGISTRATION FEE STUDY. The department of transportation shall conduct a study to evaluate possible changes in Wisconsin

sin's truck and other vehicle weight and size laws. The study shall examine alternative weight and size configurations to improve freight transport efficiency for Wisconsin shippers. The study shall analyze the potential effects of each alternative on highway safety, highway and bridge construction and maintenance costs, and on rail and water transportation. The study shall include the anticipated highway costs to the public for each alternative and, as appropriate, recommend potential adjustments in truck and other vehicle registration fees. The study shall include information on truck and other vehicle weight and size limitations in other states. The department shall report its findings and recommendations from the study to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under section 13.172 (3) of the statutes.

Vetoed in Part

~~(6m) REQUEST FOR INTERSTATE HIGHWAY WEIGHT LIMITATION VARIANCE. The department of transportation shall request the appropriate federal highway authorities to grant a variance from the weight limitations applicable under federal law to I 43 between Beroit and the intersection of I 43 with USH 45 in Milwaukee, in Pock, Walworth, Waukesha and Milwaukee counties, for the transportation of garbage.~~

SECTION 3054. Nonstatutory provisions; university of Wisconsin system.

(lg) PROFESSIONAL THEATER TRAINING PROGRAM.

(a) The board of regents may not spend or encumber any funds in the appropriation under section 20.285 (1) (a) of the statutes in the 1988-89 fiscal year for additional support for the professional theater training program unless:

1. The board of regents receives, in the 1988-89 fiscal year, a total of at least \$265,000 in gifts and grants for the program; and

2. By January 1, 1989, the university of Wisconsin-Milwaukee identifies and the board of regents approves the program as a center of excellence. Unless such identification and approval occur by January 1, 1989, the additional support for the professional theater training program shall not be included in calculating the base level of funding for the university of Wisconsin system under section 20.285 (1) (a) of the statutes for the 1989-90 fiscal year and thereafter.

(b) The board of regents may not spend or encumber any funds in the appropriation under section 20.285 (1) (im) of the statutes in the 1988-89 fiscal year for additional support for the professional theater training program unless:

1. The board of regents receives, in the 1988-89 fiscal year, a total of at least \$265,000 in gifts and grants for the program; and

2. By January 1, 1989, the university of Wisconsin-Milwaukee identifies and the board of regents approves the program as a center of excellence. Unless such identification and approval occur by January 1, 1989, the additional support for the profes-

sional theater training program shall not be included in calculating the base level of funding for the university of Wisconsin system under section 20.285 (1) (im) of the statutes for the 1989-90 fiscal year and thereafter.

(2m) CHANCELLORS' SALARIES; RECONCILIATION.

(a) The treatment of section 40.02 (30) of the statutes by this act supersedes the treatment of that section by 1987 Wisconsin Act (Assembly Bill 795).

(b) If 1987 Assembly Bill 619 is enacted, the treatment of section 40.02 (17) (c) and (31) of the statutes by that act supersedes the treatment of those provisions by 1987 Wisconsin Act (Assembly Bill 795) and by this act.

SECTION 3055. Nonstatutory provisions; veterans affairs.

(1) TRANSFER OF MOTOR VEHICLE FLEET. On the effective date of this subsection, all assets and liabilities of the department of veterans affairs relating to motor vehicle fleet functions, as determined by the department of administration, shall become the assets and liabilities of the department of administration. The department of administration shall reimburse the department of veterans affairs for the value of all assets transferred under this subsection, as determined by the secretary of administration, from the appropriation under section 20.505 (1) (kb) of the statutes, as affected by 1987 Wisconsin Act 27. The department of administration shall deposit \$2,400 of the reimbursement in the veterans trust fund under section 25.36 of the statutes and the remainder in the veterans mortgage loan repayment fund under section 45.79 (7) of the statutes.

(2g) MEMORIAL GRANTS. For fiscal year 1988-89, \$300,000 of the amount in the appropriation under section 20.485 (2) (s) of the statutes, as affected by the acts of 1987, for the memorial honoring veterans of the Korean conflict may not be expended unless approved by the joint committee on finance.

SECTION 3057. Nonstatutory provisions; other.

~~(6c) PROSECUTORS COUNCIL, INITIAL MEMBERS~~

~~(a) Election. Notwithstanding section 15.83 of the statutes, immediately following the effective date of this paragraph, the district attorneys in each judicial administrative district shall elect a member of the prosecutors council for terms to expire on June 30, 1989, following the first election of the prosecutors council under section 15.83 of the statutes. The attorney general or his or her designee is also a member of this council.~~

~~(b) Powers and duties. Prior to the first election under section 15.83 of the statutes of members of the prosecutors council, the council shall:~~

~~1. Plan and administer the reorganization of the elected prosecution system provided in this act. In order to permit the waiver of competitive examinations under section 230.15 of the statutes, the reorganization shall achieve the complete acquisition of functions administered by county district attorneys on~~

Vetoed in Part

Vetoed
in Part

the effective date of this subdivision. The council shall consult with state, county and municipal governing bodies, elected and appointed officials and employees and their representatives, and may enter into and terminate contracts as necessary to efficiently and effectively achieve the complete reorganization of the system. The council shall prepare and implement a plan for the disposition of cases during the period of January 2, 1989, to June 29, 1989, in counties that are combined into 2-county prosecutorial units under section 978.01 (1) to (4) of the statutes, as created by this act.

2. Develop a plan for and administer the election of the prosecutors council under section 15.83 of the statutes. The plan shall provide that for the first such election 3 district attorneys shall be elected for a one-year term, 3 district attorneys for a 2-year term and 4 district attorneys for a 3-year term. At subsequent elections all district attorneys shall be elected for 3-year terms. The first such election shall not be held earlier than June 5, 1989, and not later than June 19, 1989.

3. Prepare the initial budget of the prosecution system established in this act for submission to the department of administration under section 16.42 of the statutes. The department of justice shall assist the council in the preparation of the budget.

4. Appoint an executive secretary and support staff subject to section 16.505 of the statutes, outside the classified service, who shall provide the bookkeeping, payroll, accounting and personnel advisory services required by the prosecution districts and perform the functions and duties assigned by the council.

5. Recommend additional legislation necessary for the efficient and effective implementation of the prosecution system provided under this act.

6. Meet as necessary to carry out its duties. The meetings shall be called by the chairperson or, in the absence of the chairperson, by the vice chairperson.

(c) *Assistance from the department of justice.* The department of justice shall provide the prosecutors council with adequate office space and such administrative and clerical assistance as is necessary for the performance of its duties under this subsection.

(cm) *TRANSITION: 2-COUNTY PROSECUTORIAL UNITS.* For the period beginning January 1, 1989, and ending June 29, 1989, district attorneys in 2-county prosecutorial units under section 978.01 (1) to (4) of the statutes, as created by this act, shall receive a monthly salary of \$2,500, plus fringe benefits determined under the county plan of the county within the 2-county prosecutorial unit having the greater population under the most recent regular or special federal census. The counties in each such 2-county district shall each pay 50% of the costs of those salaries and fringe benefits.

(le) *REGIONAL PROSECUTION; OPTION TO TRANSFER TO STATE EMPLOYMENT.*

Vetoed
in Part

(a) A person employed as a deputy district attorney on June 29, 1989, has the option to transfer to state employment under section 978.12 of the statutes, as created by this act, in that capacity if the prosecutors council has authorized his or her position under section 978.03 of the statutes, as created by this act. If there are more deputy district attorneys in a prosecutorial unit seeking to transfer to state employment under this paragraph than there are positions available, the positions shall be filled by the persons having the greatest length of service as a deputy district attorney in the county in which the persons are employed.

(b) A person employed as an assistant district attorney on June 29, 1989, has the option to transfer to state employment under section 978.12 of the statutes, as created by this act, in that capacity if the prosecutors council has authorized his or her position under section 978.03 or 978.04 of the statutes, as created by this act. If there are more assistant district attorneys in a prosecutorial unit seeking to transfer to state employment under this paragraph than there are positions available, the positions shall be filled by the persons having the greatest length of service as an assistant district attorney in the county in which the persons are employed.

(c) Except as specifically otherwise provided in the collective bargaining agreement in effect on the effective date of this paragraph covering employees in the professional legal collective bargaining unit under section 111.825 (1) (a) 3 of the statutes, for so long as assistant district attorney positions are included in that collective bargaining unit, any person who is employed as a deputy or assistant district attorney on June 29, 1989, who applies on or before that date to transfer to state employment and whose position is not authorized by the prosecutors council shall have the right to appointment to any vacant position as an assistant district attorney, and if the person was employed as a deputy district attorney on June 29, 1989, as a deputy district attorney, which is available to be filled by the prosecutors council on or after June 30, 1989, within the prosecutorial unit under section 978.01 of the statutes, as created by this act, in which the person was employed on June 29, 1989. If more than one such person is granted the right to an appointment to the same position under this subsection, the person having the greatest length of service as a deputy or assistant district attorney, or both, in the county in which he or she is employed on June 29, 1989, shall have the right to appointment.

(H) *REGIONAL PROSECUTION; INITIAL CLASSIFICATIONS AND SALARIES.*

(a) Notwithstanding section 978.12 (1) (a) of the statutes, as created by this act, district attorneys shall be compensated under that paragraph for the period from June 30, 1989, to January 7, 1991, based on an annual salary for circuit judges of \$67,911.

Vetoed
in Part

(b) Notwithstanding section 978.12 (1) (c) of the statutes, as created by this act, assistant district attorneys who hold positions on the effective date of this paragraph are initially allocated to the attorney 15 classification for purposes of salary administration.

(c) Notwithstanding section 20.923 (6) (hg) of the statutes, as created by this act, on the effective date of this paragraph, each assistant district attorney who is paid a salary on the day before the effective date of this paragraph at or below the midpoint of the salary range to which his or her position is assigned shall be initially assigned to the regrade point in the attorney salary schedule of the state compensation plan under section 230.12 of the statutes closest to, but not lower than the point for the salary which the assistant district attorney is paid on the day before the effective date of this paragraph. Notwithstanding section 20.923 (6) (hg) of the statutes, as created by this act, on the effective date of this paragraph, each assistant district attorney who is paid a salary on the day before the effective date of this paragraph above the midpoint of the salary range to which his or her position is assigned shall be paid an initial salary equivalent to his or her salary on the day before the effective date of this paragraph. Any longevity bonus paid by a county to an assistant district attorney in the 12-month period prior to the effective date of this paragraph shall be included within the employee's salary for purposes of this paragraph.

(Jm) REGIONAL PROSECUTION; COLLECTIVE BARGAINING. Notwithstanding section 111.825 of the statutes, as affected by this act, and 111.92 (3) of the statutes, the employer and the organization representing the professional legal collective bargaining unit under section 111.825 (1) (f) 3 of the statutes shall, as promptly as possible after the effective date of this subsection, renegotiate the collective bargaining agreement which is in effect on the effective date of this subsection to cover the assistant district attorneys newly included in that collective bargaining unit under this act. The assistant district attorneys who are included in the professional legal collective bargaining unit under this act shall become a part of that collective bargaining unit upon approval of the renegotiated collective bargaining agreement under section 111.92 (1) of the statutes. This subsection does not apply after the assistant district attorneys exercise the option to form a separate collective bargaining unit under section 111.83(7) of the statutes, as created by this act.

(Ig) REGIONAL PROSECUTION; OPTION TO BECOME A SUPPORT ENFORCEMENT ATTORNEY. If an assistant district attorney on the day prior to the effective date of this subsection has responsibility for handling cases under sections 46.25 (7), 59.07 (97), 767.45 and 767.65 of the statutes, he or she may choose either of the following options:

- (a) Transfer to state employment as an assistant district attorney in accordance with subsection (Ie).
- (b) 1. Become a support enforcement attorney under section 59.458 of the statutes, as created by this

Vetoed
in Part

act. The person shall remain a county employee with no reduction in salary or benefits, except as provided in subdivision 2.

2. The county shall provide for support enforcement attorney positions to at least the level of related services provided on the day immediately prior to the effective date of this subdivision. The district attorney shall make the determination of how many positions are related to providing services under sections 46.25 (7), 59.07 (97), 767.45 and 767.65 of the statutes. If a support enforcement attorney position is not a full-time position, the county may proportionately reduce the salary or benefits for the position.

(H) REGIONAL PROSECUTION; DISPOSITION OF PENDING CASES.

(a) In this subsection, "case" means an action or proceeding which a district attorney is permitted to commence or file prior to June 30, 1989, but which a district attorney, under this act, is not permitted to commence or file on or after that date.

(b) The office of district attorney in each prosecutorial unit shall be responsible for all cases formerly filed or commenced by the district attorney's office in that county or prosecutorial unit prior to June 30, 1989. Any case which is referred to a district attorney's office prior to June 30, 1989, but not formerly filed or commenced shall be referred by the district attorney to any officer or agency who is responsible for the case by law on or after that date. The case shall be referred as soon as possible after June 30, 1989, but not later than July 15, 1989.

(H) REGIONAL PROSECUTION; TRANSFER OF PROPERTY TO STATE. Files, records, papers, documents and supplies made, used, acquired or held by county district attorneys shall be transferred to the state without cost to the state.

(2g) PORT WASHINGTON LAKE BED GRANT.

(a) The state of Wisconsin cedes, grants and conveys to the city of Port Washington all rights, title and interest to all of the land and any part or parcel of the lands described under paragraph (b) to be held and used by the city of Port Washington for wastewater treatment plant functions.

(b) The lands granted to the city of Port Washington under paragraph (a) consist of partly submerged lands in Lake Michigan and are described as follows:

A part of Lake Michigan, being a part of the fractional NE-1/4 of Sec. 28, T. 11N, R. 22 E, City of Port Washington, Ozaukee County, Wisconsin, containing 2.079 acres of land and being more particularly described as follows:

Commencing at an existing 1-inch diameter iron pipe at the intersection of the South line of Pier Street with the West line of Lot 6, Block 13, Original Plat of the City of Port Washington; thence E 696.91 feet along the South line of Pier Street and its extension; thence N 0 degrees 00 minutes 00 seconds E, 885.83 feet to the point of beginning; thence N 64 degrees 44 minutes 35 seconds E, 68.88 feet along the limit of

encroachment of the existing wastewater treatment plant into Lake Michigan; thence N 25 degrees 02 minutes 37 seconds E, 412.00 feet along said limit of encroachment; thence N 19 degrees 57 minutes 23 seconds W, 105.00 feet along said limit of encroachment to the waters edge of Lake Michigan; thence N 25 degrees 02 minutes 37 seconds E, 95.66 feet along the waters edge of Lake Michigan; thence S 30 degrees 00 minutes 00 seconds E, 233.34 feet; thence S 25 degrees 02 minutes 37 seconds W, 577.20 feet; thence S 90 degrees 00 minutes 00 seconds W, 168.69 feet to the waters edge of Lake Michigan; thence N 19 degrees 57 minutes 34 seconds E, 142.58 feet along said waters edge; thence N 64 degrees 44 minutes 35 seconds E, 7.00 feet to the point of beginning.

(c) The lands described in paragraph (b) may be filled. The filling and use of the lands shall be subject to all requirements of local, state and federal law, including but not limited to chapters 144 and 147 of the statutes.

(d) The legislature finds that the provisions of this subsection reflect the state's interest in a matter of state responsibility of statewide dimension. The construction, replacement and expansion of water pollution abatement facilities is a public purpose and proper state government function in that the state is the trustee of the waters of the state and that properly sized and constructed water pollution abatement facilities are necessary to protect the purity of state waters and the health of people in this state.

(e) The legislature finds that water pollution is a critical problem in this state.

(f) The legislature finds that this subsection will directly and immediately affect the statewide concern under paragraph (e). The effect will be direct because this subsection allows water pollution abatement facilities to be expanded. The effect will be immediate because, upon completion of the expansion, the treatment plant will not be operated beyond capacity, thereby immediately alleviating to a degree, the water pollution of Lake Michigan.

(2m) COMBINED PROTECTIVE SERVICES. The legislature, by its consideration of section 61.66 of the statutes, as created by this act, does not intend to imply that the practice of any village authorized under section 61.66 of the statutes, as created by this act, is not already authorized under the law in effect on April 20, 1988.

~~(2n) RETIREMENT RESEARCH COMMITTEE. Notwithstanding section 13.51 (2) of the statutes, as affected by this act, the member of the retirement research committee initially appointed under section 13.51 (2) (b) of the statutes, as created by this act, shall be appointed for a term to expire on July 1, 1991.~~

~~(2s) EMPLOYE TRUST FUNDS BOARD. Notwithstanding section 15.16 (1) of the statutes, as affected by this act, the member of the employe trust funds board initially appointed under section 15.16 (1) (b) of the statutes, as created by this act, shall be appointed for a term to expire on July 1, 1991.~~

~~... shall be appointed for a term to expire on July 1, 1991.~~

**Vetoed
in Part**

(2w) APPROPRIATIONS SCHEDULE.

(a) The dollar amounts shown for any sum certain appropriation in the appropriations schedule under section 20.005 (3) (figure) of the statutes, as contained in this act, include any amount in the schedule under section 20.005 (3) (figure) of the statutes for that appropriation provided in 1987 Wisconsin Acts 1 to 299.

(b) The dollar amounts shown for any appropriation other than a sum certain appropriation in the appropriations schedule under section 20.005 (3) (figure) of the statutes, as contained in this act, include all anticipated expenditures from that appropriation under 1987 Wisconsin Acts 1 to 299.

(3g) AUTHORIZATION OF STRUCTURE ON RIVER BED.

(a) *Legislative findings.* The legislature finds that:

1. The Neenah Paper Division proposes to expand its Whiting paper mill located at the Whiting-Plover dam on Wisconsin river flowage number 1, a location at which the Wisconsin river is navigable in fact.

2. The proprietor of the Whiting Mill is a riparian owner operating a mill which was constructed, in part, on the bed of the river.

3. The existing mill was constructed at its current location in connection with, and in substantial reliance upon, the construction, maintenance and continued operation of the Whiting-Plover dam, which was previously authorized and ratified by the enactment of chapter 283, laws of 1889.

4. The placement and shape of the existing mill on the site dictates, as a matter of practical necessity, that the proposed expansion must be constructed, in part, riverward of the existing structure and placed, in part, on the bed of the Wisconsin river.

5. The proposed structure, if placed and located on the bed of the river as described and limited in paragraph (c), will not be detrimental to the public interest and will not materially obstruct navigation at this location.

(b) *Authorization.* Subject to the conditions under paragraph (d), the state of Wisconsin authorizes the owner of the Neenah Paper Division paper mill at Whiting to place on the bed of the Wisconsin river a structure having the general dimensions described in paragraph (c).

(c) *Description.* The structure authorized by paragraph (b) shall consist of 2 parts:

1. A concrete building foundation extending approximately 285 feet north of the eastern portion of the north wall of the existing hydro-powerhouse and approximately 65 feet west of the existing north/south wall constructed upon the riverbed immediately north of the hydro-powerhouse, and also containing an additional square-shaped portion with sides of approximately 90 feet extending east of the northern portion of the new foundation.

**Vetoed
in Part**

2. A concrete building foundation immediately south of the existing 35 feet by 110 foot structure which abuts the eastern portion of the south side of the hydro-powerhouse, which new foundation extends approximately 60 feet to the south of the abutting structure and approximately 110 feet to the west of the existing north/south wall constructed upon the riverbed.

(d) *Conditions.* The placement and construction of the structure authorized by paragraph (b) shall not materially reduce the effective flood flow capacity of the Wisconsin river or cause environmental pollution as defined in section 144.01 (3) of the statutes, both as determined by the department of natural resources. The owner of the Whiting Mill, as a condition of the authorization granted by paragraph (b) shall:

1. Provide to the department of natural resources all information required by the department as necessary to determine the effects of the structure on flood flow capacity and causation of environmental pollution.

2. Cooperate with the department of natural resources in making any modifications deemed necessary to avoid a material reduction in flood flow capacity or the causing of environmental pollution.

(e) *Duration.* The authorization under this subsection shall terminate at such time as the structure authorized to be placed on the bed of the Wisconsin river by paragraph (b) is either dismantled or con-

verted to a use other than a use associated with the operation of a paper mill or other business operation.

(4m) WISCONSIN RETIREMENT SYSTEM STUDY COMMITTEE. Of the funds appropriated under section 20.865 (4) (a) of the statutes, not to exceed \$200,000 shall be available for release only if 1987 Assembly Bill 1016 is enacted into law and may be released for expenditure only after the Wisconsin retirement system study committee established under section 58 of 1987 Assembly Bill 1016 has submitted to the joint committee on finance a detailed plan regarding proposed expenditure of funds for the study. After submittal, the joint committee on finance may approve, disapprove or modify the plan. For the purpose of the consideration of the plan, the procedures under section 13.10 of the statutes do not apply. Release of funds from the appropriation under section 20.865 (4) (a) of the statutes shall, notwithstanding section 13.101 of the statutes, be made only in accordance with the approved plan and may not exceed \$200,000.

Vetoed in Part

Vetoed in Part

SECTION 3200. Terminology changes.

(52) TRANSPORTATION.

(ag) *Financial responsibility for motor vehicle accidents.* Wherever the term "automobile" or "an automobile" appears in the following sections of the statutes, the term "motor vehicle" or "a motor vehicle" is substituted, respectively: 194.41 (1), 344.15 (4) and (5), 344.32 (1) (intro.) and 344.51 (1).

Vetoed in Part

SECTION 3202. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
40.05 (2) (am), (bg), (bm), (br) and (c)	par. (b)	pars. (b) and (bc)
40.05 (2) (d)	pars. (a) and (b)	pars. (a), (b) and (bc)

Vetoed in Part

SECTION 3203. Initial applicability.

(4) AGRICULTURE, TRADE AND CONSUMER PROTECTION.

(a) *Food processing plants.* The treatment of section 97.29 of the statutes first applies on April 1, 1988 or on the day after publication of this act, whichever is later, to any person holding a valid license under section 97.26, 97.28, 97.34, 97.36, 97.38 or 97.40, 1985 stats. If such person's license under section 97.26, 97.28, 97.34, 97.36, 97.38 or 97.40, 1985 stats., expires on or after December 31, 1988, the department of agriculture, trade and consumer protection shall credit the fee for that license toward the fee required for a license under section 97.29 of the statutes, as created by this act, for the license year ending March 31, 1989. If the fee for a license under section 97.29 of the statutes, as created by this act, exceeds the amount which the department of agriculture, trade and consumer protection credits toward that fee under this paragraph, the department of agriculture, trade and consumer

protection shall require that person to pay the difference before issuing that license. If the fee for a license under section 97.29 of the statutes, as created by this act, is less than the total amount which the department of agriculture, trade and consumer protection credits toward that fee under this paragraph, the difference is nonrefundable.

(b) *Milk production.* The treatment of sections 97.20, 97.21 and 97.22 of the statutes first applies on May 1, 1988, or on the day after publication of this act, whichever is later, to any person holding a valid license under section 97.20, 97.22 or 97.24, 1985 stats. If such person's license under section 97.20, 97.22 or 97.24, 1985 stats., expires on or after April 30, 1989, the department of agriculture, trade and consumer protection shall credit the fee for that license toward the fee required for a license under section 97.20 or 97.22 of the statutes, as repealed and recreated by this act, or section 97.21 of the statutes, as created by this act, for the license year ending April 30, 1989. If the

fee for a license under section 97.20 or 97.22 of the statutes, as repealed and recreated by this act, or section 97.21 of the statutes, as created by this act, exceeds the amount which the department of agriculture, trade and consumer protection credits toward that fee under this paragraph, the department of agriculture, trade and consumer protection shall require that person to pay the difference before issuing that license. If the fee for a license under section 97.20 or 97.22 of the statutes, as repealed and recreated by this act, or section 97.21 of the statutes, as created by this act, is less than the total amount which the department of agriculture, trade and consumer protection credits toward that fee under this paragraph, the difference is nonrefundable.

(c) *Food warehouses.* The treatment of section 97.27 of the statutes first applies on July 1, 1988, to any person holding a valid license under section 99.20 or 99.30, 1985 stats.

(10) CIRCUIT COURTS.

(bf) *Court fees.* The treatment of sections 814.61 (3), (4), (5) (intro.), (b) and (c), (6), (7) (a), (8) (a) 1 and 2, (9), (10) and (11), 814.62 (1), 814.63 (1) and (4) and 814.65 (1) of the statutes and the amendment of section 814.61 (1) (a) of the statutes apply to fees collected on or after the first day of the 2nd month commencing after publication of this act, regardless of when the action or special proceeding was commenced.

~~(18) ELECTIONS BOARD.~~

Vetoed in Part

~~(am) *Campaign fund designations.* The treatment of section 71.095 (1) of the statutes first applies to individual income tax returns for the calendar year or corresponding taxable year commencing not more than 9 months preceding the effective date of this paragraph.~~

Vetoed in Part

~~(21) EMPLOYMENT RELATIONS DEPARTMENT~~

~~(am) *Employee protection from retaliatory action.* The treatment of section 230.85 (6) (b) of the statutes applies to a disciplinary action which occurs or is threatened on or after the effective date of this paragraph.~~

(24) HEALTH AND SOCIAL SERVICES.

Vetoed in Part

~~(ab) *Notification of crime victims.* The treatment of sections 53.11 (5m), 57.06 (1) (g) and 950.045 of the statutes applies to notifications of release on parole regarding persons convicted on or after July 1, 1988.~~

(ad) *Paramedic and ambulance attendant license renewals.* The treatment of sections 146.35 (6) and 146.50 (10) of the statutes first applies to renewals of licenses of emergency medical technicians — advanced (paramedics) and ambulance attendants that expire on June 30, 1991.

(30) INDUSTRY, LABOR AND HUMAN RELATIONS.

(ab) *Relocation assistance.* The treatment of sections 32.185, 32.19 (2) (b) and (e), (3) (a) to (c), (4) (a) 2, (ag), (b) (intro.) and 2 and (bm) 2, (4m) (a) 2 and (b), 32.20 and 32.25 (1) and (2) (i) of the statutes first applies to any person who moves from real property

or who moves his or her personal property from real property, as described under section 32.19 (2) (e) of the statutes, as affected by this act, on April 2, 1989.

(31) INSURANCE.

(am) *Patients compensation fund fees.* The treatment of section 655.27 (3) (br) 3 of the statutes first applies to fees set by rule under section 655.27 (3) (b) of the statutes for the fiscal year beginning on July 1, 1988.

(40) NATURAL RESOURCES.

~~(ab) *Solid waste disposal negotiations.* The treatment of section 144.445 (7n) of the statutes first applies to new or expanded solid waste disposal facilities or hazardous waste treatment, storage or disposal facilities for which the department of natural resources has not issued the determination of feasibility and need under section 144.44 (2) to (2r) of the statutes or the process under section 144.445 of the statutes has not been completed on or before the effective date of this paragraph.~~

Vetoed in Part

~~(ag) *Well contamination violations.* The treatment of sections 59.20 (5) (b), 59.395 (5), 144.029, 814.60 (2) (cm), 814.63 (3) (bm) and 973.05 (1) and (2) of the statutes first applies to any violation which occurs after the effective date of this paragraph.~~

Vetoed in Part

~~(am) *Well contamination compensation.* The treatment of sections 144.027 and 144.028 of the statutes applies to any application which has not received final approval by the department before the effective date of this paragraph.~~

~~(ar) *Well contamination subrogation.* Notwithstanding paragraph (am), the treatment of section 144.027 (16) (d) and (e) of the statutes applies to all grants issued under sections 144.027 and 144.028 of the statutes after January 1, 1985.~~

~~(bm) *Solid waste negotiation; arbitration.* The treatment of sections 19.85 (1) (k) and 144.445 (7) (f), (7m), (8), (9) (b) and (f) and (10) (s), (d), (e), (ee), (em), (es) and (f) of the statutes and the creation of section 144.445 (7) (f) 2 and (10) (c) 3 of the statutes first apply to new or expanded solid waste disposal facilities or hazardous waste treatment, storage or disposal facilities for which the process under section 144.445 of the statutes has not been completed on or before the effective date of this paragraph.~~

Vetoed in Part

~~(bn) *Solid waste facility siting.* The treatment of sections 144.44 (1) (a) (bn) and (cr), (1r), (2) (n) 4, (nn) (intro.), 1, 2, 3, (intro.), d, e, f and g, 3e, (intro.) and 4, (np) and (nr) 3 and (7) (a) (intro.), 1 and 2 and 144.469 (1) (a) of the statutes first applies to new or expanded solid waste disposal facilities or hazardous waste treatment, storage or disposal facilities for which the department of natural resources has not issued the determination of feasibility and need under section 144.44 (2) to (2r) of the statutes on or before the effective date of this paragraph.~~

(cg) *Intoxicated operation of all-terrain vehicles and snowmobiles.* The treatment of sections 23.33 (1) (am),

(dm), (f), (i), (ic), (ig), (ir), (iw), (je), (jm) and (js), (3) (b), (4c) to (4z), (5) (d), (9) (b) and (13), 46.03 (18) (f), 59.68 (7), 340.01 (35), 343.305 (5) (b) and (6) (a), 350.01 (1i), (9) to (9w), (10g), (10r) and (21), 350.055, 350.08, 350.10 (3), 350.101 to 350.108, 350.11, 350.12 (4) (b) 3, 885.235 (1) (intro.) and (1m), 940.09 (1) (c) and (3) and 940.25 (1) (c) and (3) of the statutes and the creation of sections 23.33 (13) (b) to (e) and 350.11 (3) of the statutes apply to offenses or arrests occurring on or after the effective date of this paragraph.

(44) PUBLIC INSTRUCTION.

(a) *Membership for pupils enrolled in a residential school.* The treatment of section 121.05 (1) (a) 8 of the statutes first applies to state aids paid in the 1988-89 school year.

Vetoed in Part (ba) *Early childhood education programs.* The treatment of section 121.004 (7) (a) and (e) of the statutes first applies to state aids paid in the 1989-90 school year.

(bd) *Membership; four-year-old kindergarten.* The treatment of sections 121.004 (7) (c) 1, a and b and 2, 121.85 (6) (f) and 121.86 (3) of the statutes first applies to state aids paid in the 1990-91 school year.

(ci) *Minority census tract aid.* The treatment of section 121.85 (6) (g) 1, a of the statutes first applies to state aid paid to school districts in the 1987-88 school year.

Vetoed in Part (c) *Annual meetings.* The treatment of sections 120.10 (6) and (8) and 120.13 (3) (a) and (c) of the statutes first applies to annual meetings held in 1989.

Vetoed in Part (dn) *Legal costs.* The treatment of sections 119.12 (6) and 120.13 (9m) of the statutes first applies to state aids paid in the 1988-89 school year.

(47) REVENUE.

(am) *Manufacturers' rights in appeals.* The treatment of sections 70.995 (8) (a) (by SECTION 215) and 73.015 (1) of the statutes first applies to proceedings before the tax appeals commission based on petitions for review filed on the effective date of this paragraph and to appeals of those proceedings.

(b) *Waste treatment denials.* The treatment of sections 70.11 (21) (e) and (f) and 73.01 (4) (a) and (5) (a) of the statutes first applies to appeals related to statements required to be filed on or before February 1, 1988.

(bm) *Refunds on exempt manufacturing property.* The treatment of sections 70.511 (2) (b) and 74.135 (3) of the statutes first applies to assessments as of January 1, 1987.

(c) *Tax-option corporations.* The treatment of sections 71.02 (1) (intro.), (bg) (intro.) (in regard to the cross-reference change involving section 71.02 (1) (bh) of the statutes) and 25, (bh) and (d), 71.042 (7) and 71.05 (2tm) of the statutes first applies to tax-option corporations' taxable year 1987 and to tax-option corporations' shareholders' taxable year 1987 and 1988, as appropriate to conform the shareholder's treatment of items of income, loss and deduction to the corporation's treatment.

(cm) *Additions to tax.* The treatment of sections 71.21 (1m) (am), (11) and (12) (intro.) and (c), 71.22 (1) (a), (7) and (8) (intro.) and 71.23 of the statutes first applies to taxable year 1988.

(d) *Small business stock.* The treatment of section 71.02 (2) (fr) 2 of the statutes first applies to taxable year 1988.

(dm) *Corporate capital loss carry-backs.* The treatment of section 71.10 (10) (d) and (em) of the statutes first applies to capital losses carried back to taxable year 1987.

(e) *Earnings and profits.* The treatment of section 71.05 (1) (a) 31 of the statutes first applies to taxable year 1987 or to taxable year 1988, as appropriate to conform the shareholder's treatment of income, loss and deduction to the corporation's treatment.

(em) *Tax on built-in gain.* The treatment of section 71.016 of the statutes first applies to taxable year 1987.

(f) *Expenses on fiduciary returns.* The treatment of section 71.05 (1) (b) 1 of the statutes first applies to taxable year 1988.

(fm) *Capital gains.*

1. The treatment of section 71.05 (1) (b) 16 of the statutes (as it relates to assets acquired from a decedent) first applies to taxable year 1987.

2. The treatment of section 71.05 (1) (b) 16 of the statutes (as it relates to capital gains derived under the dairy herd buyout program) first applies to taxable year 1987.

(g) *Partnership income.* The treatment of section 71.07 (1g) (b) 1 and 2, (1m) (b) 14 and 15 and (2) (cm) 8 and (cr) 15 of the statutes first applies to partners' taxable year 1988.

~~(gh) *Proration of exemptions.*~~

~~1. The amendment of section 71.09 (6p) (b) of the statutes first applies to taxable year 1988.~~

~~2. The repeal and recreation of section 71.09 (6p) (b) of the statutes first applies to taxable year 1990.~~

Vetoed in Part

(gm) *Proration of property taxes.* The treatment of section 71.09 (11) (a) 7 of the statutes first applies to claims filed for taxable year 1988.

(h) *Gross rent definition.* The treatment of section 71.09 (7) (a) 2 of the statutes first applies to claims based on property taxes, or rent constituting property taxes, accrued during 1988.

(hc) *Farmland credit minimum.* The treatment of section 71.09 (11) (bm) of the statutes first applies to claims filed for taxable year 1988.

(i) *Farm losses.* The treatment of section 71.05 (1) (b) 14 of the statutes first applies to taxable year 1988, in respect to the year when losses may be subtracted, and to taxable year 1986, in respect to the year in which the losses that may be subtracted are incurred.

(im) *Allocation of utility property.* The treatment of section 76.07 (3) and (4g) of the statutes first applies to the 1988 assessment.

(j) *Corporate estimated taxes.* The treatment of section 71.22 (8) (b) of the statutes first applies to taxable year 1989.

(ka) *Lottery winnings.* The treatment of section 71.07 (1) of the statutes first applies to taxable year 1988.

(kn) *Tax benefit rule.* The treatment of section 71.60 (4) of the statutes first applies to taxable year 1988.

(Lm) *Unrelated business income.* The treatment of sections 71.01 (3) (a), 71.02 (1) (bg) 17 and 18 and 71.07 (2) (intro.) and (f) of the statutes first applies to taxable year 1988.

(Ln) *"Internal revenue code" definition and exception.* The creation of section 71.02 (1) (bg) (intro.) and (bhm) of the statutes first applies to taxable year 1988.

(Lo) *Definition of "corporation".* The treatment of section 71.02 (1) (f) of the statutes first applies to taxable year 1988.

(Lp) *Basis continuation.* The treatment of section 71.04 of the statutes first applies to taxable year 1988.

(Lq) *Filing exception.* The treatment of section 71.10 (1) (intro.) and (lm) of the statutes first applies to taxable year 1988.

(Lr) *Forest cropland withdrawal.* The treatment of section 77.10 (2) (a) 1 of the statutes first applies to taxes due in respect to declarations of withdrawal filed on the effective date of this paragraph.

Vetoed in Part ~~(mc) *Homestead credit.* The treatment of section 71.09 (7) (a) 7 of the statutes first applies to claims filed for taxable year 1988.~~

Vetoed in Part ~~(mcm) *Farmland credit.* The treatment of section 71.09 (11) (a) 5 and 6, a and b and (b) (intro.) and 2 of the statutes first applies to claims filed for taxable year 1988.~~

(mp) *Historic preservation credit.* The treatment of sections 71.09 (12q) and 71.65 (1) (fr) and (2) (fh) of the statutes first applies to taxable year 1989 for projects begun after December 31, 1988.

(mr) *Internal revenue code.* The treatment of sections 72.01 (17), 72.12 (4) (c) 1 and 72.22 (4) (a) of the statutes first applies to transfers because of deaths occurring on January 1, 1988.

(nb) *Farmland credit.* The treatment of section 71.09 (11) (a) 3 and 3m and (h) (intro.) of the statutes first applies to claims filed for taxable year 1988.

Vetoed in Part ~~(om) *Transfer fee applied to time share easements.* The treatment of section 77.21 (1) of the statutes first applies to time share easements conveyed on the first day of the first month beginning after publication.~~

Vetoed in Part ~~(pm) *Property tax and rent credit.* The treatment of section 71.53 (2) of the statutes first applies to taxable year 1989.~~

(52) TRANSPORTATION.

Vetoed in Part (ag) *Mass transit aids.* The treatment of section 85.20 (1) (k) and (4m) (a) and (em) 1 of the statutes first applies to urban mass transit operating assistance

contracts for calendar year 1989 executed between the department of transportation and eligible applicants on the effective date of this paragraph.

(am) *Urban mass transit system operating expenses and audits.* The treatment of section 85.20 (1) (g), (3) (c) and (cm) and (4m) (er) of the statutes first applies to urban mass transit system contracts executed between the department of transportation and eligible applicants for urban mass transit operating assistance on the effective date of this paragraph.

(ar) *Driver improvement surcharge.* The treatment of section 346.655 (1) of the statutes first applies to a driver improvement surcharge imposed by a court on July 1, 1988.

(53) TREASURER.

(ag) *Unclaimed property.* The treatment of section 177.35 of the statutes first applies to agreements entered into on the effective date of this paragraph.

(54) UNIVERSITY OF WISCONSIN SYSTEM.

(a) *Nonresident tuition exemption.* The treatment of section 36.27 (2) (cm) of the statutes first applies in the 1988-89 academic year.

(57) OTHER.

(ab) *Public improvement payment bonds.* The treatment of sections 60.24 (3) (zm) and 84.06 (2) of the statutes, the renumbering and amendment of section 779.14 (1) and (2) of the statutes and the creation of section 779.14 (1) and (2) (a) 2 and 3 and (b) of the statutes first applies to contracts for the furnishing of labor or materials for the purpose of making public improvements or performing public work that are entered into on the first day of the 2nd month beginning after publication.

(ag) *Crime revisions.* The treatment of sections 118.29 (1) (d), 343.31 (1) (a), 346.62, 346.65 (1), (3) and (5), 351.02 (1) (a) 1, 939.20, 939.22 (14), 939.23 (3) and (4), 939.24, 939.25, 939.42 (2), 939.44, 939.46 (1), 939.47, 939.48 (3), 939.74 (2) (a), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08 (1) and (2), 940.10, 940.19 (3) (intro.), 940.23, 940.24 (1) and (2), 940.245, 941.01 (2) and (3), 941.03, 941.04, 941.10 (2), 941.20 (title), (1) (a) and (3), 941.30, 943.70 (2) (b) 4 and (3) (b) 4, 949.03 (1) (b), 968.28 (by SECTION 472zpc), 969.001 (2), 969.035 (1), 969.08 (10) (b) and 971.35 of the statutes, the repeal and recreation of section 345.27 (1) of the statutes, the renumbering and amendment of section 943.01 (2) (a) of the statutes and the creation of 943.01 (2) (a) 1 of the statutes apply to offenses committed on or after January 1, 1989.

(am) *Form retention and disposal.* The treatment of section 134.345 of the statutes applies to any form, whether it was last used before, on or after the effective date of this paragraph.

~~(bg) *Regional protection.* The treatment of sections 5.02 (5), (18) and (23), 5.62 (1) (a) and (3), 5.64 (1) (e), 7.60 (4) (a) and (5), 7.70 (3) (d) and (e) 1, 8.15 (6) (dm), 8.16 (5), 8.25 (5), 8.30 (intro.), 9.10 (1) (a),~~

Vetoed in Part

Vetoed
in Part

~~100.02 (3) (b) 2m, 11.26 (1) (cn) and (cw) and (2) (cn) and (cw), 11.31 (1) (dm), 11.50 (1) (a) 1 and 2, 978.01 and 978.02 of the statutes first applies to the general election in 1988.~~

SECTION 3204. **Effective dates.** This act takes effect on the day after publication, except as follows:

(4) AGRICULTURE, TRADE AND CONSUMER PROTECTION.

(a) *Food production.* The treatment of sections 77.54 (20) (b) 4, 97.29, 97.34 (title), (2), (3), (4), (5) and (6) to (11), 97.42 (1) (d) 1 and (2) (a) and 100.03 (1) (k), (2) (intro.), (3) (a) 1, (4) (a) and (5) (intro.) of the statutes, the amendment of sections 97.28 (1), 97.36, 97.38 and 97.40 (1) of the statutes and the repeal of section 97.28 (2) (a) of the statutes take effect on April 1, 1988, or on the day after publication, whichever is later.

(b) *Milk production.* The treatment of sections 97.20, 97.21, 97.22, 97.24 (3), (4), (4m), (5) and (6) and 100.06 (6) of the statutes takes effect on May 1, 1988, or on the day after publication, whichever is later.

(c) *Retail food.* The treatment of sections 20.115 (1) (gb) (by SECTION 35), 50.51 (1) (d), 97.26, 97.28 (by SECTION 322), 97.30, 97.41 (1), (4) (a), (5), (7) and (9) (intro.) and (c), 97.415 and 100.201 (6) (a) of the statutes and the repeal of sections 97.36, 97.38 and 97.40 of the statutes take effect on July 1, 1988.

(d) *Food warehouses.* The treatment of sections 97.27, 99.01 (1) to (4), (5), (6) to (10), (11), (12), (13), (14) to (16) and (17), 99.015, 99.04 (1) and 99.40 to 99.42, chapter 99 (title) and subchapters I (title), II (title), III, IV and V (title) of chapter 99 of the statutes takes effect on July 1, 1988.

(eg) *Farmland preservation.* The treatment of section 91.37 (4) (by SECTION 307meg) of the statutes takes effect on January 1, 1989.

(6) BANKING.

(ag) *Charitable trusts.* The treatment of sections 220.02 (2) (e), 221.56 (1), 701.107, 701.108 and 701.109 of the statutes takes effect on May 1, 1988, or on the day after publication, whichever is later.

(10) CIRCUIT COURTS.

(bf) *Court fees.*

1. The treatment of sections 814.61 (3), (4), (5) (intro.), (b) and (c), (6), (7) (a), (8) (a) 1 and 2, (9), (10) and (11), 814.62 (1), 814.63 (1) and (4) and 814.65 (1) of the statutes and the amendment of section 814.61 (1) (a) of the statutes take effect on the first day of the 2nd month commencing after publication.

2. The repeal and recreation of section 814.61 (1) (a) of the statutes and the amendment of section 814.61 (1) (c) of the statutes take effect July 1, 1988.

(11) COMMUNITY DEVELOPMENT FINANCE AUTHORITY.

(a) *Abolition.* The treatment of sections 13.172 (1), 13.62 (2), 15.155 (2), 16.01 (1) (b), 16.41 (4), 16.52 (7), 16.528 (1), 16.53 (2), 16.54 (9) (a) 1, 16.70 (1) and (2), 16.85 (2), 16.865 (8), 16.963 (2), 16.98 (1), 36.25 (24), 40.02 (54) (e), 71.09 (12m) (title) and 71.65 (2) (f),

101.28 (2) and (3), 233.01, 233.02 (intro.), (1), (2), (3) (intro.), (a), (b) and (c), (4), (5) and (7) to (10), 233.03, 233.04 (title), (1) and (2) (intro.), (a) to (c) and (e), 233.05, 233.06, 233.07 (title), (1) and (2), 234.03 (31) and (32), 234.94 (intro.) and (2) (b), 234.97, 234.98 and 560.07 (2m) and chapter 233 (title) of the statutes and SECTIONS 3011 (1) and (2) and 3116 (9) of this act take effect on July 1, 1988.

(16) DEVELOPMENT.

(ag) *Plat administration transfer.* The treatment of sections 20.143 (1) (i), 93.07 (22) (title), 236.02 (4) and 560.04 (2) (d) of the statutes takes effect on July 1, 1988.

(17) EDUCATIONAL COMMUNICATIONS BOARD.

(a) *Contract with Milwaukee area technical college.* The treatment of sections 20.225 (1) (d), 38.125 (1) and (2) and 39.11 (18) of the statutes takes effect on July 1, 1988.

(19) EMPLOYE TRUST FUNDS.

(am) *Employee-funded reimbursement account plan.* The treatment of sections ~~20.515 (1) (b) and (c),~~ 20.921 (1) (a) 5 and 40.02 (26g) and (26r) of the statutes and subchapter VIII of chapter 40 of the statutes take effect on July 1, 1988.

(24) HEALTH AND SOCIAL SERVICES.

(ai) *Medical assistance; inpatient psychiatric services.* The treatment of section 49.46 (2) (a) 4. a and (b) 6. e and (i) of the statutes takes effect on January 1, 1989.

(aq) *Medical assistance; hospice care coverage.* The treatment of section 49.46 (2) (b) 10 of the statutes takes effect on July 1, 1988.

(b) *Rules on institutions for mental diseases.* The treatment of sections 49.46 (2) (dm) and 49.47 (6) (c) 4 of the statutes takes effect on the first day of the 3rd month beginning after publication.

(c) *Rules on relocation funds for community services.* The treatment of section 46.266 (1) (a) and (am) of the statutes takes effect on the first day of the 3rd month beginning after publication.

(cm) *Garnishment of aid to families with dependent children checks.* The treatment of sections 49.41 (1) and (2) and 812.233 of the statutes takes effect on April 1, 1988.

(dm) *Cancer control grants.* The treatment of sections 20.435 (1) (cc) and 146.027 (1) and (2) of the statutes takes effect on the first day of the 6th month after publication.

~~(eh) *Notification of crime victims.* The treatment of sections 53.11 (5m), 57.06 (1) (g) and 950.045 of the statutes takes effect on July 1, 1988.~~

~~(ei) *Council on physical disabilities.* The treatment of section 46.52 of the statutes takes effect on the first day of the 4th month beginning after publication.~~

(fx) *Laboratory urine analyses.* The repeal and recreation of section 146.25 (1), (2), (4) and (6) of the statutes and the creation of section 146.25 (1m) of the statutes take effect on October 1, 1989.

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

(37) LEGISLATURE.

(am) *Legislative computer and data processing system.* The treatment of section 20.765 (1) (d) and (3) (em) of the statutes takes effect on July 1, 1988.

(40) NATURAL RESOURCES.

(a) *Fox river management.* The repeal and recreation of section 25.40 (2) of the statutes takes effect on July 1, 1989.

Vetoed in Part

~~(aa) *Waterways assistance.* The treatment of section 20.370 (4) (bu) of the statutes takes effect on July 1, 1988.~~

(b) *Land leasing for public hunting areas.* The treatment of section 20.370 (1) (bq) of the statutes takes effect on July 1, 1988.

Vetoed in Part

~~(bm) *Well continuation.* The treatment of sections 20.370 (2) (cg) and (ch), 25.48 (4), 59.20 (5) (b), 59.395 (5), 94.681, 144.027 (1) (cm) and (h), (2) (a), (b) and (c), (3), (4) (title), (a) and (b) (intro.), (5) (a), (b) (intro.) and 2, (c), (d) (intro.) and 1 and (e) to (g), (6) (e) and (d), (7) (intro.), (a) and (d), (8) (intro.), (9) (b), (10), (10m), (11) (title) and (a) (title), 1, 2, 3, 4, 4m, 5, 6 and 7, (11) (am), (b) (title), 1, 2, 3 (intro.), 4 and 5, (c), (d) and (e), (11m), (13) (intro.), (13), (14), (15), (16) (d) and (e), (17) (a), (18m) and (19), 144.028 (1), (2) (a) and (b), (3), (4), (5), (6), (7) and (8), 144.029, 144.029s, 144.24 (4) (c) 2, 144.441 (7) (title), (a) to (c), (e) to (h) and (i) (title), 1, 2, 3, a and 5, 144.442 (1m) (e), 147.033 (title) and (3), 162.03 (7), 168.12 (1s), 814.60 (2) (cm), 814.63 (3) (bm), and 973.05 (1) and (2) of the statutes, the creation of sections 144.027 (19) (b) and (c) and 144.028 (1) (b) and (3) (c) of the statutes and SECTION 3203 (40) (ag), (am) and (ar) of this act take effect on the first day of the 2nd month beginning after publication.~~

(cg) *Intoxicated operation of all-terrain vehicles and snowmobiles.* The treatment of sections 23.33 (1) (am), (dm), (f), (i), (ic), (ig), (ir), (iw), (je), (jm) and (js), (3) (b), (4c) to (4z), (5) (d), (9) (b) and (13), 46.03 (18) (f), 59.68 (7), 340.01 (35), 343.305 (5) (b) and (6) (a), 350.01 (1i), (9) to (9w), (10g), (10r) and (21), 350.055, 350.08, 350.10 (3), 350.101 to 350.108, 350.11, 350.12 (4) (b) 3, 885.235 (1) (intro.) and (1m), 940.09 (1) (c) and (3) and 940.25 (1) (c) and (3) of the statutes, the creation of sections 23.33 (13) (b) to (e) and 350.11 (3) of the statutes and SECTION 3203 (40) (cg) of this act take effect on March 1, 1989.

Vetoed in Part

~~(42) PERSONNEL COMMISSION.
(am) *Arbitration.* The treatment of sections 230.85 (1) and (2) and 230.87 (1) of the statutes takes effect on the first day of the 13th month beginning after publication.~~

(44) PUBLIC INSTRUCTION.

(ba) *Five-year-old kindergarten, early childhood education and mentor programs.* The treatment of sections 20.255 (2) (ec), 119.71, 119.72, 119.73, 119.74 and 121.004 (7) (a) and (e) of the statutes takes effect on July 1, 1988.

Vetoed in Part

(cb) *Pupil minimum competency tests.* The treatment of sections 20.255 (2) (f), 118.30 (3) (c) 1 and 2 and 118.30 (3) (d) of the statutes takes effect on July 1, 1988.

(45) PUBLIC SERVICE COMMISSION.

(am) *Fire protection services.* The treatment of sections 196.03 (3) and 196.197 of the statutes and the creation of section 196.03 (3) (b) of the statutes take effect on the first day of the 3rd month beginning after publication.

Vetoed in Part

(46) REGULATION AND LICENSING.

(am) *Occupational therapy.* The treatment of sections 448.02 (2), (3) (a), (b), (c), (e) and (h), (4), (5) and (6), 448.03 (3) (f) and (g) and (4), 448.04 (1) (g) and (h), 448.05 (5m), 448.06 (title) and (1) and 448.07 (1) (d) of the statutes, the renumbering of sections 440.05 (3) (n) 1 and 448.13 of the statutes and the creation of sections 440.05 (3) (n) 1g and 1m and 448.13 (2) of the statutes take effect on the first day of the 13th month beginning after publication.

(cm) *Time-share salespersons.* The treatment of sections 452.025 (1) (a) and (2) to (5), 452.05 (1) (a), 452.10 (4) (b), 452.11 (1), 452.12 (3) and (6) (a), 452.13, 452.14 (1) and (3) (intro.), (b), (e), (f), (h), (i) and (jm), 452.16 (1), 452.17 (2) and (4) (a), 452.20, 452.21 and 452.22 (2) of the statutes and the creation of section 452.13 (2) of the statutes take effect on the first day of the 2nd month beginning after publication.

(47) REVENUE.

(a) *Review of assessment practices.*

1. The treatment of sections 70.57 (1) and 73.08 (1) of the statutes and the amendment of section 73.08 (2) of the statutes take effect on July 1, 1988.

2. The treatment of section 20.566 (2) (h) of the statutes and the repeal of section 73.08 (2) of the statutes take effect on July 1, 1989.

3. The treatment of section 70.05 (5) (c) of the statutes takes effect on January 1, 1992.

(b) *Manufacturers' objections.* The treatment of section 70.995 (8) (a) (by SECTION 215) of the statutes takes effect on January 1, 1989.

(c) *Excise tax interest.* The treatment of sections 20.913 (1) (b), 78.13 (2), 78.50 (2), 78.59 (2), 78.65 (2), 78.68, 139.05 (6) and (7) (e), 139.07, 139.08 (4), 139.092, 139.098, 139.25 (1), (1m), (2) and (3), 139.32 (7), 139.44 (9) to (12), 139.77 (5) and (6) and 139.85 of the statutes and the creation of section 139.25 (4) to (8) of the statutes take effect on the first day of the first month beginning after the effective date of this paragraph.

~~(cc) *Short-term rentals.* The treatment of section 70.111 (22) of the statutes takes effect on January 1, 1989.~~

Vetoed in Part

~~(dg) *Provision of exemptions.* The repeal and recreation of section 71.09 (6p) (b) of the statutes takes effect on January 1, 1990.~~

Vetoed in Part

(eg) *Appeals.* The treatment of section 73.01 (4) (a) of the statutes (by SECTION 269m) takes effect on January 1, 1992.

(fc) *Publishers.* The treatment of section 77.51 (13g) (intro.) and (13h) of the statutes takes effect on January 1, 1990.

(fd) *Occasional sales.* The treatment of sections 77.51 (9) (c), 77.52 (7) and 77.54 (7m) of the statutes takes effect on January 1, 1989.

(fm) *Logging.* The treatment of section 77.54 (39) of the statutes takes effect on April 1, 1989.

(gb) *Boats.* The treatment of section 70.111 (3) of the statutes takes effect on January 1, 1989.

Vetoed in Part

(gd) ~~Alcohol containing vehicles.~~ The treatment of sections 20.566 (1) (ha), 139.03 (2m) and (2t) and 139.06 (1) (a) and (b) and (2) (c) of the statutes takes effect on July 1, 1988.

Vetoed in Part

(hm) ~~Testing supplies.~~ The treatment of section 77.54 (28) of the statutes takes effect on March 1, 1989.

(hn) *Secondary containment structures.* The treatment of section 70.11 (15m) of the statutes takes effect on the January 1 after publication.

(49) SECRETARY OF STATE.

(am) *Change of registered agent.* The treatment of sections 181.09 (3), 181.651 (1) (bm) and 181.68 (1) (e) of the statutes and the creation of section 181.09 (3) (a) 2 and (b) of the statutes takes effect on the first day of the 4th month beginning after publication.

(52) TRANSPORTATION.

(ag) *Driver improvement surcharge.* The treatment of section 346.655 (1) of the statutes takes effect on July 1, 1988.

Vetoed in Part

~~(ah) Financial responsibility for motor vehicle accidents.~~ The treatment of sections 343.32 (2) (bg), 344.10, 344.14 (3), 344.15 (1) and (2) (intro.), 344.18 (1) (intro.) and (1m), 344.24, 344.29, 344.33 (1), 344.35, 344.37 (1) and 346.73 (2) of the statutes and Section 320.0 (52) (ag) of this act take effect on the first day of the 12th month commencing after publication.

(aj) *Disadvantaged business demonstration and training program sunset.* The repeal and recreation of section 20.395 (3) (bq), (bv), (bx), (cq), (cv), (cx), (dq), (dv), (dx), (fq), (fv), (fx), (hq), (hv) and (hx) of the statutes and the repeal of section 84.076 of the statutes take effect on June 30, 1991.

Vetoed in Part

~~(bm) Contents of operating license.~~ The treatment of section 343.17 (1) (a) of the statutes takes effect on January 1, 1990.

(56) VOCATIONAL, TECHNICAL AND ADULT EDUCATION.

(bg) *Fire schools.* The treatment of sections 20.292 (1) (gm) (title) and (gr), 20.445 (1) (L) and 38.12 (9) of the statutes takes effect on July 1, 1988.

(57) OTHER.

(ag) *Crime revisions.* The treatment of sections 118.29 (1) (d), 343.31 (1) (a), 346.62, 346.65 (1), (3)

and (5), 351.02 (1) (a) 1, 939.20, 939.22 (14), 939.23 (3) and (4), 939.24, 939.25, 939.42 (2), 939.44, 939.46 (1), 939.47, 939.48 (3), 939.74 (2) (a), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08 (1) and (2), 940.10, 940.19 (3) (intro.), 940.23, 940.24 (1) and (2), 940.245, 941.01 (2) and (3), 941.03, 941.04, 941.10 (2), 941.20 (title), (1) (a) and (3), 941.30, 943.70 (2) (b) 4 and (3) (b) 4, 949.03 (1) (b), 968.28 (by SECTION 472zpc), 969.001 (2), 969.035 (1), 969.08 (10) (b) and 971.35 of the statutes, the repeal and recreation of section 345.27 (1) of the statutes, the renumbering and amendment of section 943.01 (2) (a) of the statutes and the creation of 943.01 (2) (a) 1 of the statutes take effect on January 1, 1989.

~~(am) Regional prosecution~~

~~1. The repeal of sections 59.13 (1) (f), 59.44, 59.45, 59.46, 59.47, 59.475, 59.48, 59.485, 59.49, 63.03 (2) (L) and (m) and 767.65 (2) (am) of the statutes, the renumbering of section 35.84 (figure) line 70 of the statutes, the amendment of sections 16.20 (1) (2), 17.01 (2) and (7), 17.03 (10), 17.06 (title), 17.09 (5), 17.21 (1), 17.28, 19.01 (4) (a), 19.10, 19.42 (5), 19.43 (7), 19.45 (9), 19.51 (1) (a) and (3), 19.55 (2) (b), 19.56 (2) (b) 5, 20.905 (3), 20.923 (6) (intro.), 30.30 (3) (c), 35.90, 40.62 (2), 51.20 (4), 51.42 (3) (ar) 1, 51.437 (4m) (f), 55.06 (1) (c), 59.07 (3) (b) and (97), 59.071 (5) (b) and (e), 59.12, 59.125, 59.974 (8), 61.354 (7), 62.234 (7), 73.03 (20), 111.825 (1) (intro.) (by SECTION 368gd), (3) and (4), 111.84 (2) (c), 111.90 (2), 111.91 (1) (a) and (4), 111.93 (2), 144.266 (2), 165.25 (1), 165.70 (4), 196.675 (1) and (2), 227.01 (1), 230.10 (2), 252.31 (4), 267.02 (3), 267.085 (1) (g) and (5), 267.45 (6), 267.52 (3), 267.65 (6) (a) and (b), (12), (17) (c), (18), (19), (24), (33), (38) and (39) (b), 809.80 (2) (b) and 880.295 (1) of the statutes, the repeal and recreation of sections 15.01 (4), 17.11 (2) and (4), 46.25 (7) (a) and 49.90 (2) (a) 1 of the statutes, the creation of chapter 978 (except sections 978.01 and 978.02) and sections 15.83, 17.03 (4) (bm), 17.06 (3), 17.19 (3s), 20.455 (6), 20.475, 20.923 (2) (j), (4) (a) 4m and (6) (hg), 59.457, 59.458, 111.81 (7) (e), 111.815 (3), 111.825 (2) (d), 111.83 (7), 111.91 (1) (f), 165.25 (8r) and 230.08 (2) (eg) and (sm) of the statutes and Section 3057 (1c), (1f), (1fm), (1g), (1i) and (1j) of this act take effect on June 30, 1989.~~

Vetoed in Part

~~2. Section 3057 (1c) and (1cm) of this act takes effect January 1, 1989.~~

~~3. The repeal and recreation of section 73.03 (20) of the statutes takes effect on January 1, 1992.~~

~~4. The amendment of section 8.50 (intro.) of the statutes takes effect on July 1, 1988.~~

~~(ag) Obscenity.~~ The repeal and recreation of section 66.031 (2) of the statutes takes effect on July 1, 1989.

Vetoed in Part

~~(bd) Exposing a child to harmful material.~~ The treatment of section 948.11 (1) (ba), (4) and (5) of the statutes takes effect on July 1, 1989.

Vetoed in Part

(dm) *Time-share property.*

1. The treatment of sections 70.03, 70.095, 70.47 (7) (ab), ~~77.21 (1)~~, 440.05 (3) (a) 54m, 452.01 (2) (f) and

Vetoed in Part

(g), (8) and (9), 452.025 (1) (b) and (c), 707.02 to 707.39, 707.50 to 707.59 and 893.137 of the statutes takes effect on the first day of the first month beginning after publication.

2. The treatment of sections 707.40 to 707.49 of the statutes takes effect on the first day of the 4th month beginning after publication.
