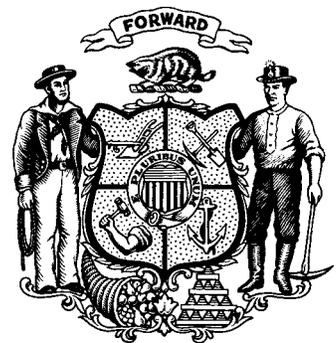


Summary of the 1999–2000 Wisconsin Legislative Session 1999 Wisconsin Acts 1 to 198

State of Wisconsin
Legislative Reference Bureau
Research Bulletin 2000–2, August 2000



ABBREVIATIONS

| | | | |
|----------------|--|---------------|---|
| AB | Assembly Bill | DORL | Department of Regulation and Licensing |
| AFDC | Aid to Families with Dependent Children | DOT | Department of Transportation |
| AFSCME .. | American Federation of State, County and Municipal Employees | DPI | Department of Public Instruction |
| DATCP . . . | Department of Agriculture, Trade and Consumer Protection | DVA | Department of Veterans Affairs |
| DER | Department of Employment Relations | DWD | Department of Workforce Development |
| DETF | Department of Employe Trust Funds | JCF | Joint Committee on Finance |
| DFI | Department of Financial Institutions | OCI | Office of the Commissioner of Insurance |
| DHFS | Department of Health and Family Services | PSC | Public Service Commission |
| DMA | Department of Military Affairs | SB | Senate Bill |
| DNR | Department of Natural Resources | UW | University of Wisconsin |
| DOA | Department of Administration | WHEDA .. | Wisconsin Housing and Economic Development Authority |
| DOC | Department of Corrections | WHEFA ... | Wisconsin Health and Educational Facilities Authority |
| DOJ | Department of Justice | WRS | Wisconsin Retirement System |
| DOR | Department of Revenue | WSEU | Wisconsin State Employees Union |

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SUMMARY OF THE 1999-2000 WISCONSIN LEGISLATIVE SESSION
1999 WISCONSIN ACTS 1 to 198

INTRODUCTION

This bulletin provides an overview of the 1999-2000 legislative session. The main body of the bulletin is divided according to subject matter; the acts of the legislature are described separately beneath each subject heading. The significant provisions of any act affecting more than one area of state law (including 1999 Wisconsin Act 9, the biennial budget act) are described under the appropriate subject headings. The bulletin also includes summaries of those enrolled joint resolutions that propose amendments to the Wisconsin Constitution under the heading "Constitutional Amendments". The *HIGHLIGHTS* section of the bulletin provides synopses of those acts and joint resolutions that were of particular interest to the legislature and the public.

The 1999 Legislature took its oath of office on January 4, 1999. Its regular session was separated into the following floorperiods:

| | |
|------------------------|------------------------------|
| January 14, 1999 | October 26-November 11, 1999 |
| January 26-28, 1999 | January 25-February 10, 2000 |
| February 16-18, 1999 | March 7-30, 2000 |
| March 2-4, 1999 | May 2-4, 2000 |
| March 16-25, 1999 | May 23-24, 2000 |
| May 11-October 6, 1999 | |

Extraordinary sessions were conducted April 4-27, 2000, and May 2, 2000; special sessions were held October 27-November 11, 1999, and May 4-May 9, 2000.

Statistics for the 1999-2000 legislative session (including extraordinary and special sessions) through July 14, 2000, and for the previous four sessions are provided below.

| | Legislative Session | | | | |
|-----------------------------------|---------------------|---------|---------|---------|---------|
| | 1991-92 | 1993-94 | 1995-96 | 1997-98 | 1999-00 |
| Total Drafting Requests | 14,707 | 13,466 | 13,631 | 11,908 | 9,774 |
| Bills Introduced | 1,709 | 2,156 | 1,781 | 1,521 | 1,503 |
| Assembly Bills | 1,112 | 1,319 | 1,103 | 979 | 973 |
| Senate Bills | 597 | 837 | 678 | 542 | 530 |
| Acts | 324 | 497 | 469 | 338 | 198 |
| Percentage of Bills Enacted | 19.0 | 23.1 | 26.3 | 22.2 | 13.2 |
| Bills Totally Vetoed | 33 | 8 | 4 | 3 | 5 |
| Bills Partially Vetoed | 13 | 24 | 21 | 8 | 10 |

STATE BUDGET SUMMARY

GENERAL FUND SUMMARY

| | <u>1999-00</u> | <u>2000-01</u> |
|---|---------------------|---------------------|
| Opening Balance, July 1 | \$ 701,293,000 | \$ 658,784,800 |
| REVENUES AND TRANSFERS | | |
| Taxes | \$ 10,793,300,000 | \$ 10,281,100,000 |
| Departmental Revenues | | |
| Tobacco Settlement | 167,886,100 | 124,763,700 |
| Other | 260,087,900 | 190,946,100 |
| Transfer from Computer Escrow Fund | <u>64,000,000</u> | <u>0</u> |
| Total Available | \$ 11,986,567,000 | \$ 11,255,594,600 |
| APPROPRIATIONS, RESERVES AND TRANSFERS | | |
| Gross Appropriations | \$ 11,332,210,800 | \$ 11,076,302,400 |
| Compensation Reserves | 56,100,000 | 117,750,000 |
| Transfer to Tobacco Control Fund | 23,500,000 | 0 |
| Less Lapses | <u>-84,028,600</u> | <u>-122,124,800</u> |
| Total Expenditures | \$ 11,327,782,200 | \$ 11,071,927,600 |
| BALANCES | | |
| Gross Balances | \$ 658,784,800 | \$ 183,667,000 |
| Less Required Statutory Balance | <u>-113,883,100</u> | <u>-134,328,600</u> |
| Net Balance, June 30 | \$ 544,901,700 | \$ 49,338,400 |

SUMMARY OF APPROPRIATIONS -- ALL FUNDS

| | <u>1999-00</u> | <u>2000-01</u> |
|-------------------------|-------------------|-------------------|
| General Purpose Revenue | \$ 11,332,210,800 | \$ 11,076,302,400 |
| Federal Revenue | \$ 5,085,572,200 | \$ 4,703,374,700 |
| Program | (4,453,148,300) | (4,121,351,700) |
| Segregated | (632,423,900) | (582,023,000) |
| Program Revenue | \$ 2,658,535,300 | \$ 2,734,917,200 |
| State | (1,917,270,500) | (1,979,622,400) |
| Service | (741,264,800) | (755,294,800) |
| Segregated Revenue | \$ 2,275,967,300 | \$ 2,292,791,500 |
| State | (2,052,895,200) | (2,075,367,900) |
| Local | (71,673,000) | (65,570,000) |

| | | |
|-------------|----------------------|----------------------|
| Service | <u>(151,399,100)</u> | <u>(151,853,600)</u> |
| GRAND TOTAL | \$ 21,352,285,600 | \$ 20,807,385,800 |

SUMMARY OF COMPENSATION RESERVES -- ALL FUNDS

| | <u>1999-00</u> | <u>2000-01</u> |
|-------------------------|-------------------|-------------------|
| General Purpose Revenue | \$ 56,100,000 | \$ 117,750,000 |
| Federal Revenue | 15,948,200 | 33,474,100 |
| Program Revenue | 43,016,300 | 90,288,200 |
| Segregated Revenue | <u>10,019,100</u> | <u>21,029,600</u> |
| TOTAL | \$ 125,083,600 | \$ 262,541,900 |

LOTTERY FUND SUMMARY

| | <u>1999-00</u> | <u>2000-01</u> |
|---|------------------|-------------------|
| GROSS REVENUE | \$ 421,860,400 | \$ 427,363,200 |
| EXPENSES | | |
| Prizes | \$ 241,690,100 | \$ 244,368,500 |
| Administration | <u>130,600</u> | <u>64,501,700</u> |
| | \$ 241,820,700 | \$ 308,870,200 |
| NET PROCEEDS | \$ 180,039,700 | \$ 118,493,000 |
| TOTAL AVAILABLE FOR PROPERTY TAX RELIEF | | |
| Opening Balance | \$ 33,467,000 | \$ 8,437,200 |
| Net Proceeds | 180,039,700 | 118,493,000 |
| Interest Earnings | 3,730,000 | 2,190,000 |
| Gaming-Related Revenue | <u>4,688,300</u> | <u>3,302,200</u> |
| | \$ 221,925,000 | \$ 132,422,400 |
| PROPERTY TAX RELIEF | \$ 213,487,800 | \$ 123,875,100 |
| GROSS CLOSING BALANCE | \$ 8,437,200 | \$ 8,547,300 |
| RESERVE | 8,437,200 | 8,547,300 |
| NET CLOSING BALANCE | \$ -0- | \$ -0- |

NOTE: The lottery fund summary reflects action by the Joint Committee on Finance under s. 13.10 to provide funding for lottery-related costs in 2000-01 that are not reflected in the schedule under s. 20.455 (2) (r), 20.566 (2) (r) and 20.566 (8) (q).

HIGHLIGHTS

Beverages

Act 9 (AB-133) extends protection under the Wisconsin Fair Dealership Law to intoxicating liquor wholesalers whose continuing financial interest (in terms of the operation of the dealership business or the marketing of goods or services) in a liquor manufacturer or importer was, under preexisting law, insufficient to constitute a “dealership” and, therefore, to obtain protection under that law. The act prohibits grantors of intoxicating liquor dealerships (liquor manufacturers or importers) from terminating, cancelling, failing to renew or substantially changing the competitive circumstances of such a liquor wholesaler without good cause. The act does not apply to dealerships granted by manufacturers who produce less than 200,000 gallons per year, or to dealerships that account for less than 5% of a wholesaler’s net annual revenues.

Business and Consumer Law

Act 9 (AB-133) requires certain financial institutions, medical businesses and tax preparation businesses to shred or otherwise modify records containing personal information before disposing of the records, in order to ensure that the personal information cannot be accessed by an unauthorized person. With limited exceptions, the act also makes it a crime to possess an improperly disposed of record of one of these businesses, if the person in possession intends to use, for any purpose, personal information contained in the record.

Constitutional Amendments

Enrolled Joint Resolution 2 (Assembly Joint Resolution 2), proposed by the 1999 Legislature on second consideration, requires that moneys received by the state that are attributable to bingo games and pari-mutuel on-track betting (other than moneys used to regulate, and to enforce laws relating to, bingo games and pari-mutuel on-track betting) and the net proceeds of the state lottery be used for property tax relief only for residents of this state. The amendment also provides that the distribution of these moneys may not vary based on the income or age of the person provided the property tax relief and is not subject to the uniformity requirement of the Wisconsin Constitution, which generally provides that taxes must be uniform in their application. The amendment was ratified by the electorate on April 6, 1999.

Courts and Civil Actions

Act 122 (SB-122) requires tobacco companies that did not participate in the national master settlement agreement entered into on November 23, 1998, between most tobacco companies and most states, including Wisconsin, to place into an escrow account an amount of money that is based on the number of cigarettes sold in Wisconsin. If the nonparticipating companies increase their market share of cigarette sales as a result of the master settlement restrictions on the participating tobacco companies, the amount placed in escrow is paid to the state.

Domestic Relations

Act 9 (AB-133) makes various changes related to custody and physical placement of children in actions affecting the family, including divorces, legal separations, paternity actions and actions based on voluntary acknowledgment of paternity. The act:

1. Provides that, in actions affecting the family, the court must presume that joint legal custody is in a child's best interest; the court may give sole legal custody to one parent only if the parents agree or if the court finds that one parent is not capable of performing parental duties or does not wish to have an active role in raising the child, one or more conditions exist that would substantially interfere with the exercise of joint legal custody or the parents will not be able to cooperate in the future decision making required.

2. Requires the court to set a physical placement schedule that allows a child to have regularly occurring periods of physical placement with each parent and that maximizes the amount of time that a child may spend with each parent.

3. Requires a parent seeking sole or joint legal custody or periods of physical placement to file a parenting plan with the court before any pretrial conference, providing such information as where the child will go to school, how the holidays will be divided between the parents, who will provide child care when the parent cannot and what doctor will provide medical care for the child.

4. Provides a separate action for enforcing a physical placement order if a parent has intentionally and unreasonably denied or interfered with one or more of the other parent's periods of physical placement, and for compensating a parent for a financial loss if the other parent has intentionally, unreasonably and without adequate notice failed to exercise one or more periods of physical placement.

5. Provides that custody and physical placement in paternity actions and in actions based on voluntary acknowledgment of paternity are determined in the same manner and according to the same guidelines as in annulments, divorces and legal separations.

6. Provides that a court is not required to appoint a guardian ad litem in an action for modification of legal custody or physical placement in which custody or physical placement of a child is contested.

7. Allows a party to an action affecting the family to request one or more status hearings related to the actions taken and work performed by the guardian ad litem in the matter.

Education

PRIMARY AND SECONDARY EDUCATION

Act 9 (AB-133) makes various changes relating to education. The act:

1. Creates the Milwaukee Public Schools (MPS) Neighborhood Schools Initiative, which is designed to decrease the number of pupils transferred from their neighborhood schools to other schools within MPS (under the Intradistrict Transfer Program) and to build more neighborhood schools in MPS. The Initiative:

a. Establishes certain percentage thresholds for the number of pupils for which the MPS Board must receive written parental consent before transferring the pupils from their neighborhood schools and before receiving intradistrict transfer aid.

b. Requires the MPS Board to submit to JCF and the Senate and Assembly Education Committees a neighborhood schools plan that includes proposals for achieving the parental consent percentage thresholds for intradistrict transfer aid, using existing facilities to increase the number of pupils attending neighborhood schools and constructing new schools.

c. Authorizes the Milwaukee Redevelopment Authority, at the request of the MPS Board, to issue up to \$170,000,000 in bonds to finance the construction and renovation of schools, as outlined in the approved neighborhood schools plan.

d. Provides that, until the bonds are paid off, or for five years if no bonds are issued, MPS receives as intradistrict transfer aid the greater of the amount of intradistrict transfer aid that it received in the 1998-99 school year or the actual amount of aid generated under the Intradistrict Transfer Program, under which a transferred pupil is counted as an additional 0.25 pupil for equalization aid purposes.

2. Requires various educational agencies to present to school districts and private schools research on school safety and discipline; requires each school board to have in effect a school safety plan for each school in the school district; increases a school district's or private school's maximum recovery for certain dangerous acts of a minor child from \$5,000 to \$20,000; and requires DPI and DOJ to apply for federal funds relating to school safety and reducing violence and disruption in schools.

3. Prohibits a public school from commencing the school term before September 1 unless the school board holds a public hearing after June 30 and adopts a resolution to start school before September 1.

4. Eliminates the prohibition against a school board's granting a high school diploma to a pupil who had not passed the high school graduation test and requires a school board to adopt a written policy that specifies criteria for granting a high school diploma in addition to the requirements relating to the number of credits attained. The act also requires a school board to excuse a pupil from taking the high school graduation test if requested by the pupil's parent and applies the provisions relating to the high school graduation test to charter schools established or operated by the City of Milwaukee, UW-Milwaukee or the Milwaukee Area Technical College, known collectively as the Milwaukee Charter School Program (MCSP).

5. Eliminates the prohibition against a school board's promoting to the next grade a 4th or 8th grade pupil who has not achieved the requisite score on the knowledge and concepts examinations administered in the 4th and 8th grades. Instead, the act requires a school board to promote a pupil based on his or her score on the 4th or 8th grade examination (unless the pupil is excused from taking the test), the pupil's academic performance and recommendations of teachers that are based on academic performance. The act also applies these requirements to MCSP schools.

Education- continued

6. Creates a third round of five-year contracts under the Student Achievement Guarantee in Education (SAGE) Program, under which school boards receive state aid if they reduce class size in kindergarten to grade three and improve academic performance. Under the act, a school district is eligible for a contract regardless of the poverty rate of the beneficiary school or schools. The act also creates a categorical aid program to reimburse school districts, except for MPS, for 20% of debt service costs associated with SAGE building projects.

UNIVERSITY OF WISCONSIN SYSTEM

Act 9 (AB-133) prohibits the UW Board of Regents (Board) from increasing resident, undergraduate tuition beyond an amount that is sufficient to fund certain costs, such as compensation and fringe benefits for UW employees, estimated losses in revenue from declining enrollment and the costs of nontraditional courses. In addition, the act makes an appropriation change that allows the Board to spend up to the entire amount of tuition received. Under former law, the Board could raise tuition as it saw fit, but could spend only the amount specified by the legislature for the applicable appropriation.

OTHER EDUCATION

Act 44 (AB-654) creates a College Savings Program, under which a person may, on behalf of a beneficiary, contribute money to a college savings account to cover the future cost of tuition, fees, room and board and supplies and equipment for enrollment at a college or university. Like the College Tuition Prepayment Program (EdVest), under which a person may purchase tuition units that may be redeemed to cover college expenses, the College Savings Program is a qualified state tuition plan under federal tax law, which means that federal tax on the earnings of a college savings account is deferred until the funds are withdrawn, at which time the distributions are taxed as ordinary income to the beneficiary. The act also generally exempts from individual income taxation up to \$3,000 annually for each beneficiary of a college savings account or an EdVest account and any increase in the value of a college savings account.

Fringe Benefits of Public Employees

Act 11 (AB-495) makes a number of changes affecting benefits provided to participants in the WRS. The act:

1. Increases the percentage multiplier (which is an element in determining the amount of a participant's annuity) for all classes of participants in the WRS for creditable service that is performed before January 1, 2000. For all creditable service that is performed on or after January 1, 2000, however, the act provides that the prior law percentage multipliers will apply.
2. Increases the maximum amount of an initial retirement annuity for a WRS participant who receives an annuity that is calculated using the percentage multiplier, other than for a protective occupation participant, from 65% to 70% of the participant's final average earnings.
3. Permits any WRS participant who is a participating employee on January 1, 2001, to participate in the Variable Annuity Program, under which any employee contribution

Fringe Benefits of Public Employees- continued

accumulations deposited in the variable retirement investment trust are credited annually with interest at the effective rate (which is, essentially, the actual rate of return on the assets) after all expenses are deducted. Under prior law, WRS participants who had not elected to participate in the program before April 30, 1980, were required to have their employee contribution accumulations deposited in the fixed retirement investment trust (FRIT) and credited annually with interest at the assumed benefit rate, which is a rate of 5%.

4. Authorizes DETF, in certain instances, to adjust the unfunded prior service liability balance of the WRS and of each WRS employer to reflect any changes in certain assumptions used to value the liabilities of the WRS. Unfunded prior service liability consists of moneys owed to the WRS as a result of past benefit improvements under the WRS that were not fully funded at the time of their creation and of prior service earned by employees before the employer became a covered employer under the WRS. Under prior law, the unfunded prior service liability balance was fixed and could not be adjusted to reflect any change in the actuarial assumptions used to value the liabilities of the WRS.

5. Eliminates over a five-year period the FRIT's Transaction Amortization Account (TAA) and creates, in its place, a market recognition account (MRA) that is to be used for distributing the total market value investment return earned by the FRIT. The MRA mechanism will accelerate the distribution of gains and losses on assets in the FRIT to WRS participants.

6. Increases, from 3.2% less than the assumed rate to 3.4% less than the assumed rate, the actuarial assumption for across-the-board salary increases for the purpose of valuing the liabilities of the WRS. The "assumed rate" (currently, 8%) is the probable average effective rate that is expected to be earned for the FRIT on a long-term basis.

7. Provides that the interest credited annually to accumulations in the FRIT of the employee required contributions of WRS participants is essentially the interest rate earned on the accumulations, after all expenses are deducted. Under prior law, for WRS covered employees hired on or after January 1, 1982, the interest earned on these accumulations was 5%.

8. Eliminates the requirement that the beneficiary of a WRS participating employee be a dependent in order to receive the death benefit that equals the present value of a life annuity in the form of a joint and survivor annuity. Instead, the act requires that the beneficiary be a natural person or a trust in which a natural person has a beneficial interest. In addition, for a participating employee who has not attained age 55, and any protective occupation participant who has not attained age 50, the act increases the death benefit to an amount equal to the sum of the employee additional contribution and *twice* the employee required contribution accumulations, including any interest credited to the accumulations (see also *Act 12*).

9. Permits any person who is a participating employee in the WRS to purchase creditable service under the WRS for any service not previously credited that was performed by the person as a member or employee of the legislature or employee of a legislative service agency.

On December 29, 1999, in *Employe Trust Fund Board v. Lighbourn*, Case No. 99-3297-OA, the Wisconsin Supreme Court enjoined DETF and DOA from implementing or enforcing the act until further ordered by the court.

Gambling

Act 9 (AB-133) makes various changes in the laws related to gambling. The act:

1. Uses general program revenue, rather than lottery revenues, to fund, in the 1999-00 fiscal year, the general program operations of the lottery, the compensation paid to lottery ticket retailers for the sale of lottery tickets, the farmland tax relief credit and a portion of the gaming law enforcement activities of DOJ. The act funds the compensation paid to lottery retailers and the farmland tax relief credit with lottery revenues in the 2000-01 fiscal year.

2. Reduces the penalty for a violation of the prohibition against commercial gambling from a fine of up to \$10,000 or imprisonment of up to 5 years, or both (Class E felony) to a \$500 forfeiture (civil monetary penalty) per video gambling machine involved in the violation, if the violation is committed by a person licensed to sell alcohol beverages, other than wine, for consumption on the premises and if no more than five video gambling machines are involved in the violation.

3. Reduces the penalty for a violation of the prohibition against permitting one's premises to be used for commercial gambling from a fine of up to \$10,000 or imprisonment of up to 9 months, or both (Class A misdemeanor) to a \$500 forfeiture (civil monetary penalty) per video gambling machine involved in the violation, if the violation is committed by a person licensed to sell alcohol beverages, other than wine, for consumption on the premises and if no more than five video gambling machines are involved in the violation.

4. Exempts a person who is licensed to sell alcohol beverages, other than wine, for consumption on the licensed premises and who knowingly permits five or fewer video gambling machines to be set up, kept, managed, used or conducted upon the licensed premises from any actions against his or her alcohol beverage license as a result of the violation.

5. Reduces the penalty for a violation of the prohibition against dealing in gambling devices from a fine of up to \$10,000 or imprisonment of up to 5 years, or both (Class E felony) to a \$500 forfeiture (civil monetary penalty) if the violation involves video gambling machines.

Health and Social Services

Act 9 (AB-133) creates a system, entitled "Family Care", for the delivery of long-term care services. In general, Family Care:

1. Expands the scope and number of long-term care pilot projects existing under former law in eight counties and with the Oneida Tribe.

2. Provides financial assistance for long-term care and support items for a Family Care enrollee (generally, a person aged at least 18 with physical disabilities or infirmities of aging) and specifies requirements for functional eligibility, financial eligibility, cost-sharing,

Health and Social Services— continued

entitlement, divestment of resources and estate recovery and the means to prevent impoverishment of noninstitutionalized spouses.

3. Authorizes the formation of county and tribal resource centers to provide long-term care counseling and referral services, assessments of care needs, determinations of eligibility and cost-sharing and information about the range of publicly funded long-term care options.

4. Authorizes the formation of county and tribal care management organizations to accept enrollment of persons entitled to Family Care benefits, conduct enrollee assessments and develop enrollee care plans, provide or contract for necessary long-term care services and provide case management services.

5. Authorizes a county board to create a special purpose district, termed a Family Care District, and to appoint Family Care District Board members, with the powers to carry out the operation of a resource center or a care management organization (but not both). The act specifies procedures to appoint a Family Care District director, the duties of the director and the requirements to which a Family Care District is subject.

6. Creates procedures for hearings for denials of Family Care benefit eligibility or entitlement, determinations of cost-sharing, failure to provide timely services, reduction of services, unacceptable care plans and benefit terminations.

7. Requires nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes to inform prospective residents about Family Care and to refer certain persons to a resource center before admission.

8. Creates, until July 1, 2001, or the day after publication of the 2001-03 biennial budget act, whichever is later, a 15-member Council on Long-Term Care in DHFS, to assist DHFS in developing broad policy issues related to long-term care services and in other long-term care matters.

9. Requires county boards or county administrators or executives to appoint local long-term care councils in areas that participate in Family Care, to develop initial plans for the structure of resource centers and care management organizations and to perform other related duties.

Insurance

Act 9 (AB-133) creates a program, the Private Employer Health Care Purchasing Alliance, under which employers in the private sector may purchase health insurance coverage for their employees through DETF. The act requires DETF, in consultation with OCI, to design an actuarially sound health care coverage plan that will provide coverage beginning no later than January 1, 2001. The plan may not be implemented without the approval of the Private Employer Health Care Coverage Board, created in the act. Under the act, DETF is required to solicit and accept bids and make every reasonable effort to enter into a contract for the administration of the health care coverage plans. Any employer that elects to participate in the program must offer the coverage to all of its permanent employees who have a normal work week of 30 or more hours, and must pay for each employee at least 50% of the lowest

Insurance- continued

premium rate available to the employer for that employee under the program. The program ends on January 1, 2010.

Act 155 (SB-350) requires, with some exceptions, every insurer that issues a health benefit plan to provide an internal grievance procedure under which an insured may submit a written grievance to a panel for investigation. The panel must consist of at least one person authorized to take corrective action and at least one insured other than the grievant. The act also requires, with some exceptions, that every insurer issuing a health benefit plan provide an independent review procedure under which an insured who receives an adverse determination related to coverage and who, except for an emergency situation, has gone through the plan's internal grievance procedure may have the adverse determination reviewed by an independent review organization that is not affiliated with the insurer and that is certified by the Commissioner of Insurance. An independent review organization's decision on an adverse determination, such as whether an experimental treatment should be covered, is binding on both the insured and the insurer.

Local Law

Act 9 (AB-133) provides that a city, village, town, county or regional planning commission (local governmental unit) is eligible for a state land use planning grant from DOA to create or amend a comprehensive plan. The act requires that any such created or amended comprehensive plan contain certain planning elements, such as housing, transportation, utilities, community facilities, natural and cultural resources, economic development, intergovernmental cooperation, land use and plan implementation procedures. Beginning on January 1, 2010, any program or action of a local governmental unit that affects land use, such as zoning ordinances and annexation procedures, must be consistent with that local governmental unit's comprehensive plan. The act requires the UW-Extension to develop, no later than January 1, 2001, a model ordinance for traditional neighborhood development and a model ordinance for conservation subdivision. If the model ordinances are approved by certain standing committees of the legislature, every city and village, and every town with a population of at least 12,500, must enact a traditional neighborhood development ordinance and a conservation subdivision ordinance that is similar to the model ordinances. The act also requires the secretaries of DOA and DOR to propose jointly a Smart Growth Dividend Aid Program to distribute aid, beginning in fiscal year 2005-06, to cities, villages, towns and counties (political subdivisions) that have zoning and subdivision ordinances that are consistent with their comprehensive plans. The aid is to be distributed based on credits that the political subdivisions accumulate for certain types of new housing units that were sold or rented in the previous year (see also *State Government and Act 148*).

Act 167 (AB-892) creates a professional football stadium district (district) in any county with a population of more than 150,000 that contains the home stadium of a professional football team that is a member of a league of professional football teams (currently, only Brown County and the Green Bay Packers). A district is a special purpose district and a separate local governmental unit, governed by a district board whose members are appointed by local

elective officials. A district may issue up to \$16,000,000 in tax-exempt revenue bonds; acquire, construct and maintain football stadium facilities; and, subject to approval in a referendum of the county's electors, impose sales and use taxes at a rate of 0.5%. The proceeds of the sales and use taxes must first be used to pay the current debt service on the bonds issued by the district, and any remainder must be used for certain other specified purposes that include payment of the district's administrative expenses and the maintenance and operating costs of the football stadium facilities. Under the act, bonds issued by a district are not debts of the state or of the county or municipalities that are located within the district's jurisdiction, and the state pledges that it will not limit or alter the rights vested in the district until the bonds are fully discharged. Under the act, the state pledges to protect the rights of bondholders under bonds issued by a district. The act creates an individual income tax checkoff under which an individual may donate to the maintenance and operating cost fund of a district. The act authorizes DOT to create special license plates associated with professional football teams, part of the fees for which must be deposited into that fund. Construction and professional services contracts awarded by a district are subject to minority and women's business contracting goals.

Natural Resources

Act 9 (AB-133) establishes the Warren Knowles-Gaylord Nelson Stewardship 2000 Program, under which the state may issue bonds totalling up to \$46,000,000 over the next 10 years for various conservation purposes. The program consists of subprograms for land acquisition, for property development and local assistance, for protection of bluffs along rivers and for the Baraboo Hills. Certain maximum amounts are imposed, with some exceptions, on the annual bonding authority for each of the subprograms. Purposes for which funding may be used under the land acquisition subprogram include land acquisition for habitat and natural areas and land acquisition that preserves or enhances the state's water resources. Purposes for which funding may be used to provide local assistance include grants to acquire land for local parks, for urban green space or along urban rivers. Funding authorized for local assistance, as well as for property development on or adjacent to DNR lands, may be used only for nature-based outdoor recreation projects.

Public Utilities

Act 9 (AB-133) makes various changes to the laws regulating public utilities. The act:

1. Provides for the creation of a transmission company that plans, constructs, operates and maintains electric transmission facilities to provide an adequate and reliable electric transmission system. The transmission company must apply by November 1, 2000, for any state or federal approval that is necessary for beginning operations. The act establishes requirements and procedures for public utilities and cooperatives to contribute their electric transmission facilities and associated land rights to the transmission company. The act creates an exception to the limits under preexisting law on the amount of nonutility affiliate assets that may be held in a public utility holding company system if each public utility affiliate in such

a system commits by September 30, 2000, to contribute its transmission facilities and associated land rights to the transmission company (see also *Act 75*).

2. Creates utility public benefits programs for awarding grants for low-income energy assistance, energy conservation and efficiency services and the development of customer applications of renewable energy resources. The programs are established by DOA in consultation with the Council on Utility Public Benefits, which is created by the act. Under the act, the grants are awarded from a utility public benefits fund, consisting of public benefits fees charged to customers of electric utilities that are not municipal utilities. Retail electric cooperatives and municipal electric utilities are also required to charge public benefits fees, but may either pay the fees to DOA to contribute to the programs established by DOA or use the fees to fund their own similar programs.

3. Establishes renewable resource requirements for retail electric sales by electric utilities and cooperatives. By December 31, 2011, 2.2% of the total retail electric sales made by an electric utility or cooperative must be renewable energy. Alternatively, an electric utility or cooperative may comply with this requirement by purchasing from other electric utilities and cooperatives renewable resource credits that exceed the act's requirements.

State Government

Act 9 (AB-133) authorizes DOA to provide planning grants, funded with state general purpose revenue, to cities, villages, towns, counties and regional planning commissions (local governmental units). Each grant must be used to develop a comprehensive development plan that includes specified elements, such as housing, transportation, utilities, community facilities, agricultural, natural and cultural resources, economic development, intergovernmental cooperation, land use and plan implementation procedures. In approving grants, DOA must give preference to planning efforts that incorporate specified comprehensive planning goals, such as promotion of redevelopment of lands within existing infrastructure, encouragement of neighborhood designs that support a range of transportation choices, encouragement of land uses that promote efficient development patterns and preservation of cultural, historic and archaeological sites. The act also requires state agencies to ensure that, consistently with other laws, whenever they administer laws under which local governmental units prepare plans, the actions of the local governmental units under the plans are designed to further certain comprehensive planning goals (see also *Local Law and Act 148*).

Taxation

Act 5 (SB-114) modifies the lottery property tax credit so that the credit no longer applies to all taxable real property but applies only to property that is used as the property owner's principal dwelling. (The act restores, generally, the property tax lottery credit that was in effect before the decision of the Dane County Circuit Court in *Wisconsin Out-of-State Landowners Association, Inc. v. Wisconsin Department of Revenue*, Case No. 96CV000166, which held that the credit violated the uniformity requirement of the Wisconsin Constitution.)

Act 9 (AB-133) makes various changes related to taxation. The act:

1. Modifies the individual income tax structure by reducing the income tax rates, increasing the sliding scale standard deduction, creating personal exemptions, creating a fourth income tax bracket, increasing the married couple credit, making withholding table adjustments, eliminating miscellaneous deductions from the itemized deduction credit and eliminating the dependent and senior citizen tax credits.

2. Imposes annual recycling surcharges on businesses, under which: a) a corporation with at least \$4,000,000 in gross receipts for the taxable year pays a recycling surcharge generally equal to 3% of its gross tax liability; b) any other business entity with at least \$4,000,000 in gross receipts for the taxable year pays a recycling surcharge generally equal to 0.2% of its net income; and c) a business entity engaged in farming with no more than \$1,000,000 in gross receipts for the taxable year pays a recycling surcharge of \$25.

3. Modifies the penalty for converting agricultural land to other uses to a penalty that is equal to the difference between the property taxes that would have been levied on the land for the last two years if the land had been assessed at full market value, rather than as agricultural land, and the property taxes levied on the land for the last two years that the land has been assessed as agricultural land.

4. Changes the tax on tobacco products from an occupational tax to an excise tax to allow the state to tax tobacco products sold by Indian tribes. (Under federal law, a state may not impose an occupational tax on tobacco products sold by Indian tribes, but the state may impose an excise tax on such tobacco products.) The act authorizes DOR to enter into agreements with Indian tribes for refunding 50% of the tobacco products tax imposed on tobacco products that are sold on a tribal reservation to persons who are not enrolled members of the tribe residing on the reservation.

Act 10 (October 1999 Special Session AB-1) creates a one-time sales tax rebate for individuals, which may be claimed by residents, part-year residents and nonresidents of this state. Rebate amounts range from \$184 to \$534 based on factors including the claimant's 1998 Wisconsin adjusted gross income, marital status and filing status. The act also repeals the school property tax rent credit, which is an individual income tax credit based on the claimant's property tax paid or rent constituting property tax paid, and reduces the amount that is available under the school levy tax credit (see also *State Government - Other State Government, Health and Social Services - Medical Assistance and Act 198*).

Act 198 (May 2000 Special Session SB-1) restores the school property tax rent credit, which was repealed by Act 10. Generally, for taxable years beginning after December 31, 1999, the credit is 12% of the first \$2,500 of property taxes or rent constituting property taxes, and may be claimed by Wisconsin residents and part-year residents.

Transportation

DRIVING PRIVILEGES

Transportation- continued

Act 9 (AB-133) establishes a graduated driver licensing scheme, affecting eligibility criteria, privileges and penalties. The act:

1. Limits all persons holding an instructional permit, regardless of age, to driving only when accompanied by a qualified, licensed adult. Before applying for a driver's license, a driver must possess an instructional permit for not less than six months and complete at least 30 hours of driving experience (including at least 10 hours of nighttime driving experience), and may not have been convicted of a specified traffic offense committed within six months of applying for a driver's license. The act makes instructional permits valid for up to 12 months and increases the permit fee from \$20 to \$25.

2. Allows DOT to issue a probationary license to applicants who meet the eligibility and experience requirements of the instructional permit phase. Initial issuance of a driver's license commences a two-year probationary period, during which the number of demerit points ordinarily assessed against the driving record of an individual convicted of a second or subsequent specified traffic offense within 12 months is doubled. During the first nine months following issuance of a probationary license, a newly licensed driver under 18 years of age may not: a) transport more than one other person, other than immediate family members and qualified licensed adults; or b) drive between the hours of 12 midnight and 5 a.m., except to and from his or her residence, school or work, or unless accompanied by a qualified licensed adult. These driving restrictions are extended for an additional six months, or until the youthful licensee's 18th birthday, whichever occurs first, if the youthful licensee violates these restrictions, commits an offense specified by DOT by rule or has his or her operating privilege suspended for any reason other than a mental or physical disability. Passenger and driving time restrictions do not apply to driving under emergency situations or in the service of a qualified teen safe-ride program (any organized program that transports teenagers to their homes free of charge).

3. Allows unrestricted driving by: a) a driver who is at least 18 years of age; or b) a driver who is at least 16 years of age but under 18 years of age and who has had a probationary license for at least nine months, if the driver has not violated any applicable driving restriction, has not committed any offense specified by DOT by rule and has not had his or her operating privilege suspended, or if the driver has completed any six-month extension of his or her probationary license without any such violation, offense or suspension.

DRIVING WHILE INTOXICATED

Act 109 (SB-125) makes various changes in the laws regarding operating or driving a motor vehicle while under the influence of an intoxicant (OWI). The act:

1. Requires the courts to suspend the operating privilege (driver's license) of any juvenile convicted within 12 months of a second or subsequent specified underage drinking offense involving a motor vehicle.

2. Requires DOT to award "safe-ride" grants to pay up to 50% of the costs of local programs that drive intoxicated persons home from premises licensed to sell alcohol

Transportation- continued

beverages and increases, from \$340 to \$345, the driver improvement surcharge paid by persons convicted of intoxicated driving, to pay for the grants.

3. Prohibits a person who has three or more prior convictions, suspensions or revocations resulting from an OWI offense from operating a motor vehicle if the amount of alcohol in the person's blood exceeds a 0.02 alcohol concentration.

4. Requires a court, when counting the number of previous OWI convictions, suspensions or revocations for purposes of determining a person's penalties for a current OWI offense, to count any convictions the person has in his or her lifetime for killing or causing great bodily harm to another as the result of an OWI offense. Previously, only convictions for OWI offenses that occurred after December 31, 1989, were counted when determining the applicable penalties.

5. Changes former law to permit a court to restrict a person's operating privilege (driver's license) for a revocation period to operating motor vehicles equipped with an ignition interlock device if the person is convicted of an OWI offense and has one or more prior OWI convictions, suspensions or revocations. The act requires the person to pay for the cost of equipping a motor vehicle with an ignition interlock device and for maintaining the device.

6. Changes former law to permit a court to order a motor vehicle that was used by a person in the commission of an OWI offense to be immobilized for a revocation period if the person has one or more, rather than two or more, prior OWI convictions, suspensions or revocations. The act requires the person to pay for the cost of equipping a motor vehicle with an immobilization device and for maintaining the device.

7. Permits a court to seize and order the sale of a motor vehicle used by a person in the commission of an OWI offense if the person has two or more prior OWI convictions, suspensions or revocations and deletes the requirement under former law that a court seize and order the sale of such a motor vehicle if the person had three or more prior OWI convictions, suspensions or revocations.

8. Increases the range of fines for a second OWI conviction from \$300 to \$1,000 to \$350 to \$1,100 and doubles, triples or quadruples the fine for an OWI conviction based on a person's alcohol concentration at the time of an offense.

9. Creates an Ignition Interlock Device (IID) Program and requires DOT to promulgate rules to implement the program. The rules must include selecting persons to install and service IID's, determining charges for IID use, encouraging voluntary use of IID's and requiring reports to DOT regarding IID installation, servicing, tampering and failure.

10. Prohibits work release privileges to any person incarcerated in a state prison or county jail if the person has failed to obtain an assessment or complete a driver safety plan ordered as the result of an OWI conviction and the person has sufficient resources to do so.

OTHER TRANSPORTATION

Act 88 (AB-315) makes several changes to the law relating to the release of personal information that is collected by DOT. The act:

Transportation- continued

1. Requires DOT to include on certain application forms, including application forms for certificates of title and motor vehicle licenses, a place for an applicant to designate that his or her personal identifiers may not be released by DOT in lists of 10 or more people except to certain authorized persons.

2. Expands the categories of persons who are authorized to receive personal identifiers that are designated for nondisclosure to include insurers who are authorized to write life, disability or long-term care insurance and prohibits certain persons who are authorized to receive the personal identifiers from disclosing the personal identifiers for marketing purposes.

3. Imposes a \$500 forfeiture for any disclosure of a personal identifier that is designated for nondisclosure or for requesting or obtaining a personal identifier designated for nondisclosure under false pretenses. Formerly, the \$500 forfeiture applied only to a person who *wilfully* disclosed such personal identifiers or who *wilfully* requested or obtained such personal identifiers under false pretenses (see also *Natural Resources - Other Natural Resources* and *Occupational Regulation - Professional Licensing*).

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Crime and Criminal Procedure

Assembly Bill 465 and Senate Bills 237 and 357 would have classified all felonies in a new nine-tier uniform classification system based on the severity of the offense, eliminated certain penalty enhancers and certain minimum penalty requirements, made certain changes regarding extended supervision and created a sentencing commission to promulgate advisory sentencing guidelines.

Discrimination

Assembly Bill 469 would have eliminated the prohibition against discrimination in employment based on conviction record for a convicted felon who has not been pardoned, whether or not the circumstances of the felony substantially relate to the circumstances of the particular job.

Education

Assembly Bill 690 would have established a Heritage Trust Program, administered by the State Historical Society, for the purpose of awarding grants for historic preservation to state agencies, local governmental units and nonprofit organizations.

Elections

Assembly Bills 256 and 701 and Senate Bills 111, 113 and 190 would have substantially revised the state campaign finance law.

Environment

Assembly Bill 602 and Senate Bill 303 would have required DNR to approve or reject applications for certain licenses, permits, approvals or determinations within a specified time or the application would be considered approved.

Assembly Bill 775 and Senate Bill 414 would have established additional criteria for the approval by DNR of permits for high-capacity wells, such as wells used to supply facilities that bottle water.

Financial Institutions

Assembly Bill 563 would have permitted a state-chartered bank, state-chartered savings bank or state-chartered savings and loan institution to be certified as a universal bank, a new type of financial institution with expanded powers.

Assembly Bill 612 would have regulated persons who make payday loans.

Senate Bill 96 would have prohibited certain lenders licensed by this state from charging greater than 26% interest.

Financial Institutions- continued

Senate Bill 274 would have changed the laws relating to credit union membership, powers and operations and would have excluded credit unions from the group of businesses that are regulated under the agriculture, trade and consumer protection statutes.

Senate Bill 325 would have prohibited, with certain exceptions, a state, national or federal financial institution from charging a person a fee for a transaction using an automated teller machine.

Health and Social Services

Assembly Bills 705, 745 and 815 and Senate Bills 335, 357, 377 and 476 would have created programs to partially fund the costs of prescription drugs for persons aged at least 65.

Taxation

Assembly Bill 735 would have required a corporation that does business both inside and outside the state to apportion its income, for income tax and franchise tax purposes, using an apportionment formula based on a single sales factor.

Assembly Bill 801 and Senate Bill 411 would have exempted the property of an air carrier company that operates a hub facility in this state from general property taxes and ad valorem taxes.

Transportation

DRIVING PRIVILEGES

Assembly Bill 648 would have restored the circuit court and municipal court authority, repealed in Act 9, to suspend or revoke the driving privilege of a juvenile who fails to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

TRAFFIC AND PARKING REGULATION

Assembly Bill 143 would have established primary enforcement of safety belt use requirements for persons in motor vehicles.

Assembly Bill 336 would have created a penalty enhancer for “aggressive driving”, defined as committing at least three moving violations in a single course of conduct.

SUMMARY OF PROPOSALS ENACTED BY THE 1999 LEGISLATURE

Agriculture

Act 9 (AB-133) makes various changes in the laws related to agriculture. The act:

1. Provides \$40,000,000 in general obligation bonding authority to provide matching funds for participation in the federal Conservation Reserve Enhancement Program (CREP). Under CREP, payments are made to farmers for removing land from agricultural production in order to improve water quality, erosion control and wildlife habitat in specified areas.

2. Makes changes in the Soil and Water Resource Management Program. The act:

e. Establishes requirements for land and water resource management plans that must be prepared by each county's Land Conservation Committee (LCC), which performs activities to protect soil and water quality.

f. Requires DATCP and DNR to implement a single process for applying for grants under DATCP's Soil and Water Resource Management Program and under DNR's programs that provide financial assistance for reducing water pollution from nonpoint (diffuse) sources and requires each LCC to annually prepare a single grant application for those programs. The application must be consistent with the county's land and water resource management plan.

g. Requires DATCP to award an annual "basic allocation" grant to each county that has an approved land and water resource management plan and that provides matching funds for the portion of the grant that is for county staff. A county may use the basic allocation grant for land and water resource management planning, for county land conservation personnel, for cost-sharing grants to landowners to conduct land and water resource management projects and for technical assistance, training and administration related to land and water resource management and controlling nonpoint source water pollution (see also *Environment*).

3. Eliminates the requirement that an exclusive agricultural use zoning ordinance under the Farmland Preservation Program, under which certain farmers qualify for income tax credits, require a minimum parcel size of 35 acres to establish a residence or a farm operation and instead requires such an ordinance to specify a minimum lot size.

4. Requires DATCP to develop a proposal for a pesticide sales and use reporting system and, if JCF approves the proposal, to administer a pilot program to test the pesticide sales and use reporting system.

5. Establishes a program under which DATCP provides grants to local drainage district boards to assist the boards in complying with laws related to drainage districts.

6. Establishes a program under which DATCP provides financial assistance to owners of livestock herds for conducting testing for paratuberculosis (commonly called Johne's disease), a disease that affects cattle and other ruminants.

7. Modifies the regulation of persons who operate nurseries (places where plants are grown for sale) and of persons who sell plants that they do not grow (nursery dealers) by,

Agriculture- continued

among other things, generally increasing the license fees that these persons must pay, establishing record-keeping and labeling requirements and establishing a licensing requirement for persons who grow Christmas trees.

8. Authorizes DATCP to accept through electronic means applications and payments for licenses issued and services provided by DATCP and to establish by rule fees to cover its electronic processing costs.

Act 50 (AB-351) provides that a dog is not considered to be running at large if it is actively engaged in a hunting activity, is monitored or supervised and is on land that is open to hunting or on which permission to hunt has been given. A dog that is running at large may be taken into custody and the owner may be required to pay a civil penalty.

Act 55 (SB-378) establishes a program, beginning on July 1, 2001, and ending no later than June 30, 2006, under which DATCP makes payments to ethanol producers that have been producing ethanol in this state for fewer than five years. The payments may not exceed 20 cents per gallon and are limited to \$3,000,000 per recipient per year.

Act 107 (SB-358) transfers this state's animal health laboratory from DATCP to the UW System, creates a board to oversee operation of the laboratory, changes the name of the laboratory to the Veterinary Diagnostic Laboratory and increases staffing for the laboratory.

Act 160 (AB-314) provides that, in a contract for the sale of an animal of a type specified by DATCP by rule, there is an implied warranty that the animal is not infected with a covered disease unless the seller discloses the management classification of the animal's herd with respect to the covered disease and discloses that the animal is a reactor to the disease, if that is the case. A reactor is an animal that reacts positively to a test for a disease. The act requires DATCP to promulgate rules that specify covered diseases and that prescribe a system for determining the management classifications of herds, in addition to specifying the types of animals for which an implied warranty exists.

Act 197 (AB-796) expands the State Fair Park Board (SFPB), establishes qualifications for the members of SFPB and authorizes SFPB to organize a nonprofit corporation to raise funds and provide support for the operation, management and development of the State Fair Park (see also *State Government - State Building Program*).

Beverages

Act 9 (AB-133) makes changes to the laws related to alcohol beverages. The act:

1. Extends the Wisconsin Fair Dealership Law to certain liquor wholesalers (see *HIGHLIGHTS*).

2. Prohibits municipalities and DOR from considering violations involving video gambling devices in any action concerning a license or permit to sell alcohol beverages (see *HIGHLIGHTS, Gambling*).

Act 163 (AB-717) allows a brewer that produces less than 124,000 gallons of beer annually to possess up to four Class "B" licenses (licenses for the sale of beer to be consumed on or off the premises) for qualifying restaurants, in addition to the two Class "B" licenses that any brewer may possess.

Buildings and Safety

Act 9 (AB-133) contains several provisions relating to the buildings and safety laws. The act:

1. Requires municipalities with populations of 2,500 or less to adopt a resolution in order to exempt one-family and two-family dwellings within the municipalities from local, county or state uniform dwelling code inspections. Under the act, a municipality with a population of 2,500 or less may enact an ordinance to locally enforce the uniform dwelling code; adopt a resolution requesting the applicable county to enforce the uniform dwelling code; adopt a resolution not to exercise these enforcement options; or take no official action, in which case the Department of Commerce will enforce the uniform dwelling code throughout the municipality.

2. Exempts certain home heating oil storage tanks from Department of Commerce rules that require the testing of tanks that store flammable or combustible liquids, and of connected piping and ancillary equipment to prevent an inadvertent release of a stored substance. This exemption applies only to a tank that is installed before October 29, 1999, has a capacity of less than 1,100 gallons and is used to store heating oil for residential, consumptive use on the premises where stored.

3. Transfers responsibility for registering and titling mobile homes from DOT to the Department of Commerce and transfers responsibility for regulating mobile home parks and mobile home dealers from DOA to the Department of Commerce.

4. Changes the eligibility requirements for the Private Sewage System Replacement or Rehabilitation Grant Program, under which the Department of Commerce makes grants to individuals and businesses to assist in the replacement or rehabilitation of failing private sewage systems. While under former law an individual was eligible for a grant only if his or her annual family income was not more than \$45,000, the act requires the individual's adjusted gross family income for federal income tax purposes to be not more than \$45,000. The act also deletes the requirement under former law that the residence or establishment served by the failing private sewage system be constructed and, in the case of a residence, inhabited before July 1, 1978, and instead requires that the failing private sewage system be installed before July 1, 1978.

5. Establishes a program under which, in a year in which grants under the Private Sewage System Replacement or Rehabilitation Grant Program are prorated because of insufficient funds, the Department of Commerce and DOA may make a no-interest loan to a local governmental unit to increase the amount of private sewage system replacement or rehabilitation grants that may be made to persons within the local governmental unit's jurisdiction.

6. Authorizes the Department of Commerce to contract with a private, nonprofit organization to provide education to builders regarding the uniform dwelling code.

Act 43 (AB-203) requires certain UW System residence halls to be retrofitted with automatic fire sprinkler systems by January 1, 2006.

Buildings and Safety- continued

Act 53 (AB-807) makes changes regarding the scope of certain laws governing mobile homes, manufactured homes and certain mobile home transactions. The act also exempts a mobile home or manufactured home that is a fixture to real estate from certain requirements relating to security interests. (A fixture is something that is so related to a piece of real estate that, for legal purposes, it is considered to be a part of the real estate.)

Act 72 (SB-144) prohibits smoking in the state capitol building and in the immediate vicinity of the state capitol building.

Business and Consumer Law

ECONOMIC DEVELOPMENT AND INVESTMENT

Act 9 (AB-133) makes a number of changes relating to economic development. The act:

1. Creates a Gaming Economic Development Grants and Loans Program, under which the Department of Commerce may make a grant or loan of up to \$100,000 for fixed-asset financing, or a grant of up to \$15,000 for professional services to a business that has been negatively impacted by the existence of a casino and that needs financial assistance to improve its profitability. The program is funded by Indian gaming revenue.

2. Creates a Gaming Economic Diversification Grants and Loans Program, under which the Department of Commerce, with the concurrence of the Department of Tourism, may make a grant or loan to a business for a project to diversify the economy of a community. The program is funded by Indian gaming revenue.

3. Requires the Department of Commerce to make the following grants from Indian gaming revenue:

a. Grants to the city of Milwaukee to fund a program under which the Milwaukee Economic Development Corporation makes grants to persons for remediation and economic redevelopment projects in the Menomonee Valley.

b. Grants to the Northwest Regional Planning Commission for establishing a community-based venture fund.

c. Grants to Brown County for economic development.

d. A grant to a city that was required to replace its city well because of highway construction.

e. A grant to the Swiss Cultural Center for construction of a cultural center in the village of New Glarus.

4. Creates the Urban Area Early Planning Grants Program, under which the Department of Commerce may make a grant to a person to fund preliminary planning of the expansion or start-up of a business in a city, village or town with a population of more than 6,000 or in a city, village or town that is located in a county with a population density of at least 150 persons per square mile. A grant may be used for a feasibility study or for preparing a marketing or business plan.

5. Eliminates the Manufacturing Assistance Grants Program, under which the Development Finance Board awarded and the Department of Commerce paid grants for

manufacturing assessments, for providing customized training for the employees of a business's supplier businesses and for manufacturing extension center technology transfer programs. In its place, the act creates the Manufacturing Extension Center Grants Program, under which the Department of Commerce may make grants to provide support for manufacturing extension centers.

6. Requires the Department of Commerce to make grants to the Wisconsin Procurement Institute to further the institute's efforts to secure federal government contracts and create jobs in the state.

7. Makes a number of changes to the Development Zone Program, under which a person engaging in economic activity in a development zone, a development opportunity zone or an enterprise development zone, each of which is an area designated by the Department of Commerce on the basis of various depressed economic factors, may receive certain tax benefits. The changes include:

a. Adding a development zones investment credit to the tax benefits that a person may claim for engaging in economic activity in a development opportunity zone (see also *Taxation*).

b. Increasing the total amount of tax benefits that may be claimed in the development zones.

c. Increasing the amount of tax benefits that a person may claim for engaging in various types of economic activities in a development zone, a development opportunity zone or an enterprise development zone.

d. Creating a new development opportunity zone in the city of Kenosha.

e. Creating new criteria for designating an enterprise development zone based on whether a project will provide environmental remediation.

f. Increasing from 50 to 79 the number of enterprise development zones that the Department of Commerce may designate.

8. Increases the amount that the Department of Commerce must award under the Brownfields Grant Program (a grant program for redevelopment of brownfields, which are abandoned, idle or underused industrial or commercial facilities or sites that are adversely affected with respect to expansion or redevelopment by actual or perceived environmental contamination) and extends the program to the 2000-01 fiscal year.

9. Eliminates WHEDA's Brownfields Remediation Loan Guarantee Program, under which WHEDA guaranteed repayment of a portion of a loan made by a private lender for expenses associated with the remediation of contamination at a brownfields site, and transfers to the environmental fund \$4,000,000 used to back the guarantees.

10. Makes a number of changes to the Recycling Market Development Program, under which the Recycling Market Development Board (RMDB) provides financial and other assistance to improve the marketing of, and to develop markets for, certain materials recovered from solid waste and which, under former law, was to be eliminated, along with the RMDB, on June 30, 2001. The changes include:

a. Eliminating the termination of the program and continuing the RMDB and changing its composition.

b. Authorizing the RMDB to award grants, loans or manufacturing rebates to governmental units or business entities for projects related to marketing recovered materials or to developing markets for recovered materials.

c. Requiring the Department of Commerce to award, at the request of the RMDB, a grant in each fiscal year to a private, nonprofit organization that provides waste reduction and recycling assistance through business-to-business peer exchange.

d. Requiring the Department of Commerce to annually contract for the operation of a statewide materials exchange program.

e. Requiring the RMDB to award a grant to the West Central Wisconsin Biosolids Facility Commission to determine the feasibility of creating and marketing sludge-based products and to develop markets for the biosolid materials produced by the West Central Wisconsin Biosolids Facility Commission from waste products.

11. Eliminates the Cultural and Architectural Landmark Loan Guarantee Program, under which WHEDA guaranteed loans made for acquiring, improving or rehabilitating cultural and architectural landmarks, including a loan to the Taliesin Preservation Commission, and transfers moneys for the purpose of repaying a portion of the Taliesin Preservation Commission's defaulted loan, guaranteed by WHEDA.

12. Authorizes the Rural Economic Development Board to award a loan to a business that is starting or expanding and that is or will be located in a city, village or town that has a population of 6,000 or less, or in a city, village or town that is located in a county with a population density of less than 150 persons per square mile, to purchase land or buildings or to fund job training costs and employee relocation costs.

13. Increases the maximum size of a small business that is eligible for assistance under the Business Development Initiative Program, under which the Department of Commerce provides financial, technical and managerial assistance to individuals, small businesses and nonprofit organizations for the purpose of providing employment opportunities and business-ownership opportunities for persons with severe disabilities.

14. Requires the Department of Commerce to make the following grants:

a. A grant to the town of Rib Mountain for drilling a new water well.

b. A grant to CAP Services, Inc., for providing technical assistance and management services to small businesses.

c. A grant to a county for providing financial assistance to the Young Women's Christian Association for construction of a domestic violence shelter.

d. A grant for the cleanup of a brownfields site in the city of Kenosha and for development of the site as a park.

15. Authorizes the Department of Commerce to make a grant to a consortium in the Racine-Kenosha area for a manufacturing technology training center and a grant to the city of Menasha for pedestrian enhancements to its city square.

Business and Consumer Law- continued

16. Requires the Department of Commerce to make a loan from the Wisconsin development fund to City Brewery in the city of La Crosse for a use that must be approved by the Secretary of Commerce.

17. Authorizes the Department of Commerce to make a loan from the Wisconsin development fund for a project that includes a pedestrian bridge.

Act 106 (AB-833) requires the Department of Commerce to organize and assist in maintaining a nonstock, nonprofit high-technology business development corporation that will promote and support the development and retention of science-based and technology-based businesses in the state.

Act 177 (AB-471) authorizes the Department of Commerce to make a grant to a small business for providing current or prospective employees with skills training or other education related to the needs of the business.

Act 193 (AB-841) increases from 84 months to 240 months the time that the designation of an area as a development zone is in effect and authorizes a 60-month extension, rather than five 12-month extensions, of that time. (While an area is designated as a development zone under the Development Zone Program administered by the Department of Commerce, a person conducting economic activity in the area is eligible for certain tax credits.)

TOURISM

Act 9 (AB-133) makes various changes in the laws relating to tourism. The act:

1. Requires the Department of Tourism to use Indian gaming revenue for state tourism marketing expenses; for a grant to the Burnett County Historical Society for educational programming and advertising costs for Fort Folle Avoine; for grants to Polk County and Burnett County for tourism promotion in northwest Wisconsin; and for grants to the Milwaukee Public Museum for Native American exhibits and activities.

2. Requires the Department of Tourism to allocate moneys for grants to America's Black Holocaust Museum in the city of Milwaukee.

3. Requires the Department of Tourism to make a grant to each of two eligible recipients, which may be a county or a consortium, to establish and maintain a tourism-related business referral system on the Internet.

4. As an exception to the open records law requirements, authorizes the Department of Tourism to refuse to reveal, except to representatives of the news media, identifying information, such as names and addresses, from any list that the Department of Tourism has compiled of persons who have requested travel information from the Department of Tourism.

OTHER BUSINESS AND CONSUMER LAW

Act 9 (AB-133) makes various other changes regarding business and consumer law. The act:

1. Regulates the disposal and possession of certain documents containing personal information (see *HIGHLIGHTS*).

2. Narrows the unclaimed property laws so that, with certain limited exceptions, those laws do not apply to a credit balance issued to a commercial customer account by a business association in the ordinary course of business.

3. Provides that a contract for the display of a free newspaper in a public place may not prohibit the person displaying the newspaper from displaying any other free newspaper in that public place.

4. Creates a consumer information assessment that courts must collect whenever courts impose fines or forfeitures (civil monetary penalties) for violations of certain consumer protection and trade practices laws, including laws relating to weights and measures. The assessment is set at 15% of the fine or forfeiture imposed.

5. Prohibits the owner of a mobile home park from interfering with the provision of cable television service to residents of the mobile home park, which is comparable to a prohibition under preexisting law that applies for condominiums and other multiunit dwellings that are under common ownership, management or control.

Children

Act 9 (AB-133) makes various changes relating to children. The act:

1. Permits a child's parent or guardian to consent to alcohol or drug testing of the child without the child's consent. Generally, both a child 14 years of age or over and the child's parent or guardian must consent before voluntary mental health treatment may be provided to the child.

2. Extends the grounds for termination of parental rights to include, in addition to homicide of a child's parent, solicitation to commit homicide of a child's parent.

3. Prohibits the juvenile court from granting physical placement or visitation with a child to a person, including the child's parent, who has been convicted of the first-degree or second-degree intentional homicide of a parent of the child, unless the placement or visitation would be in the best interests of the child.

4. Eliminates or limits to American Indian tribes certain DHFS grant programs relating to youth alcohol and other drug abuse, adolescent pregnancy and other adolescent services and creates instead a Brighter Futures Initiative under which DHFS distributes grants for programs to prevent and reduce the incidence of youth violence and other delinquent behaviors, youth alcohol and other drug abuse, child abuse and neglect and adolescent pregnancy; to increase the use of abstinence as a method of preventing nonmarital pregnancy; and to increase adolescent self-sufficiency by encouraging high school graduation, vocational preparedness, improved social and other interpersonal skills and responsible decision-making. The act also requires DHFS to provide a set of benchmark indicators to measure the outcomes of a program funded under the initiative and permits DHFS to renew a grant only if a recipient shows improvement on those indicators.

5. Makes various changes to the caregiver background check law (see also *Health and Social Services – Other Health and Social Services*).

Children- continued

6. Permits a foster home to care for no more than four children or, if necessary for a sibling group to remain together, no more than six children or, if DHFS permits a different number of children by rule, the number of children permitted under the rule. Preexisting law permitted a foster home to care for no more than four children unless all of the children were siblings.

7. Increases the monthly age-related basic maintenance rates paid to foster parents.

8. Authorizes DHFS to use state and federal Foster Care and Adoption Assistance moneys to contract with private adoption agencies to provide adoption and postadoption services for children with special needs.

9. Changes former law to permit a parent of a child who is the subject of a child abuse or neglect report to authorize records relating to the report to be disclosed for use in an adoption proceeding, in addition to a child custody proceeding.

10. Requires DHFS to establish and counties to implement a statewide automated child welfare information system (SACWIS) before July 1, 2005; permits DHFS, beginning on July 1, 2001, to distribute any unencumbered federal Foster Care and Adoption Assistance moneys only to counties that are making a good faith effort to implement SACWIS; and permits DHFS to recover from a county that does not implement SACWIS by July 1, 2005, any of those moneys distributed to that county after June 30, 2001.

11. Requires DHFS to distribute, from a portion of the sales tax and use tax collected on goods shipped into this state under voluntary agreements between DOR and out-of-state direct marketers, grants to counties to fund services for children and families (see also *Taxation*).

12. Permits the Building Commission to provide a grant to the Milwaukee Police Athletic League to assist in the construction of a youth activities center in the city of Milwaukee.

13. Requires DHFS to distribute general purpose revenues to the Children's Safe House Child Care Program in Kenosha County.

Act 20 (AB-144) permits child abuse and neglect records to be disclosed to DOC, DHFS, a county or any person under contract with DOC, DHFS or a county to exercise custody or supervision over a person who is subject to a correctional community placement, such as probation, parole or extended supervision, for purposes of investigating or providing services to a person who is subject to such a placement and who is the subject of a child abuse or neglect report.

Act 103 (SB-504) makes certain minor substantive changes relating to children. The act:

1. Requires the juvenile court to order the parent of a child placed outside the child's home to provide a statement of income, assets, debts and living expenses to the county or, in Milwaukee County, to DHFS and requires the county or DHFS to use that information to determine whether the state may claim federal Foster Care and Adoption Assistance reimbursement for providing care for the child. Preexisting law required that statement to be provided to the juvenile court, the agency designated to provide a dispositional report to the

court or the agency primarily responsible for implementing the court's dispositional order, which agency might not necessarily be the county or DHFS.

2. Permits a county or, in Milwaukee County, DHFS to license a foster home in another county on the request of the other county or, in Milwaukee County, on the request of DHFS. Generally, a county may only license a foster home in its own county and DHFS may only license a foster home in Milwaukee County.

3. Changes preexisting law to require a child's relative who is applying for payments under the Kinship Care or Long-Term Kinship Care Programs for providing care for the child to apply for other forms of assistance for which the child, rather than the relative, may be eligible.

Act 133 (AB-706) permits a relative of an 18-year-old full-time student who is in good academic standing and who is reasonably expected to be granted a high school or high school equivalency diploma to receive payments under the Kinship Care and Long-Term Kinship Care Programs for providing care for the student. Preexisting law permitted those payments only for providing care for a person under 18 years of age.

Act 149 (SB-106) permits the juvenile court to request a court-appointed special advocate program to designate a court-appointed special advocate (CASA) to perform certain activities in connection with a proceeding for a child in need of protection or services, including gathering information and making observations about the child for whom the CASA was designated and the child's family; maintaining regular contact with the child and monitoring the appropriateness and safety of the child's environment, the extent to which the child and the child's family are complying with the court's dispositional order and the extent to which the agency providing services to the child and the child's family is providing those services; and otherwise promoting the best interests of the child.

Act 162 (AB-610) gives relatives by adoption the same rights and responsibilities, and subjects those relatives to the same requirements, as blood relatives in various areas of the law, including such areas as juvenile justice, criminal law, fair housing, consumer transactions, insurance, health, domestic relations, worker's compensation, public employee trust fund benefits, powers of attorney for finances and property, employment, taxation, corporations and public utilities.

Act 192 (AB-778) makes certain changes relating to child abuse and neglect investigations conducted by a county, a child welfare agency or, in Milwaukee County, DHFS (collectively, "agency"). The act:

1. Requires DHFS to establish a procedure by which a person who has been found by an agency to have abused or neglected a child may appeal that finding.

2. Permits an agency to disclose confidential child abuse and neglect records to a citizen review panel established by DHFS or a county to evaluate the effectiveness of the agency in discharging its child protective services responsibilities.

3. Requires an agency, under certain circumstances and subject to certain exceptions, to disclose, on the request of any member of the general public, certain information relating to

a child who has died or been placed in serious or critical condition as a result of child abuse or neglect.

Constitutional Amendment

Enrolled Joint Resolution 2 (*Assembly Joint Resolution 2*) requires that certain moneys received by the state be used for property tax relief for residents of this state (see *HIGHLIGHTS*).

Correctional System

ADULT CORRECTIONAL SYSTEM

Act 9 (*AB-133*) makes various changes relating to the adult correctional system. The act:

1. Prohibits DOC from entering into a contract that may result in a prisoner having access to certain information about other individuals.
2. Prohibits private business prison employment programs from displacing other workers and requires that each new or amended private business prison employment contract specify the program's location.
3. Changes the allocation of a prisoner's Huber Law wages to give court-ordered support of the prisoner's dependents higher priority than payment of the prisoner's board.
4. Extends from July 1, 1999, to July 1, 2001, the authority of DOC to operate the secured juvenile correctional facility at Prairie du Chien as a state prison for the placement of nonviolent offenders under 21 years of age.

Act 89 (*AB-613*) makes various changes in the law relating to sex offender registration, in part to comply with federal law. The act:

1. Adds certain crimes to the list of sex offenses covered by the registration requirement.
2. Requires certain persons found to have committed a sex offense by a court of another jurisdiction and who live, work or go to school in Wisconsin and persons placed on lifetime supervision for committing a serious sex offense in Wisconsin to register as sex offenders.
3. Eliminates mandatory registration for juveniles found to be in need of protection or services for acts which would constitute a sex offense if committed by an adult.
4. Expands the set of circumstances under which a person may be required to register for life.
5. Permits DOC to collect additional information from registrants and provides additional methods for DOC to verify information provided by registrants for inclusion in the registry.
6. Increases the penalty for second and subsequent violations of the registration requirements.
7. Requires DOC to establish an Internet site for the release of information from the registry (see also *Real Estate*).

Act 151 (AB-795) requires that, whenever a county jail transfers a prisoner to DOC or to another county's jail, it provide DOC or the other county's jail information regarding the prisoner's medical condition and history at the time of the transfer. The act imposes the same requirements on DOC when it transfers a prisoner to a county jail. The act also requires each health care provider to inform DOC or a county jail about the medical care it provides to a prisoner and exempts prisoner health care records from certain confidentiality requirements that otherwise apply to health care records.

Act 156 (AB-99) changes the time by which certain persons required to register as sex offenders must provide information to DOC. If the person is being placed on parole or extended supervision, is on probation, parole or extended supervision in another state and is entering Wisconsin or is on parole or extended supervision and knows that he or she is moving to a new address, the person must register beforehand.

JUVENILE CORRECTIONAL SYSTEM

Act 9 (AB-133) makes various changes relating to the juvenile correctional system. The act:

1. Expands prior law to permit placement in secured group homes under county supervision, in addition to placement under DOC supervision in a secured juvenile correctional facility or a secured child caring institution, for juveniles who have been adjudicated delinquent and found to be a danger to the public and in need of restrictive custodial treatment or who have been convicted of a crime in adult court. The act authorizes DOC to license no more than five counties or consortia of counties to operate no more than five secured group homes for these placements.

2. Increases funding to counties to purchase or provide delinquency-related services (youth aids) and directs DOC to allocate that increased funding based on each county's proportion of the state's juvenile population, statewide juvenile arrests for certain offenses and statewide juvenile correctional placements; sets the per person daily rate that is assessed on counties for state-provided juvenile correctional services; and makes various other minor changes relating to the distribution of youth aids funding.

3. Reduces from \$5,000 per year per slot to \$3,000 per year per slot the amount that DOC must provide to purchase community-based treatment services for participants in the Corrective Sanctions Program, under which a juvenile who has been placed in a secured juvenile correctional facility is released to the community under intensive surveillance and provided community-based treatment services.

Courts and Civil Actions

Act 7 (AB-239) provides civil immunity for a trained person who uses a semiautomatic defibrillator in rendering in good faith emergency care to an individual who appears to be in cardiac arrest, for the owner of the semiautomatic defibrillator, for the person who provides the semiautomatic defibrillator for use and for the provider of training in the use of the semiautomatic defibrillator. The immunity does not extend to a health care professional who renders this care for compensation or to a person who is grossly negligent in the use of the semiautomatic defibrillator.

Act 9 (AB-133) makes various changes regarding courts and civil actions. The act:

1. Requests the Wisconsin Supreme Court to expand its rules requiring members of the State Bar of Wisconsin to provide their social security numbers to the Board of Bar Examiners by also requiring each member of the State Bar of Wisconsin who does not have a social security number to provide the Board of Bar Examiners with a statement under oath that the person does not have a social security number and by invalidating that person's bar membership if the statement is false (see also *Domestic Relations*).

2. Authorizes personal service of a summons and complaint or citation in a municipal court action to be provided by an adult who is a resident of the state where service is made and who is not a party to the action. Preexisting law required that such personal service needed to be provided by a municipal employee.

3. Allows a defendant in a municipal court case to appear in the proceeding by telephone or interactive video and audio transmission if the defendant consents, with the proceedings taking place before the judge or commissioner in the municipal courtroom or other place reasonably accessible to the public.

4. Increases from \$7 to \$9 the justice information system fee, which is used to establish and maintain a statewide computerized justice information system and which is paid by a person filing in circuit court a civil action, a third-party complaint, an appeal of an administrative decision, a garnishment or wage earner action or a forfeiture action.

5. Increases from \$5,000 to \$20,000 the maximum amount that a school governing body may recover from the parent of a minor child for damage caused by the minor child if the act of the minor child endangers the property, health or safety of persons at the school or damages school property and results in a substantial disruption of school activities or if the act of the minor child is a violation of a criminal law prohibiting arson, damage to property, manufacture or use of fire bombs or creating a bomb scare.

6. Grants immunity from liability to any person for damages resulting from the person's use of solid waste if that solid waste has been determined by DNR to have a beneficial use in a public works project. The immunity applies to acts or omissions by the person that were permitted or required while performing work under a contract for a public works project, but does not apply to acts or omissions that involve reckless, wanton or intentional misconduct or that result in death or injury to an individual.

7. Creates a third branch of the circuit court for Waupaca County for a term commencing August 1, 2000.

8. Creates a committee composed of judges and the public to study judicial subdistricts and other methods of judicial selection that would result in increased racial and ethnic diversity of the judges in the state and requires that the committee submit a report on its findings and recommendations to the Wisconsin Supreme Court, the governor and the legislature by December 31, 2000.

Act 45 (AB-92) expands the liability of a person who intentionally releases an animal without the owner's consent to include punitive damages, attorney fees and interest for the

damages incurred by the animal's owner. The act provides immunity from civil liability to the owner or custodian of a confined animal for damages incurred by a person during the unlawful release of a confined animal.

Act 71 (AB-671) permits a person to start an action for a child abuse, vulnerable adult or harassment restraining order and injunction without paying a filing fee and prohibits a sheriff from charging the person a fee for serving a court document related to the proceeding. Under the act, the filing and sheriff's fees are charged to the subject of any order or injunction issued if he or she violates that order or injunction.

Act 76 (AB-385) increases from 20 days to 45 days the time during which a defendant may respond to a legal document in those actions in which the plaintiff must serve the Commissioner of Insurance, instead of the defendant, with the legal document (such as a summons and complaint). Upon receipt of the document, the Commissioner of Insurance must mail a copy of the document to the defendant.

Act 77 (AB-386) restricts the language that may be on the seal of a notary public to the words "Notary Public," "State of Wisconsin" and the name of the notary public.

Act 119 (AB-391) allows the percentage of disposable earnings that is subject to garnishment to exceed the general limit of 20% if the excess is agreed to as part of a debtor's plan that is approved by a federal court for repaying the debts.

Act 122 (SB-122) requires certain tobacco companies to place moneys into an escrow account for payment to the state if the companies increase their market share of cigarette sales (see *HIGHLIGHTS*).

Act 166 (AB-431) requires notary publics to keep confidential the documents and information they receive while performing their notary public duties, except that depositions transcripts prepared by a notary public may be released to all parties in the action to which the deposition relates.

Crime and Criminal Procedure

Act 3 (SB-83) adds an element to the crime of profiting from, promoting, selling or distributing material showing a child engaging in sexually explicit conduct, to make the law consistent with ruling of the Wisconsin Court of Appeals in *State v. Zarnke*, 224 Wis. 2d 116 (1999), by requiring a prosecutor to show that a person charged with such a crime knew or should have known that the child was under the age of 18. The act also eliminates a requirement of an affirmative defense that is used in cases involving other forms of sexual exploitation of a child and that relates to the child's apparent age. As a result of that change, a defendant invoking that affirmative defense no longer needs to prove that the child presented an official document showing that he or she was 18 years of age or older.

Act 16 (AB-119) prohibits state agencies and local governments from requiring a law enforcement officer to issue a specific number of traffic citations, complaints or warning notices during any specified time period.

Act 21 (AB-357) corrects the chemical name of the drug gamma-butyrolactone in laws relating to controlled substances.

Act 48 (AB-318) increases penalties for the possession, manufacture, distribution and delivery of the controlled substance methamphetamine.

Act 51 (AB-614) provides penalties for the unauthorized recording of a performance, possession or distribution of an unlawfully recorded performance, failure to disclose the manufacturer of a recording and the unauthorized use of a recording device in a movie theater and increases penalties for the unauthorized duplication of a recording and the possession or distribution of unlawfully duplicated recordings.

Act 57 (AB-185) increases penalties for certain offenses relating to the controlled substances flunitrazepam and ketamine.

Act 58 (AB-211) requires a crime prevention organization that receives a court-ordered contribution to submit information regarding the contribution and the organization to the clerk of the court that ordered the contribution. The act also prohibits a prosecutor from dismissing or amending a citation, complaint or charge in exchange for a person's payment of a contribution to a crime prevention organization.

Act 69 (AB-387) permits courts to order persons who have violated certain ordinances or committed crimes to contribute to a law enforcement agency's crime prevention fund.

Act 111 (AB-328) makes the procedure at preliminary examinations for admitting a latent fingerprint report by the latent fingerprint identification unit of the city of Milwaukee's police department the same as the procedure for admitting reports from state crime and Federal Bureau of Investigation laboratories, hospital laboratories and state hygiene and local health department laboratories.

Act 129 (AB-704) provides penalties for knowingly possessing or intentionally disposing of waste resulting from the unlawful manufacture of methamphetamine. The act also increases the penalties relating to a person's possession, use, manufacture or delivery of drug paraphernalia if the person knows that the drug paraphernalia will be used primarily to prepare, pack or store methamphetamine.

Act 157 (AB-154) provides penalties for intentionally directing a beam of light from a laser pointer at a correctional officer or a law enforcement officer without the officer's consent; at any person, if the beam is directed at the person for no legitimate purpose; or in any other way that could reasonably alarm another person or tend to cause a disturbance.

Act 158 (AB-174) permits a person employed as a peace officer to possess or transport a loaded and nonencased firearm in a vehicle while traveling between his or her residence and place of employment.

Act 188 (SB-110) provides penalties for throwing or expelling blood, semen, vomit, saliva, urine or feces at or toward a correctional officer, a prisoner or an employee or visitor of a state prison or a state or local detention facility if the act is done by a prisoner at the prison or facility with the intent to cause bodily harm to or harass the other person. The act also allows the court to order that a person charged with committing or found to have committed this offense be tested for the presence of communicable diseases.

Discrimination

Act 82 (AB-640) renumbers the statutes relating to discrimination in housing, public accommodations and postsecondary education and the duties of the division of equal rights in DWD.

Domestic Relations

Act 9 (AB-133) changes various laws relating to domestic relations. The act:

1. Makes various changes to the law on legal custody and physical placement of children in actions affecting the family (see *HIGHLIGHTS*).

2. Provides funding to DHFS for assisting local members of the clergy to develop community-wide standards for marriage.

On May 25, 2000, the U.S. District Court for the Western District of Wisconsin held that this funding and the program were unconstitutional and therefore void. *Freedom From Religion Foundation v. Joe Leean*, Case No. 99-C-813-S.

3. Provides for payment through income withholding of the annual fee that payers of child support are required to pay for administration of child support collection and disbursement.

4. Continues income withholding for the payment of child or family support or maintenance until all arrearages in the payment of the support or maintenance are paid, regardless of when the support or maintenance obligation ends.

5. Changes the interest rate on child and family support arrearages from 1.5% per month to 1% per month.

6. Provides that, in paternity actions and actions based on voluntary acknowledgment of paternity, liability for past child support is generally limited to support for the period beginning after the day on which the petition in the action is filed. Under preexisting law, liability for past support was limited to support for the period after the birth of the child.

7. Provides that an individual is ineligible for various types of state financial assistance programs, such as grant and loan programs, if the individual's name appears on the statewide support lien docket (indicating that the individual is delinquent in the payment of child support), unless he or she has entered into an agreement approved by the county child support agency for the payment of the support arrears. Under previous law, an individual was ineligible if DWD certified to the agency administering the financial assistance program that the individual was delinquent in the payment of support.

8. Permits an individual who does not have a social security number to obtain an occupational, professional or recreational fish and game license from a license-issuing state agency if the individual submits a statement made under oath or affirmation that the individual does not have a social security number. Generally, a social security number is required of individuals applying for such licenses for purposes of administering DWD's Child

and Spousal Support and Establishment of Paternity and Medical Support Liability Program (see also *Courts and Civil Actions*).

Education

PRIMARY AND SECONDARY EDUCATION

Act 9 (AB-133) makes various changes in the laws relating to public instruction. The act:

1. Creates the Milwaukee Public Schools (MPS) Neighborhood Schools Initiative (see *HIGHLIGHTS*).

2. Imposes requirements designed to improve school discipline and safety (see *HIGHLIGHTS*).

3. With exceptions, prohibits a public school from commencing the school term before September 1 (see *HIGHLIGHTS*).

4. Eliminates prohibitions against granting a pupil a high school diploma, and against promoting a pupil to the next grade, on the basis of certain test results (see *HIGHLIGHTS*).

5. Creates a third round of five-year contracts under the Student Achievement Guarantee in Education (SAGE) Program (see *HIGHLIGHTS*).

6. Eliminates the state partial reimbursement rates for most public school special education costs and instead bases reimbursement on the full costs of special education programs and services.

7. Requires operators of charter schools in the Milwaukee Charter School Program (MCSP), under which the city of Milwaukee, the UW-Milwaukee and Milwaukee Area Technical College sponsor charter schools, to provide special education services for pupils enrolled in their charter schools and makes these operators eligible for special education aid.

8. Creates a state aid program for a school district that enrolls fewer than 500 pupils and that occupies at least a 200 square mile area if at least 65% of the school district's real property is exempt from taxation.

9. Reduces the general school aids for which MPS is eligible by one-half the amount required to fund the Milwaukee Parental Choice Program (MPCP), under which the state pays for children from low-income families to attend private schools in the city of Milwaukee, and reduces the general school aids for which the other 425 school districts in the state are eligible by the other half necessary to fund the MPCP. To fund the MCSP, the act reduces proportionally the general school aids for which each of the 426 school districts is eligible. Former law reduced the general school aids for which MPS was eligible by the entire amount required to fund the MPCP.

10. Requires each operator of a MCSP school to adopt pupil academic standards in mathematics, science, reading and writing and history.

11. Requests the Joint Legislative Council to study the Intradistrict and Interdistrict Transfer Programs and report to the legislature by July 1, 2000.

Education- continued

12. Changes former law to count a pupil who transfers to another school district under the Interdistrict Transfer Program as 0.75 pupil, rather than 0.50 pupil, in the school district to which the pupil transfers, for general school aid and revenue limits purposes.

13. Provides that, if a school district qualifies for special adjustment aid (additional general school aid designed to cushion the effect of reductions in general school aid from one year to the next) under each of the two methods of calculation, the school district receives the greater of the two aid amounts.

14. Makes permanent the former one-year declining enrollment revenue limit adjustment, under which a school district that loses enrollment receives an adjustment to its revenue limit equal to the allowable revenues that 75% of the decline in enrollment would have generated.

15. Changes former law to allow school districts to count 40%, rather than 20%, of their full-time equivalent summer school enrollment as part of the three-year average enrollment for revenue limit purposes.

16. Subjects a low-revenue school district (a school district that is exempt from the revenue limits because its base revenue from property taxes and general state aids is less than the revenue ceiling) to current law penalties for exceeding school district revenue limits if the school district exceeds the revenue ceiling. The act also increases the revenue ceiling to \$6,300 per pupil in the 1999-2000 school year and to \$6,500 in the 2000-01 school year.

17. Creates an Alternative Education Grant Program for school districts and consortia of school districts.

18. Eliminates the School Breakfast Grant Program, under which start-up costs of providing school breakfasts are funded, and substitutes a per meal reimbursement program that covers 10 cents for each breakfast served under the Federal School Breakfast Program.

19. Reallocates money from the children-at-risk funding to MPS to fund a planning grant to the Foundation of Schools for Educational Evolution and Development for planning a residential school in southeastern Wisconsin.

20. Eliminates the requirement that a MCSP school established by the city of Milwaukee and operated by a for-profit entity be an instrumentality of MPS and be staffed by employees of MPS.

21. Eliminates the Youth Village Grant Program, which was an alternative education program for troubled youth.

22. Renames the Wisconsin School for the Visually Handicapped the Wisconsin Center for the Blind and Visually Impaired. The act provides that the purpose of the Center is to serve as a statewide educational resource relating to visual impairments to benefit all Wisconsin children who are visually impaired.

23. Makes permanent a program that provides grants to teachers certified by the National Board for Professional Teaching Standards.

24. Transfers the administration of the Milwaukee County At-Risk Youth School-to-Work Program from DPI to the Governor's Work-Based Learning Board created under the act (see also *Employment - Other Employment*).

25. Modifies the Youth Options Program, under which pupils in grades 11 and 12 may take courses at postsecondary institutions, by providing that, when a pupil reaches 12th grade, the pupil may not participate in the program for more than two consecutive semesters; by changing the amount of money that a school board must pay a technical college on behalf of a pupil enrolled at the technical college under the program; and by providing that, if a school board must pay tuition to a postsecondary institution on behalf of a pupil enrolled in the program, the tuition may not exceed the amount that would be charged a state resident.

Act 17 (AB-576) authorizes a school board to create a capital improvement fund to finance the cost of acquiring and improving sites, constructing school facilities and major maintenance of or remodeling, renovating and improving school facilities if a tax incremental district that is located in the school district and that has a value increment of at least \$300,000,000 is terminated before its maximum number of years and the school board acts by July 1, 2000. If a fund is created, the school board annually may deposit into the fund up to 100% of the school district's portion of the positive tax increment of the tax incremental district in that year. The school district's revenue limit is increased by the amount deposited into the fund, and the school district's shared cost, used for determining its share of state aid, excludes any expenditures from the fund.

Act 18 (AB-279) provides a method for resolving, voluntarily or by request to the School District Boundary Appeal Board (SDBAB), disputes between two or more school districts concerning whether certain territory is located within a particular school district. If dispute resolution is requested of SDBAB, a school board may not commence court action regarding the dispute until the SDBAB issues an order resolving the dispute; the order must be issued with 60 days after receipt of the request.

Act 19 (AB-370) changes the terminology used in bilingual-bicultural programs from "limited-English speaking" to "limited-English proficient" and eliminates the previous law that required school district nurses and dentists in counties with populations of 500,000 or more to be under the supervision of the local board of health and DHFS.

Act 24 (SB-92) distributes to Monroe County and to the school districts in Monroe County all moneys received from the sale of forest products at Fort McCoy.

Act 73 (SB-264) permits a school board to award a high school diploma to a person who is at least 65 years old and who attended high school in the school district, but left to serve in the U.S. armed services during a war before receiving a high school diploma.

Act 99 (SB-62) eliminates the requirement that a public library system's sharing of library resources and provision of professional consultant services to participating libraries be based on a written plan.

Act 100 (SB-204) increases the number of members of the Council on Library and Network Development in DPI from 15 to 19.

Act 116 (AB-412) includes in the definition of “parent” for the purpose of making decisions relating to a child’s special education a foster parent of a child with a disability, if the right and responsibility of the child’s parents to make educational decisions concerning the child have been extinguished by court order and if the foster parent has an ongoing, long-term parental relationship with the child, is willing to make the educational decisions that are required of a parent and has no interests that would conflict with the interests of the child.

Act 117 (AB-367) requires that a school board allow a pupil who was a resident of the school district on the third Friday in September or the second Friday in January of the current school year and who was enrolled in the school district during the current school year for at least 20 school days to complete the current school year at the school the pupil is attending without paying tuition, even if the pupil is no longer a school district resident. The act also requires that a school board permit a pupil who was a resident of the school district on the second Friday in January of the previous school year, who was enrolled in the school district continuously from that date to the end of the school term, who ceased to be a resident of the school district after the first Monday in February of the previous school year and who continues to be a resident of this state to attend school in the school district in the current school year without paying tuition. The act changes former law to permit, rather than require, a school board to allow a pupil who was a resident of and enrolled in the school district at the beginning of a school year to complete the school year at the school the pupil was attending without paying tuition, even if the pupil is no longer a school district resident. Generally, a pupil must pay tuition to attend school in a school district in which he or she is not a resident.

Act 118 (SB-309) allows a pupil to apply to no more than three school districts under the Open Enrollment Program in any school year.

Act 123 (SB-241) makes a number of changes to the statutes governing children-at-risk programs. The act:

1. Changes the definition of children at risk to mean pupils in grades 5 to 12 who are at risk of not graduating from high school because they failed the high school graduation examination, are dropouts, or are two or more of the following: one or more years behind their age group in the number of high school credits attained; two or more years behind their age group in basic skill levels; habitual truants; parents; adjudicated delinquents; or eighth grade pupils whose score in each subject area on the statewide eighth grade examination is below the basic level, who fail the school district’s eighth grade examination or who fail to be promoted to ninth grade. Previously, the term meant pupils in grades 5 to 12 who were one or more years behind their age group in the number of high school credits attained, or two or more years behind their age group in basic skill levels, and who were also dropouts, habitual truants, parents or adjudicated delinquents.

2. Permits, rather than requires, school districts with certain characteristics to make available a program for children at risk and to apply for state aid for the program.

3. Modifies the criteria that must be met by a school district’s children-at-risk program in order to receive state aid for the program.

Act 124 (AB-764) requires all driver education courses to include instruction pertaining to organ and tissue donation (see also *Education - Technical College System* and *Transportation - Driving Privileges*).

Act 126 (AB-714) creates immunity from civil liability for a school bus operator or an authorized school employee or school volunteer who uses an epinephrine auto-injector (which is a device used for automatically injecting epinephrine into the human body) to administer epinephrine to a pupil who appears to be experiencing a severe allergic reaction. The immunity applies only to school bus operators, employees and volunteers who are not health care professionals and does not apply if the epinephrine auto-injector is used in a manner that constitutes a high degree of negligence.

Act 127 (AB-100) provides that the statute prohibiting the use of corporal punishment does not abrogate or restrict any statutory or common law defense to prosecution for any crime.

Act 128 (AB-447) authorizes a school board to impose one or more early reinstatement conditions under which a pupil who is expelled from school may be reinstated to school before the end of the term of his or her expulsion. The conditions must be related to the reasons for the pupil's expulsion.

Act 161 (AB-394) requires a local educational agency (typically, a school district) to make available a free, appropriate public education to any person with a disability who is at least three years old but not yet 21 years old and who has not graduated from high school and, for the duration of a school term, to any person with a disability who becomes 21 years old during that school term.

TECHNICAL COLLEGE SYSTEM

Act 9 (AB-133) makes several changes in the laws relating to the technical college system. The act:

1. Directs the Technical College System Board to award a \$500 grant to each first-year student who enrolls in a technical college on a full-time basis within three years of high school graduation and who maintains a grade point average of at least 2.0.

2. Directs the Secretary of Administration to award grants to technical college district boards to develop or expand programs in occupational areas in which there is a high demand for workers, and to make capital expenditures that are necessary for that development or expansion.

3. Directs the Technical College System Board to award grants to technical college district boards for adding sections in courses in which student demand exceeds capacity.

4. Authorizes each technical college district board that meets specified conditions to raise and spend, without a referendum, up to \$5,000,000 prior to January 1, 2002, to purchase or construct a facility to be used as an applied technology center.

Act 124 (AB-764) requires that all approved driver education courses include instruction pertaining to organ and tissue donation (see also *Education - Primary and Secondary Education* and *Transportation - Driving Privileges*).

UNIVERSITY OF WISCONSIN SYSTEM

Act 9 (AB-133) makes various changes relating to the UW System. The act:

1. Limits the extent to which the UW Board of Regents may increase resident, undergraduate tuition and changes the amount of tuition that may be spent (see *HIGHLIGHTS*).
2. Creates a grant program to defray the costs of undergraduate study abroad.
3. Requires the UW-Milwaukee to conduct a market research and feasibility study related to expanding programming and the presence of the UW abroad.
4. Requires the UW Board of Regents to establish a stray voltage research program (see also *Public Utilities*).
5. Creates a grant program at the UW-Madison Center for Cooperatives for the formation of forestry cooperatives that consist primarily of private, nonindustrial forest owners.
6. Requires the UW Board of Regents to operate an aquaculture demonstration facility.
7. Requires the UW-Extension to develop a model ordinance for traditional neighborhood and conservation subdivision development (see also *HIGHLIGHTS, Local Law*).
8. Requires the UW Board of Regents to establish the Gaylord Nelson Chair of Integrated Environmental Studies.
9. Creates a direct instruction pilot program at the UW-Milwaukee to determine the efficiency of direct instruction in improving the ability of children to read.

Act 42 (AB-911) includes the following positions in the compensation plan for UW senior executives: each of the vice chancellors who is serving as deputy at UW System campuses at Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior and Whitewater, each of the vice chancellors who is serving as deputy at the UW Colleges and the UW-Extension, the vice presidents of the UW System and the senior vice presidents of the UW System.

Act 152 (AB-736) changes former law to require the UW Board of Regents to award a grant of up to \$2,000, rather than exactly \$2,000, to a resident undergraduate student for study abroad.

OTHER EDUCATION

Act 9 (AB-133) makes a number of other changes related to education. The act:

1. Makes the following changes to grant and scholarship programs administered by the Higher Educational Aids Board (HEAB):
 - a. Eliminates the eligibility of students enrolled at tribal colleges for the Tuition Grant Program, under which need-based grants are provided to resident undergraduates who attend private, nonprofit postsecondary institutions in Wisconsin, and instead provides funding for Wisconsin Higher Education Grants (WHEG) awards, which are not need-based, for tribal college students.

b. Eliminates rules requirements and methods for determining contributions, student status and amounts for WHEG awards and requires HEAB to award grants based on a formula that accounts for expected parental and student contributions and that is consistent with nationally approved needs analysis.

c. Eliminates the requirement that alternate scholars in the Academic Excellence Scholars Program, under which HEAB provides scholarships to selected 12th grade pupils who have the highest grade point average in each Wisconsin public and private high school, have the same grade point average as the originally designated scholar or scholars for high schools that weight different courses differently to determine a pupil's grade point average. The act also sets requirements for selection of alternate scholars.

2. Creates a study committee that must recommend legislation for restructuring public broadcasting in this state and for funding the transition to digital television for public broadcasting.

3. Requires the Technology for Educational Achievement in Wisconsin (TEACH) Board annually to award at least one grant under the Educational Technology Training and Technical Assistance Grant Program to an eligible applicant located in the territory of each Cooperative Educational Service Agency and to make a grant to the UW System for maintaining an instructional educational technology Internet site for teachers of grades kindergarten to 12.

4. Allows the TEACH Board to provide an eligible educational institution with access to additional data lines or video links under the Educational Telecommunications Access Program (ETAP) if the additional data lines or video links are cost-effective. Under former law, except for certain school districts, educational institutions could receive access to only one data line or video link.

5. Allows the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin School for the Deaf to participate in the ETAP.

6. Prohibits the TEACH Board from requiring a school in the K-12 Schools/Colleges Alliance for Distance Education network to apply for telecommunications rate discounts under federal law as a condition for receiving a preexisting contract grant in fiscal year 1999-2000.

7. Requires the TEACH Board to award a grant to the Embarrass River Valley Instructional Network Group for upgrading the group's distance learning equipment.

8. Requires the TEACH Board to provide loans and grants, rather than the subsidized loans under former law, to school districts and public libraries for installing and upgrading computer network wiring and upgrading certain preexisting electrical wiring.

9. Allows the TEACH Board to contract with the Wisconsin Advanced Telecommunications Foundation to provide administrative services to the foundation.

10. Requires the State Historical Society to operate the H.H. Bennett Studios in Wisconsin Dells as an historic site.

11. Eliminates the requirement that the State Historical Society distribute a six-volume history of Wisconsin to schools, technical colleges, certain college and university libraries, public libraries and historical societies.

12. Permits the State Historical Society to contract with the Wisconsin History Foundation, Inc., for the purpose of administering the Society's membership program.

13. Transfers from HEAB to DVA the Educational Approval Board, which approves education and training programs for veterans and regulates certain private, nonprofit and for-profit schools that offer programs to Wisconsin residents.

Act 44 (AB-654) creates a College Savings Program, under which a person may contribute money to a college savings account to cover future college expenses of a beneficiary (see *HIGHLIGHTS*).

Act 130 (AB-114) grants tuition remission at a UW System institution or technical college for children and surviving spouses of ambulance drivers and emergency medical services technicians killed in the line of duty in Wisconsin.

Act 144 (AB-629) creates a loan-forgiveness program, administered by HEAB, to defray the cost of tuition, fees and expenses for state residents enrolled in a program that prepares them to be teachers or orientation and mobility instructors of visually impaired pupils.

Act 154 (AB-432) permits a state resident who is 60 years of age or older to audit a course at a UW System institution or technical college for free if space is available and the instructor approves.

Elections

Act 6 (AB-156) permits an independent candidate for the office of governor or lieutenant governor to file nomination papers without a running mate, and permits an elector to cast a vote for that candidate or to write in the name of another candidate for the office of governor or lieutenant governor without voting for any candidate as the running mate of that candidate. Formerly, independent candidates for these offices were required to run with running mates and electors were required to cast votes for both of these offices in order to have their votes counted.

Act 49 (AB-343) permits certain electors to vote without disclosing their names and addresses to the election officials at their polling places. To be eligible to vote confidentially, an elector must meet at least one of three requirements: 1) the elector must have been granted by a court a protective order that is currently in effect restraining another person from having or causing contact with the elector for reasons relating to domestic abuse or harassment; 2) the elector must reside in an organized shelter for persons whose personal security is or may be threatened by other persons with whom the residents have had contact; or 3) the elector must present the affidavit of a sheriff or chief of a police department verifying that a person has been charged with or convicted of an offense relating to domestic abuse in which the elector was a victim and that the elector continues to be threatened by that person. The act defines an offense relating to domestic abuse to include sexual assault, battery, stalking, harassment and sexual exploitation. The act permits an elector who qualifies for confidentiality to disclose his

or her name and address at the office of the municipal clerk only. Under the act, records of the names and addresses of electors who vote or register to vote confidentially are not open to public inspection.

Act 182 (AB-700) authorizes a county board of election commissioners in counties with a population of more than 500,000 (currently, only Milwaukee County) to enforce the laws relating to campaign finance reports and statements with respect to county offices and referenda. The act also makes numerous changes relating to voting, voter registration, political parties and candidates and the administration of elections, including the following:

1. Authorizing any qualified elector who certifies that he or she is unable or unwilling to appear at his or her designated polling place to vote by absentee ballot. Formerly, only an elector who was absent on election day or who could not appear at the polling place because of age, sickness, handicap, physical disability, jury duty, service as an election official or religious reasons was permitted to vote by absentee ballot.

2. Requiring an elector who votes by absentee ballot to certify, before one witness, that he or she is qualified to vote the ballot and has voted the ballot as required by law. Prior law required an elector voting by absentee ballot to complete this certification before two witnesses or swear an affidavit.

3. With certain exceptions, allowing a municipal clerk to send an elector an absentee ballot by facsimile transmission or electronic mail.

4. Deleting the requirement that another elector or a special voter registration deputy substantiate material statements contained in the registration form of an elector who registers by mail before election day.

5. Extending the privilege of voting in federal elections to certain adult children of U.S. citizens who reside overseas, subject to approval at a statewide referendum to be held in November, 2000.

6. Discontinuing the use of separate ballots for election of the president and vice president of the United States and instead requiring that the names of a political party's candidates for president and vice president be placed on the official general election ballot in a manner that will allow electors to vote for those candidates by voting a straight party ticket.

7. Requiring each political party that qualifies for separate ballot status to elect its committeemen and committeewomen at a meeting held no sooner than 15 days after the September primary and no later than April 1 of the following year. Prior law required political parties to elect their committeemen and committeewomen at the September primary.

8. Discontinuing the appointment of official polling place observers by political party committeemen and committeewomen and permitting the chief poll worker at each polling place reasonably to limit the number of persons representing the same organization who observe at a polling place at the same time.

9. Deleting the requirement that an individual who circulates nomination papers or election-related petitions swear an affidavit, attesting to certain information regarding the

papers or petitions. Instead, the act requires the person to certify all of the information formerly required in the affidavit.

10. Permitting the chairperson of the State Elections Board to designate a person to canvass a specific election for state or national office.

11. Requiring candidates for municipal judge in municipalities with a joint municipal court to file nomination papers with a specified county clerk or board of election commissioners, rather than with the state elections board. The act also requires the appropriate county board of canvassers, rather than the board of state canvassers, to certify the election results.

12. Authorizing a municipality, under certain circumstances, to consolidate the separate ballots for each office and referenda to be voted on at an election into a single ballot listing all of the offices and referenda and providing that this single ballot may be distributed only to electors who are eligible to vote for all of the offices and in all of the referenda appearing on the ballot.

13. With certain exceptions, requiring that all referenda questions that will appear on an election ballot, and all petitions seeking to have questions submitted to a referendum, be filed with the official or agency responsible for preparing the ballots no later than six weeks prior to the election at which the questions will appear.

14. Replacing specific ballot design requirements with a requirement that, unless otherwise provided by the statutes, all ballots must conform to the ballot forms prescribed by the state elections board.

15. Providing that, if a municipality is assessed a fee for using a polling place to conduct a special election that is called by another local governmental unit and that is not held concurrently with a regular election, the local governmental unit that called the special election must pay the fee.

Employment

CIVIL SERVICE

Act 1 (AB-49) ratifies the collective bargaining agreement for the 1997-99 biennium between the state and the Wisconsin State Public Defenders Association, WFT/AFT, Local 4822, AFL-CIO, as representative of the employees in the public defenders collective bargaining unit.

Act 9 (AB-133) places all employees of the State Fair Park Board in the unclassified service of the state civil service system.

Act 27 (SB-343) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin State Building Trades Negotiating Committee, AFL-CIO, as representative of the employees in the building trades crafts collective bargaining unit.

Act 28 (SB-344) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Milwaukee Graduate Assistants Association, AFT/WFT, Local 2169,

Employment- continued

AFL-CIO, as representative of the employees in the program, project and teaching assistants of the UW-Milwaukee collective bargaining unit.

Act 33 (AB-903) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the District 1199W/United Professionals for Quality Health Care, SEIU, AFL-CIO, as representative of the employees in the professional patient care collective bargaining unit.

Act 34 (AB-904) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Professional Employees in Research, Statistics and Analysis, WFT/AFT, AFL-CIO, as representative of the employees in the professional research, statistics and analysis collective bargaining unit.

Act 35 (AB-905) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Teaching Assistants' Association, AFT, Local 3220, AFL-CIO, as representative of the employees in the program, project and teaching assistants of the UW-Madison and UW-Extension collective bargaining unit.

Act 36 (AB-906) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin State Public Defenders Association, WFT/AFT, Local 4822, AFL-CIO, as representative of the employees in the public defenders collective bargaining unit.

Act 37 (AB-907) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin Science Professionals, AFT, Local 3732, as representative of the employees in the professional science collective bargaining unit.

Act 38 (AB-908) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin Physicians and Dentists Association, as representative of the employees in the professional patient treatment collective bargaining unit.

Act 39 (AB-909) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin Education Association Council, as representative of the employees in the professional education collective bargaining unit.

Act 40 (AB-910) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Association of State Prosecutors, as representative of the employees in the assistant district attorneys collective bargaining unit.

Act 41 (AB-919) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin Professional Employees Council, WFT/AFT, AFL-CIO, as representative of the employees in the professional fiscal and staff services collective bargaining unit.

Act 87 (SB-163) substitutes the word "disability" for the word "handicap" and the word "disabled" for the word "handicapped" in laws governing the state civil service.

Act 102 (SB-268) makes various changes to laws governing the state civil service. The act:

1. Clarifies that a person who is employed in the classified service and who is appointed to any unclassified position by the governor, an elected officer, a judicial body or a legislative body or committee must be granted a leave of absence without pay for the duration of the unclassified appointment and for three months following the end of the appointment. During

Employment- continued

this period, the person has restoration rights to the state agency from which he or she last held an appointment in the classified service.

2. Provides that, if a person in the classified service runs for partisan political office, the person must be placed on a leave of absence for the duration of the election campaign and, if elected, is no longer in the classified service upon assuming the duties and responsibilities of the office.

3. Eliminates the prohibition against soliciting recommendations by an applicant for a promotion to a position in the classified service.

Act 168 (AB-959) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the State Engineering Association, as representative of the employees in the professional engineering collective bargaining unit.

Act 169 (AB-960) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin State Attorneys Association, Inc., as representative of the employees in the professional legal collective bargaining unit.

Act 170 (AB-961) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees in the blue collar and nonbuilding trades collective bargaining unit.

Act 171 (AB-962) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees in the administrative support collective bargaining unit.

Act 172 (AB-963) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees in the technical collective bargaining unit.

Act 173 (AB-964) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees in the security and public safety collective bargaining unit.

Act 174 (AB-965) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees in the professional social services collective bargaining unit.

Act 175 (AB-966) ratifies the collective bargaining agreement for the 1999-2001 biennium between the state and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employees in the law enforcement collective bargaining unit.

OTHER EMPLOYMENT

Act 9 (AB-133) makes various changes relating to employment. The act:

Employment- continued

1. Provides that the costs associated with salary increases for school district professional employees that are due to a promotion or attaining increased professional qualifications are not included under the salary costs that must be funded under a qualified economic offer (QEO). A QEO is a proposal submitted by a school district employer to a collective bargaining unit of school district professional employees to avoid arbitration. A QEO proposes to maintain the percentage contribution by the employer to the employees' existing fringe benefits and fringe benefit costs and to provide for an annual average salary increase that costs the employer at least 2.1% of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit plus certain fringe benefit savings.

2. Eliminates the Division of Connecting Education and Work in DWD, which administered certain employment and education programs, and transfers the administration of those programs to the Governor's Work-Based Learning (GWBL) Board, created under the act. The act also transfers from DPI to the GWBL Board the administration of the Milwaukee County At-Risk Youth School-to-Work Program; directs the GWBL Board to provide a work-based learning program for youths who are eligible for federal Temporary Assistance for Needy Families and to distribute grants to implement and coordinate local youth apprenticeship programs; and provides funding from Indian gaming receipts for grants for work-based learning programs administered by the GWBL Board (see also *Education - Primary and Secondary Education*).

3. Eliminates the authority of DWD to award grants to nonprofit corporations and public agencies for career counseling centers that provide youths with career education and job training information and consolidates those career counseling centers into the Job Center network, administered by DWD.

4. Eliminates the Governor's Council on Workforce Excellence and replaces that council with the Council on Workforce Investment and eliminates area private industry councils and replaces those councils with local workforce development boards.

5. Changes prior law to expand the priority of a wage claim lien (which gives an employee to whom unpaid wages are owed, and DWD on behalf of the employee, a claim on all property in this state of the employee's employer for those unpaid wages) to priority over all other liens, except liens of banks, savings banks, savings and loan associations or credit unions originating before the wage claim lien takes effect, rather than only over other liens that originate after the wage claim lien takes effect.

6. Changes eligibility requirements for, and amounts of, educational vouchers that a Wisconsin Conservation Corps (WCC) enrollee who successfully completes six months of service may use to pay tuition and fees at an institution of higher education.

7. Provides funding from Indian gaming receipts for vocational rehabilitation services for Native American individuals and American Indian tribes or bands.

Act 14 (AB-547) makes various changes relating to worker's compensation. The act:

1. Permits an employer to withdraw from worker's compensation coverage if the employer has not usually employed at least three employees and has not paid wages of at least

Employment- continued

\$500 in this state in every calendar quarter in a calendar year. Preexisting law permitted an employer to so withdraw if the employer met the requirements related to number of employees and amount of wages paid in any calendar quarter in a calendar year.

2. Provides that a member of a legally organized diving team is considered to be an employee of the diving team for purposes of worker's compensation coverage, unless the diving team is not insured for worker's compensation liability, in which case the county or municipality in which the diving team is organized is liable for worker's compensation.

3. Requires DWD to pay death benefits of not less than \$50,000 to the dependents of a diving team member who dies as a result of an injury sustained while performing diving team services or while totally and permanently disabled as a result of such an injury.

4. Extends from December 31, 1999, to December 31, 2001, the applicability of the provision that a student participating in an unpaid work experience program is an employee of his or her school for purposes of worker's compensation coverage if the school names the student as an employee for purposes of that coverage.

5. Extends from July 1, 2000, to July 1, 2002, the authority of DWD to resolve disputes between worker's compensation insurers and health care providers over the reasonableness of any fee charged for health services provided to an injured employee who is covered under worker's compensation.

6. Changes former law to require the Secretary of Workforce Development, rather than the Labor and Industry Review Commission (LIRC), to appoint the members of the Council on Worker's Compensation and the Self-Insurers Council and eliminates the option for LIRC, in designating the chair of the Council on Worker's Compensation, to designate a member or employee of LIRC.

Act 15 (SB-255) makes various changes in the unemployment insurance law and related provisions. Among other provisions, the act:

1. Increases unemployment insurance benefits in April 2000 and again in October 2000.

2. Disallows partial unemployment benefits for any week in which a claimant works at least 40 hours.

3. Provides a specific method for calculating benefit reductions for a claimant who is on voluntary leave for a portion of a week.

4. Permits a claimant to receive benefits in certain cases in which an employer changes the claimant's working shift to a time that would result in a lack of child care for the claimant's children.

5. Permits a claimant to use the last four completed quarters, instead of requiring a claimant to use the first four of the last five completed quarters, to determine the claimant's benefit eligibility if the claimant does not otherwise qualify to receive benefits.

6. Decreases the contributions (taxes) that most small employers must pay to maintain the solvency of the unemployment reserve fund, which is used to make benefit payments.

7. Extends to more employers (to those with at least 100 employees) the requirement to report wages electronically and increases penalties for failing to file.

Employment- continued

8. Changes the period during which a replacement benefit check may be issued whenever an original benefit check becomes void from two years to six years after issuance of the original benefit check.

Act 70 (AB-409) makes various changes to the prevailing wage and hours of labor law, which requires an employer to pay an employee performing certain work on a state or local public works project the prevailing wage for the employee's trade or occupation in the area in which the project is located and to pay an employee overtime pay for all hours worked in excess of the prevailing hours of labor. The act:

1. Eliminates DWD's authority to determine the prevailing hours of labor and changes those hours from no more than 10 hours per day and 40 hours per week to exactly 10 hours per day and 40 hours per week.

2. Specifies that an employee is covered under the prevailing wage and hours of labor law not only while delivering mineral aggregate to the site of a public works project or transporting excavated material from the site of the project, but also while going to the source of the mineral aggregate or site of the project and picking up the mineral aggregate or excavated material.

3. Permits DWD, in determining prevailing wage rates for state public works projects, to use data from other projects that are subject to the prevailing wage and hours of labor law or its federal counterpart, the Davis-Bacon Act, if there is insufficient wage data in the area to determine those prevailing wage rates. Preexisting law permitted DWD to use those data under those circumstances in determining prevailing wage rates for local, but not state, public works projects.

Act 82 (AB-640) reorganizes the statutes relating to vocational rehabilitation.

Act 132 (AB-400) requires DWD, in promulgating rules governing proof of age of a minor applying for a work permit, to require its permit officers to accept as evidence of a minor's age, in addition to other evidence specified in former law, a driver's license or identification card issued by DOT.

Act 164 (SB-145) permits a minor 12 or 13 years of age to work under direct adult supervision as an official for an athletic event that is sponsored by a private, nonprofit organization and in which the minor would be eligible to participate or in which the participants are the same age as or younger than the minor. Generally, a minor under 14 years of age is not permitted to work in any gainful occupation.

Act 167 (AB-892) requires a professional football team that contracts with a professional football stadium district for the construction of football stadium facilities to comply with the prevailing wage and hours of labor law in the same manner as a local governmental unit contracting for the construction of a public works project must comply (see also *HIGHLIGHTS, Local Law*).

Environment

Act 9 (AB-133) makes numerous changes in the laws related to the environment. The act:

Environment- continued

1. Makes changes in the Petroleum Storage Remedial Action Program (commonly called PECFA), under which the state provides reimbursement for a portion of the costs of cleaning up discharges from certain petroleum storage tanks. The changes include:

a. Authorizing the issuance of \$270,000,000 in revenue obligations, to be repaid with petroleum inspection fees, to pay PECFA awards.

b. Limiting PECFA reimbursement for each site to the amount necessary for the least costly method of conducting the cleanup of that site.

c. Generally requiring the use of a public bidding process in making the determination of the cost of the least costly method of conducting a cleanup and requiring the use of a schedule of usual and customary costs to determine PECFA reimbursement at sites for which public bidding is not used.

d. Limiting the amount of reimbursement under PECFA for interest costs incurred by applicants.

e. Eliminating the \$7,500 cap on the amount of the PECFA deductible for certain applicants.

f. Requiring annual reviews by the Department of Commerce and DNR of PECFA clean ups.

g. Increasing the number of PECFA sites over which the Department of Commerce, rather than DNR, has jurisdiction.

2. Makes change in the laws relating to reducing water pollution from nonpoint (diffuse) sources. The changes include:

a. Authorizing DNR, rather than the Land and Water Conservation Board, to select new projects under the program that provides financial assistance for nonpoint source water pollution abatement. The act allows DNR to select a project only if the project cannot be funded under DATCP's Soil and Water Resource Management Program and if the project is in a target area, based on such factors as the existence of impaired water bodies that have been reported to the federal government, the existence of water bodies that DNR has identified as outstanding or exceptional resource waters and the existence of threats to public health.

b. Establishing an Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Program. Under this program, DNR provides cost-sharing grants for up to 50% of the costs of projects such as storm water detention basins and stream bank stabilization and provides local assistance grants for up to 70% of the costs of activities that include providing information and education related to nonpoint source water pollution control and storm water management and developing, administering and enforcing construction site erosion control and storm water management ordinances.

c. Establishing a Municipal Flood Control and Riparian Restoration Program. Under this program, DNR provides cost-sharing grants to cities, villages, towns and metropolitan sewerage districts for up to 70% of the costs of facilities and structures for the collection and transmission of storm water and groundwater, of the purchase of flowage and conservation easement rights on land within floodways and of floodproofing of structures in the 100-year

flood plain. The program also authorizes DNR to provide local assistance grants for up to 70% of costs such as planning and design (see also *Agriculture*).

3. Extends under laws that relate to properties that are contaminated with hazardous substances the exemption from liability that applies to “voluntary parties” (persons who did not intentionally or recklessly cause the initial release of a hazardous substance on the contaminated property and who take certain remediation steps) to a person who intentionally or recklessly causes a discharge. The act allows a person to qualify for the exemption even if a cleanup that does not address all of the contamination on the property is conducted, as long as the contamination that remains migrated onto the property or is contamination of groundwater that DNR determines will be reduced to acceptable levels through natural processes. The act also makes a voluntary party immune from liability for the presence of a hazardous substance that is discovered in the course of a cleanup if the voluntary party has obtained insurance to cover the costs of cleaning up hazardous substances discovered in the course of the cleanup and this state is named as an insured.

4. Authorizes local governmental units to recover the costs of cleaning up hazardous substances on certain properties, such as properties acquired through tax delinquency proceedings, from persons who are responsible for the discharge of the hazardous substances.

5. Exempts a local governmental unit from requirements relating to hazardous waste on certain properties if specified conditions are satisfied, including that the hazardous waste is cleaned up and DNR approves the cleanup.

6. Establishes a Brownfield Site Assessment Grant Program, under which DNR makes grants to local governmental units for up to 80% of the costs of investigating environmental contamination, demolishing structures and removing abandoned containers and hazardous substance storage tanks on abandoned, idle or underused industrial or commercial sites.

7. Provides that recipients of loans under the Land Recycling Loan Program pay no interest, rather than interest at below-market rates. Under the program, DNR and DOA provide loans to local governmental units for projects to remedy environmental contamination at sites where water quality is affected or threatened.

8. Establishes a pilot sustainable urban development zone program to promote the use of financial incentives for cleaning up and redeveloping brownfields. Under the program, DNR is required to provide funds to the cities of Beloit, Green Bay, La Crosse, Milwaukee and Oshkosh.

9. Makes several changes in the Dry Cleaner Environmental Response Program, under which DNR provides reimbursement for a portion of the costs of cleaning up environmental contamination at current and former dry cleaning sites. The changes include providing that financing costs are not eligible for reimbursement and requiring the owner of a former dry cleaning site to pay a higher deductible, rather than make payments to DNR for 30 years after receiving reimbursement.

10. Imposes a recycling tipping fee of 30 cents per ton on solid waste disposed of in this state, except high-volume industrial waste.

11. Provides that a local governmental unit is eligible for a state grant for its recycling program if it has what is considered under state law to be “an effective recycling program” and if, for grants for 2000, the local governmental unit received a grant for 1999. The amount of the grant is based on the proportion of the total amount of recycling grants paid for 1999 that the local governmental unit received or would have received.

12. Authorizes DNR, with the governor’s approval, to enter into an agreement to indemnify a local governmental unit against liability for damages resulting from the local governmental unit’s acceptance for disposal in its landfill of sediments that are contaminated with polychlorinated biphenyls (PCBs).

13. Requires DNR to hold a public meeting before authorizing a landfill to accept for disposal dredged materials that contain PCBs or heavy metals in a concentration of less than 50 parts per million.

14. Increases the rate of the annual environmental repair fee that must be paid by generators of hazardous waste and increases the maximum fee from \$10,000 to \$17,000.

15. Raises from 4,000 to 5,000 tons the cap on the number of tons of air pollutants on which the air pollution emission fee is based. The act requires DNR to change the way in which it calculates the fee, beginning in 2002, by, among other things, requiring DNR to increase an air pollution source’s fee in proportion to any increases in emissions from the source and to decrease the fee in proportion to any decreases in emissions from the source. The act also creates a new air emission fee of \$2.86 per ton of emissions of the pollutants on which the air pollution emission fee is based.

16. Makes changes relating to a state implementation plan for controlling atmospheric ozone in another state, including:

a. Specifying limits on the nitrogen oxide emission reduction requirements that DNR may establish in such a plan for certain electric generating facilities in the northwestern portion of the state.

b. Prohibiting DNR from requiring from mobile sources and certain stationary sources reductions of nitrogen oxide emissions that are in addition to the reductions required in such a plan (see also *Act 75*).

c. Requiring DNR to ensure that certain of the nitrogen oxide emission reductions that are required under such a plan are achieved through the use of renewable energy and the implementation of low-income weatherization and energy conservation measures.

d. Establishing an air quality improvement fund, consisting of assessments paid by electric public utility affiliates in public utility holding company systems, from which DOA awards grants to certain electric utilities and cooperatives for the purpose of complying with requirements under such a plan to reduce nitrogen oxide emissions in the northwestern portion of the state (see also *Act 75*).

e. Requiring DNR to allow air contaminant sources to participate in a market-based program for trading nitrogen oxide emission reduction credits for purposes of complying with such a plan.

17. Requires DNR to adopt and apply objective performance measures relating to issuing air pollution permits and to the overall performance of the Air Management Bureau, which is the subunit of DNR that administers the air quality laws.

18. Requires DNR to change the way that it calculates the annual fee imposed on persons who discharge wastewater, beginning in fiscal year 2000-01, by, among other things, requiring DNR to increase a person's fee in proportion to any increases in the person's discharges and decrease the fee in proportion to any decreases in the person's discharges.

Act 75 (SB-481) changes requirements under Act 9 relating to a state implementation plan for controlling atmospheric ozone in another state. The act:

1. Prohibits DNR from requiring nitrogen oxide emission reductions for certain boilers, turbines and internal combustion engines.

2. Prohibits DNR from requiring nitrogen oxide emission reductions that are in addition to reductions for nonutility stationary or mobile sources that are based on certain data used by the federal Environmental Protection Agency in determining the total amount of allowable nitrogen oxide emissions in the state under the federal Clean Air Act.

3. Specifies that the electric public utility affiliates that must pay assessments into the air quality improvement fund are those affiliates that own electric generating facilities outside the northwestern portion of the state.

Act 147 (AB-859) prohibits a person from conducting an activity that may result in a discharge into water if DNR denies a water quality certification (required under the Federal Water Pollution Control Act) for the activity. The act also prohibits a person from violating a condition that DNR includes in a water quality certification.

Act 195 (SB-287) requires DNR to establish and operate a system for registering voluntary reductions in emissions of greenhouse gases, which are gases that trap heat in the atmosphere. The act also authorizes DNR to establish systems for registering voluntary reductions in emissions of fine particulate matter, mercury or any other air contaminate.

Financial Institutions

Act 9 (AB-133) contains several provisions relating to financial institutions and DFI. The act:

1. Authorizes DFI to regulate certain commercial lenders that participate in a specific loan guarantee program administered by the U.S. Small Business Administration. Among other things, the act establishes licensing and examination requirements that apply to these commercial lenders.

2. Authorizes DFI to assess members of the public a fee for using its databases and computer systems.

3. Changes the name of the Division of Savings and Loan in DFI to the Division of Savings Institutions.

4. Provides that the Division of Banking in DFI, rather than the Commissioner of Insurance, may revoke or suspend the license of an insurance premium finance company.

Fringe Benefits of Public Employees

Act 9 (AB-133) makes various changes relating to fringe benefits of public employees. The act:

1. Makes the administrator of the Division of State Patrol in DOT a protective occupation participant in the WRS if the individual is certified as a law enforcement officer by the Law Enforcement Standards Board.

2. Changes prior law to require the state to pay, immediately upon hiring rather than after a person has been employed for six months, the employer's contribution for state health insurance for faculty and academic staff employees of the UW System who are WRS participants.

3. Grants to individuals who were district attorneys in Milwaukee County before transferring to state service on January 1, 1990, and who were state employees on October 29, 1999, creditable service under the WRS for their years of service as district attorneys in Milwaukee County.

Act 11 (AB-495) makes a number of changes affecting fringe benefits provided to participants in the WRS (see *HIGHLIGHTS*).

Act 12 (AB-584) permits an estate (or any other nonnatural person) to be the beneficiary of a WRS participating employee who at the time of death was age 55 or older, or was 50 or older if he or she was a protective occupation participant. The act corrects an unintended effect of Act 11 that prevented an estate (or any other nonnatural person) from being named the beneficiary of a participating employee. (On December 29, 1999, in *Employe Trust Fund Board v. Lightbourn*, Case. No. 99-3297-OA, the Wisconsin Supreme Court enjoined DETF and DOA from implementing or enforcing Act 11 until further ordered by the court.)

Act 13 (AB-329) requires the state to pay the employer contributions for health insurance coverage for a state employee who is activated to serve on military duty in the U.S. armed forces, other than for training purposes, if the employee is insured under the State Health Insurance Program and he or she has been granted a military leave of absence by the state.

Act 101 (SB-223) applies the Specialized Disaster Relief Services Program, under which a state employee may be granted a paid leave of absence to help provide specialized disaster relief services through the American Red Cross, to represented state employees unless their collective bargaining agreements provide otherwise. Formerly, the program only applied to represented state employees to the extent provided in their collective bargaining agreements.

Act 104 (SB-187) eliminates the time under former law within which a state employee was required to use his or her accumulated unused sick leave for the purchase of state group health insurance.

Act 105 (AB-187) creates a Volunteer Fire Fighter and Emergency Medical Technician Service Award Board (attached to DOA), which must establish a Length-of-Service Awards Program for volunteer fire fighters and volunteer emergency medical technicians under which a municipality may make annual contributions for such individuals and the state is required to match the contributions up to \$250 per year.

Act 125 (AB-545) requires the chief administrative officer of any state agency to permit an employee to take a limited, paid leave of absence to serve as a bone marrow donor or a human organ donor.

Act 181 (SB-97) increases the membership of the Employee Trust Funds Board by an additional member who must be a WRS participant and either a school district employee or a technical college district employee, but not a teacher.

Gambling

Act 5 (SB-114) requires that all pari-mutuel racing and bingo revenues, less the moneys used for the regulation of or enforcement of laws relating to bingo and pari-mutuel on-track betting, be used for property tax relief for state residents (see also *Taxation*).

Act 9 (AB-133) makes a number of changes in the laws related to gambling. The act:

1. Makes several changes in the funding of the lottery (see *HIGHLIGHTS*).
2. Reduces the penalties for certain gambling violations (see *HIGHLIGHTS*).
3. Authorizes DOR to establish a Lottery Ticket Retailer Performance Program, under which DOR provides bonus compensation to lottery ticket retailers who meet certain lottery ticket sales goals that are established by DOR by rule.
4. Permits a lottery prize winner to use a portion of his or her lottery prize as security for a loan or to assign a portion of his or her lottery prize if a court issues an order for the winner to do so. The act specifies certain requirements that must be met before the court may issue the order, including representation for the winner by independent counsel and receipt by the court of an accounting of all claims against the lottery prize payment.
5. Permits certain lottery prize winners to elect, within 60 days after winning a lottery prize, whether to receive payment of the prize as an annuity or a lump-sum payment. The act also permits certain lottery prize winners who won a lottery prize on or before October 21, 1998, and who are receiving payment under an annuity to elect, no later than December 31, 2000, to receive the balance of the prize as a lump sum.
6. Requires that, if an Indian tribe operates a pari-mutuel racetrack, a portion of the moneys the Indian tribe pays to the state, as required by an Indian gaming compact, be used to pay the farmland tax relief credit.
7. Funds the Compulsive Gambling Awareness Campaign Grant Program, administered by DHFS, with Indian gaming revenue. Formerly, the grant program was funded with a portion of the revenues from pari-mutuel racing and the lottery.

Act 134 (AB-273) permits a person to transfer commercially, or possess with intent to transfer commercially, slot machines that were manufactured before December 31, 1974, and that are intended to be used solely for display, restoration and preservation purposes. In addition, the act prohibits a person who is licensed to sell alcoholic beverages from setting up, keeping or permitting a person to set up or keep these slot machines on the premises for which the alcoholic beverage license is issued.

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HEALTH

Act 9 (AB-133) makes various changes to the health laws. The act:

1. Extends to July 1, 2001, the date by which DHFS must develop and implement a statewide trauma care system for emergency care provided by hospitals and extends to July 1, 2002, the termination date for the Trauma Advisory Council, which advises DHFS concerning development and implementation of the system.

2. Requires DHFS annually to collect information and report to the legislature on the percentage of deliveries that are performed in hospitals that have newborn hearing screening programs. If, by August 5, 2003, DHFS determines that fewer than 88% of all deliveries are performed in hospitals that have newborn hearing screening programs, every hospital is required, by January 1, 2004, to have a newborn hearing screening program that is available to all infants delivered in the hospital.

3. Requires the statewide poison control system to provide poison control services on a 24-hour per day, 365-day per year basis and requires a poison control center to maintain a statewide toll-free telephone service. The act also specifies requirements for on-line poison control center staff members who interpret poison exposure data and provide poison intervention and management.

4. Makes numerous changes to laws governing the confidentiality of health care information that is collected and released by DHFS, including:

a. Creating a five-member Independent Review Board (board) and requires review and approval by the board before DHFS may release health care information data elements that are not available in public use data files or may sell or distribute health care provider data bases that may be linked with public use data files.

b. Prohibiting DHFS from releasing public use data files that permit identification of patients, employers or health care providers and requires DHFS to protect these groups from identification by all necessary means.

c. Specifying the data elements (such as a patient's county of residence) that may be included in the public use data files that DHFS releases.

d. Permitting inclusion of a patient's zip code in custom data reports only if at least one of several specified conditions that protect patient identity is met.

e. Differentiating between patient-identifiable data submitted by hospitals and ambulatory surgery centers and that submitted by all other health care providers in specifying the circumstances under which DHFS is authorized to release the patient-identifiable data and eliminating authority to release this data to a person to whom the patient has granted written permission to receive it.

f. Prohibiting DHFS from requiring health care providers that are not hospitals or ambulatory surgery centers to submit uniform patient billing forms or other specified information.

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g. Providing limited immunity for health care providers for releasing a prohibited data element when submitting data to DHFS and for an act or omission by DHFS that results in release of prohibited data.

5. Authorizing the governing body of a city, village or town in Racine County to establish a multiple municipal local health department and to elect a local health officer in concert with the governing body of another city, village or town in that county.

6. Eliminating the requirement that DHFS impose by rule a licensing fee on home health agencies that is based on annual net income and, instead, permits DHFS to base a licensing fee on other criteria.

7. Authorizing, if in compliance with certain requirements, a spouse, adult child, parent, adult sibling, other relative who meets certain conditions or a close friend to admit to a hospice a person who has been determined by two physicians, or a physician and a psychologist, to be incapacitated, who does not have a living will or a power of attorney for health care and who has not been adjudicated incompetent.

Act 23 (AB-91) permits certified dietitians to provide free health care services to primarily low-income persons under the Volunteer Health Care Provider Program.

Act 56 (AB-521) changes the classification of first responders – defibrillation to first responders and provides the same privileges and responsibilities, such as immunity from civil liability for acts or omissions in providing emergency care at certain athletic events, for first responders that currently exist for emergency medical technicians – basic. The act also expands the criteria a person must satisfy to receive certification from DHFS as a first responder.

Act 78 (AB-427) authorizes the release, without informed consent, of patient health care records that do not identify the patient and clarifies that all formats of patient health care records (including visual and electromagnetic information) are subject to certain requirements of former law related to confidentiality (see also *Health and Social Services – Mental Health, Developmental Disabilities and Substance Abuse*).

Act 79 (AB-428) provides a penalty for the intentional disclosure of confidential patient health care information for monetary gain and damages; provides penalties for the negligent violation of patient health care record confidentiality laws; increases damages and penalties for knowing violations of these confidentiality laws; increases damages for intentional disclosure of the results of blood tests for human immunodeficiency virus (HIV) (the virus that causes AIDS) and provides penalties for the intentional disclosure for monetary gain and for negligent disclosure; and subjects an employee of the state or of a local government to discharge or suspension without pay for the violation of laws relating to the confidentiality of HIV test results (see also *Health and Social Services – Mental Health, Developmental Disabilities and Substance Abuse and Insurance*).

Act 103 (SB-504) makes numerous minor and technical changes to licensure requirements for nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes.

Act 113 (AB-806) makes numerous changes to public health laws concerning lead poisoning and lead exposure prevention and treatment (see also *Insurance*). The act:

1. Requires DHFS to promulgate rules concerning issuance of a certificate of lead-free status or a certificate of lead-safe status for a dwelling and creating a registry of all premises for which a certificate is issued; establishes a fee-based mechanism for paying the costs associated with maintaining the registry; and requires DHFS to notify, at least quarterly, a local health department concerning the issuance of certificates within the local health department's jurisdiction.

2. From September 1, 2001, to October 1, 2008, provides immunity from civil and criminal liability for lead poisoning or lead exposure to dwelling owners and their employees and agents who, at the time the poisoning or exposure occurs, have in effect a certificate of lead-free status or a certificate of lead-safe status and prohibits DHFS from subjecting these persons to administrative hearings. The act provides, from September 1, 2001, to October 1, 2005, an additional limited immunity for 60 days following an owner's acquisition of a dwelling, if the owner meets certain requirements. The act also provides that these immunities impair only the right of a person, entity or municipality to sue for damages or equitable relief but do not impair the right of a municipality to impose a penalty for, or restrain, the violation of any ordinance of the municipality on lead poisoning or lead exposure.

3. Requires DHFS to conduct a lead investigation of a dwelling or ensure that one is conducted if notified that a child under age six who is a dwelling occupant has an elevated blood lead level, and to notify the dwelling occupant of the results of the investigation and actions taken to reduce or eliminate the lead hazard. Further, the act requires the owner of the dwelling to obtain a certificate of lead-free or lead-safe status in a timely manner if he or she receives written notice from DHFS or a local health department concerning the child's elevated blood lead level.

4. Requires DHFS to promulgate rules that specify requirements for a course of up to 16 hours for property owners and their agents to receive certification to perform lead investigation and lead hazard reduction activities and the scope of activities that may be performed under the certification, consistent with federal law. The act eliminates authorization for DHFS to promulgate numerous rules relating to lead hazard reduction and, instead, authorizes DHFS to promulgate rules concerning lead hazard reduction that DHFS determines are consistent with federal law.

5. Eliminates former law that authorized DHFS to promulgate rules requiring lead inspections by owners and operators of dwellings or premises constructed before January 1, 1978, if DHFS determined that the dwelling or premises was likely to contain lead hazards.

6. Expands the membership of the technical advisory committee with which DHFS must consult before promulgating rules relating to lead hazard control, to include advocates for persons at risk of lead poisoning and a resident of a first class city.

Act 114 (SB-290) replaces the Birth and Development Outcome Monitoring Program (BDOMP) with a program under which physicians and certain clinics are required and hospitals are permitted to report to DHFS birth defects identified in children under the age of

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two if the child's parent or guardian gives his or her written consent for the physician, clinic or hospital to provide the report. (Formerly, BDOMP required a physician to report to DHFS a diagnosis made or confirmed by the physician that a child under the age of six had a condition resulting from a low birth weight, a chronic condition, a birth defect or a developmental disability or other severe disability.) The act requires DHFS to establish and maintain a registry that documents the diagnosis of birth defects in children under the age of two. The act also creates a council on birth defect prevention and surveillance to advise DHFS on the registry and on administrative rules related to birth defects reporting.

Act 135 (AB-606) permits DHFS to regulate as a bed and breakfast establishment a place of lodging that was originally constructed at least 50 years before the owner applied for a bed and breakfast establishment permit and that has a newer structural addition. The act clarifies that uniform dwelling code requirements of former law apply to the structural additions to these bed and breakfast establishments and to third-floor levels of any bed and breakfast establishments, but not otherwise to bed and breakfast establishments.

Act 176 (SB-172) prohibits a health care facility or health care provider from taking, or threatening to take, disciplinary action against an employee of the facility or provider who reports in good faith to certain persons a violation of the law or of a clinical or ethical standard by the facility or provider or by an employee of the facility or provider.

MEDICAL ASSISTANCE

Act 9 (AB-133) makes various changes to the laws relating to the Medical Assistance Program (MA), which provides federally funded and state-funded health care services to low income eligible persons. The act:

1. Makes several changes to the Badger Care Health Care Program, including:
 - a. Expanding eligibility for the program to children who do not reside in the same household as their parents but who otherwise meet the financial and nonfinancial requirements.
 - b. Permitting DHFS, after receiving approval from JCF, to establish a lower maximum income level than the current income level of 185% of the poverty line for determining initial eligibility for new enrollees if funding for the program is insufficient.
 - c. Increasing from 143% of the poverty line to 150% of the poverty line the maximum income level for exempting an individual from paying a copayment for health care services.
2. Requires DHFS to seek federal approval for the Medical Assistance Purchase Plan Program, which would extend MA coverage to certain working, disabled persons.
3. Requires DHFS to identify MA recipients between the ages of two and six who are at risk of lead poisoning and who have not received lead screening from a health maintenance organization that has a contract with DHFS to provide MA benefits.
4. Increases from \$2,000 to \$2,500 the maximum amount of an irrevocable burial trust that may be excluded from an MA applicant's countable assets beginning January 1, 2001.
5. Increases from \$40 to \$45 the monthly personal needs allowance (the amount of income an institutionalized MA recipient may retain each month for personal needs).

6. Requires DHFS to seek federal approval to provide MA benefits to individuals with human immunodeficiency virus (HIV) (the virus that causes AIDS) who meet certain requirements.

7. Expands MA divestment restrictions to include the transfer of assets by promissory note or similar instrument in an amount that exceeds the expected value of the benefits and specifies criteria for determining when a transfer of assets to an annuity or by a promissory note or similar instrument is not in excess of the expected value of the benefits. Under MA, a person who divests (disposes of assets for less than the expected value of the benefits) is ineligible for MA benefits for a certain period of time.

8. Makes various changes to the estate recovery requirements under which DHFS recovers from the estate of a deceased MA recipient the amount of medical assistance paid for certain medical services on behalf of the recipient, including:

a. Requiring DHFS to obtain a lien on the home of an inpatient MA recipient who is not expected to return home.

b. Including personal care services in the types of services for which DHFS must recover expenditures.

c. Increasing the amount by which a court may reduce a claim by DHFS in an estate to allow the heirs and beneficiaries to retain certain personal property.

9. Makes various changes to the provisions relating to the rights and procedures by which DHFS must be joined in a personal injury lawsuit by a recipient of MA benefits.

10. Modifies requirements governing the payment formula for care provided in nursing homes; provides a 5% funding increase, beginning July 1, 1999, for nurse's assistant wages, fringe benefits and increases in staff; and allows DHFS to recoup payments from nursing homes that do not increase nurse's assistants wage, salary and fringe benefits costs to correspond to the increase in funding.

11. Prohibits DHFS from reducing pharmacy fees and from discounting the average wholesale price for prescription drugs for persons eligible for MA by more than 10% during the 1999-2001 fiscal biennium.

12. Authorizes DHFS to make supplemental MA payments to hospitals that meet federal MA location, emergency care and bed requirements. Former law permitted these payments to be made only to eligible rural hospitals.

13. Expands MA benefits to include, until July 1, 2003, alcohol or other drug abuse residential treatment services that are provided by local governments that also pay the state share of the MA cost.

14. Authorizes school districts, cooperative educational service agencies (CESAs), the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin School for the Deaf in providing MA school-based services (health care services provided in a school to children who are eligible for MA) to be reimbursed for administrative costs on a quarterly basis, using time studies, at 90% of the federal MA reimbursement share that is in excess of \$16,100,000 in each year of the 1999-2001 fiscal biennium. The act also requires DHFS to allow claims for

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common carrier transportation as school-based services unless notified by the federal Department of Health and Human Services that the claiming is not allowed.

15. Changes former law that required the Secretary of Health and Family Services annually to transfer MA funding to the Community Options Program if utilization of nursing home beds by MA recipients had decreased. The act, instead, prohibits a transfer that would reduce the balance of MA funds below an amount necessary for a positive balance at the end of the fiscal year or biennium and requires that the transfer be triggered when utilization of nursing home beds is less than estimates of the utilization that are expressed in biennial budget act determinations.

16. Requires DHFS to implement a pilot program under which DHFS may require that a child who is placed in out-of-home care in Milwaukee County be enrolled in a managed care plan as a condition of receiving MA.

Act 10 (*October 1999 Special Session AB-1*) requires DHFS to request a waiver of federal law and to amend the state plan to authorize DHFS to disregard receipt by persons of the sales tax rebate in determining their MA eligibility (see also *State Government - Other State Government and Taxation*).

Act 103 (*SB-504*) increases MA reimbursement for care provided in hospitals that serve a high proportion of MA recipients or low-income persons.

Act 187 (*AB-942*) provides funding to supplement by \$3.25, beginning July 1, 2000, the hourly reimbursement rate for workers who provide in-home personal care services to MA recipients.

MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE

Act 9 (*AB-133*) makes various changes to laws relating to mental health, developmental disabilities and substance abuse. The act:

1. Authorizes DHFS to contract with public or private entities for services to be provided by mental health institutes that are additional to inpatient mental health services, such as mental health outpatient treatment and services, day programming and services in residential facilities, when DHFS determines that services in the community need supplementation.

2. Authorizes DHFS to award grants to urban and rural counties and private entities to provide community-based alcohol and other drug abuse treatment programs that meet special needs of women and that emphasize parent education, vocational and housing assistance and coordination with other programs and intensive care treatment.

3. Provides funding for DHFS to implement up to four demonstration projects in fiscal year 2000-01 to provide mental health and alcohol and other drug abuse services under managed care programs.

4. Authorizes DHFS, within the limits of available state and federal funding for the provision of mental health and alcohol and drug abuse services, to do all of the following:

a. Promote the creation of coalitions to serve persons with mental illness, alcoholism and drug dependency and promote responsible stewardship of human and fiscal resources, access

to appropriate services, consumer decision making and the use of individualized service planning for these persons.

b. Develop and implement strategies to reduce stigma and discrimination against persons with mental illness, alcoholism or drug dependency and methods to identify and measure outcomes for these persons and involve these persons as participants in service system planning and delivery.

5. Creates a grant program for county agencies and private nonprofit organizations to provide substance abuse treatment services in Milwaukee County to low-income individuals.

Act 78 (AB-427) authorizes the release, without informed consent, of mental health treatment records that do not identify the record subject and clarifies that all formats of mental health treatment records (including visual and electromagnetic information) are subject to certain requirements of former law related to confidentiality (see also *Health and Social Services - Health*).

Act 79 (AB-428) increases damages, exemplary damages and penalties for violations of mental health court and treatment record confidentiality laws and provides penalties for the negligent disclosure of confidential mental health treatment information and for the intentional disclosure for monetary gain (see also *Health and Social Services - Health and Insurance*).

Act 183 (AB-742) requires a court to award payment, from the estate of a person for whom a guardian is appointed, of the reasonable attorney's fees and costs of the petitioner for the guardianship, unless the court finds that the payment is inequitable or that the ward had engaged in advance planning to avoid guardianship.

PUBLIC ASSISTANCE

Act 9 (AB-133) makes several changes to the law relating to public assistance. The act:

1. Exempts certain child support payments from the calculation of an individual's gross income in determining the individual's eligibility for a Wisconsin Works Program (W-2) employment position or job access loan under W-2, under which cash benefits and services are provided to eligible parents.

2. Modifies the maximum amount of monthly benefits paid to a W-2 participant who is participating in a community service job by prorating the amount of benefits according to the number of hours per week the individual is assigned to work in the community service job. Formerly, all individuals participating in a community service job were eligible to receive the same amount of benefits regardless of the number of hours each individual was assigned to participate in a community service job.

3. Changes eligibility requirements for the W-2 Child Care Subsidy Program, under which a subsidy is provided for child care to certain low-income parents of children under the age of 13 or individuals who provide care and maintenance for a child under the age of 13, including:

a. Increasing from 165% of the federal poverty level to 185% of the federal poverty level the maximum gross income requirement.

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b. Requiring a W-2 agency, when calculating the gross income of an individual who is self-employed or a farmer, to include the individual's net income reported to the federal Internal Revenue Service and certain types of expenses.

c. Eliminating the asset test.

d. Exempting certain child support payments from the calculation of an individual's gross income.

e. Permitting a parent of, or an individual who provides care and maintenance for, a disabled child between the ages of 13 and 19 to receive a child care subsidy for that child if the parent or individual meets the other eligibility requirements for a child care subsidy.

f. Modifying the maximum amount of copayment that an individual receiving a child care subsidy must pay for child care services.

g. Modifying the types of educational activities in which an individual may participate.

4. Changes former law to require DWD to contract with private, as well as public, W-2 agencies that meet certain performance standards established by DWD.

5. Requires a W-2 agency to conduct an educational needs assessment of certain participants in W-2 and, if the W-2 agency determines that the individual needs basic education and the individual agrees, to pay for and include in the employability plan basic education.

6. Eliminates the Milwaukee County wage-paying community service job pilot program, under which participants in the program are paid a wage for each hour worked in a community service job.

7. Modifies the procedures and requirements for the collection of overpayments of public benefits.

8. Increases the amount DWD pays to counties for reimbursement of the costs of the Children First Program, under which noncustodial parents who fail to pay child support because of unemployment are provided with job training and work experience, and permits W-2 agencies to administer the program.

9. Permits a W-2 participant, as part of a community service job or trial job, to participate in a technical college program if the individual meets certain requirements.

10. Increases the monthly caretaker supplement under the Supplemental Security Income Program (SSI) from \$100 for each child to \$250 for the first child and \$150 for each additional child.

11. Establishes the Early Childhood Excellence Initiative, under which DWD must award grants to at least five early childhood centers that serve children under age five who are eligible for Temporary Assistance for Needy Families for providing training for parents and child care providers and may award grants to child care providers that have received that training for establishing early childhood programs for those children.

12. Directs DWD to attempt to award child care start-up and expansion grants to organizations that provide child care for sick children and to child care providers that employ current or former W-2 participants.

PUBLIC HEALTH

Act 9 (AB-133) makes various changes to the laws relating to public health. The act:

1. Creates a Tobacco Control Board and requires the board to distribute funds to programs designed to promote the cessation and prevention of tobacco use.
2. Creates a tobacco control fund from which may be spent moneys received as part of the state's settlement agreement with the tobacco industry.
3. Authorizes DHFS to contract with local health departments to conduct unannounced investigations of retail outlets where tobacco products are sold to survey levels of compliance with the prohibitions against selling tobacco products to minors. The act permits minors who are at least 15 years of age to buy, or attempt to buy, tobacco products as part of an investigation if certain conditions are met.
4. Requires DHFS to award grants for activities to improve the health status of economically disadvantaged minority groups and to establish several initiatives designed to address the health care concerns of minority groups.
5. Makes several changes to the public health laws relating to tuberculosis, including:
 - a. Eliminating the authority of counties to establish and maintain public health dispensaries for persons with tuberculosis or other pulmonary diseases and instead authorizing DHFS to certify counties meeting specified criteria to establish public health dispensaries.
 - b. Authorizing DHFS or a local health officer to order an individual with tuberculosis or a suspected case of tuberculosis to confinement in a facility for no more than 72 hours if certain conditions are met and creating a process by which a person with infectious tuberculosis or with a suspected case of tuberculosis may be confined for more than 72 hours.
 - c. Requiring a laboratory that tests for tuberculosis to report to the local health officer and DHFS all positive test results and specifying that these laboratories use certain procedures and perform certain types of tests when testing for tuberculosis.
6. Requires DHFS to conduct a study of the electronic benefits system of the Supplemental Food Program for Women, Infants and Children (WIC), under which supplemental food, nutrition education and other services are provided to women, infants and children.

OTHER HEALTH AND SOCIAL SERVICES

Act 8 (AB-449) postpones from October 1, 1999, to February 1, 2000, the effective date of the caregiver background check law as applied to current employees of certain health care facilities and of entities that provide care for children.

Act 9 (AB-133) changes various other laws relating to health and social services. The act:

1. Creates Family Care (see *HIGHLIGHTS*).
2. Eliminates the authority of the Department of Commerce to regulate sources of ionizing and nonionizing radiation (former law authorized DHFS and the Department of

Health and Social Services- continued

Commerce jointly to perform the regulation). The act authorizes the governor to enter into agreements with the U. S. Nuclear Regulatory Commission (USNRC) to assume state regulation of former federal licensing activities concerning by-product radioactive material, certain tailings or waste, radioactive source material and special nuclear material. The act authorizes DHFS, until January 1, 2003, to assess fees of persons in this state who hold a license issued by the USNRC and, as of January 1, 2003, to issue general licenses concerning radioactive by-product material and specific licenses concerning radioactive material. The act eliminates court-imposed forfeitures (civil monetary penalties) for violations of the radiation regulatory laws and rules of DHFS and, instead, establishes DHFS administrative forfeitures and procedures for enforcement. Further, the act authorizes DHFS to issue emergency orders to protect the public from radiation exposure and changes former law to prohibit, rather than allow, transfer of registration of ionizing radiation installations if ownership transfers.

3. Provides funding for DHFS to contract with a private, nonprofit organization to administer respite care projects, under which care is provided as relief for the caregiver of a person with special emotional, behavioral, cognitive, physical or personal needs or a person at risk of abuse or neglect. The organization must award grants to conduct the projects and act as a statewide clearinghouse of respite care information.

4. Authorizes a pilot project in Chippewa County that permits the use of funds under the Community Options Program, under which elderly, physically or developmentally disabled, chronically mentally ill or chemically dependent persons receive care in their homes or in certain community facilities, to provide services to individuals in a community-based residential facility that has 20 or fewer beds, up to the maximum total amount of funding annually allocated for this purpose by the Chippewa County board of supervisors.

5. Changes former law, which required, as a condition of eligibility for the Community Options Program or the Community Integration Program, under which long-term care is provided to persons relocated from institutions or who meet care requirements for MA in a nursing home, that a person receive an assessment of his or her functional abilities, disabilities and the need for services before entering a community-based residential facility. The act, instead, authorizes a county to waive this requirement, but the act also requires community-based residential facilities to refer to the county a person seeking facility admission to determine whether a Community Options Program assessment should be conducted, if the financial review required to be performed by the facility indicates that the person's funding would be depleted within 24 months after entering the facility.

6. Provides funding, including federal Temporary Assistance for Needy Families funding, for grants to organizations for various domestic abuse services and for grants to the Wisconsin Coalition Against Domestic Violence for the cost of assisting domestic abuse victims to obtain legal services.

7. Makes a number of changes to the state Health Insurance Risk-Sharing Plan (HIRSP), which provides health insurance coverage to persons who are covered under Medicare because of disability, persons who have tested positive for human immunodeficiency virus

Health and Social Services- continued

(HIV) (the virus that causes AIDS), persons who have been refused coverage or offered coverage at very high premium rates in the private health insurance market and certain other persons (called “eligible individuals”) who have no health insurance coverage but who were previously covered for at least 18 months in the aggregate, including:

a. Allowing a person who has HIRSP coverage when he or she attains the age of 65 to continue the coverage, even though a person who is 65 years old or older is not otherwise eligible for HIRSP coverage.

b. Changing the amount that HIRSP will pay providers for covered benefits from the usual and customary charges, reduced by 10%, to the amount paid for the benefits under MA plus an enhancement determined by DHFS on the basis of projected HIRSP costs and trend factors.

c. Excluding services and drugs for the treatment of infertility, impotence or sterility from covered benefits under HIRSP.

d. Authorizing DHFS to establish drug copays, subject to the approval of the HIRSP Board, and to limit payment of claims related to prescription drugs to those claims submitted directly by pharmacists.

e. Establishing deductibles and coinsurance levels for “eligible individuals.”

f. Increasing from \$20,000 to \$25,000 the maximum annual household income for eligibility for premium and deductible subsidies under HIRSP and authorizing the HIRSP Board to adjust that maximum annual household income on the basis of changes in the Consumer Price Index.

8. Makes various changes relating to the caregiver background check law, which prohibits a person from being licensed to operate, employed or contracted by or permitted to reside at certain health care facilities and facilities that provide care to children (collectively “entities”), if the person has been convicted of, or has pending against him or her a charge for, a serious crime, as defined by DHFS by rule, has abused or neglected a client or child, has misappropriated the property of a client or has a credential with DORL that restricts him or her from providing adequate care to a client. The prohibition does not apply if the person demonstrates that he or she has been rehabilitated. That law also requires a background information form to be completed by, and certain background information to be obtained with respect to, a person at the time of initial licensure, employment, contracting or residence and every four years thereafter. Those changes include:

a. Excluding emergency medical technicians from the requirements of the law and narrowing the law’s scope to employees, contractors and nonclient residents who have regular, direct contact with clients from those who have access to clients. The act defines “direct contact” as face-to-face physical proximity to a client that affords the opportunity to commit abuse or neglect or to misappropriate client property.

b. Expanding the types of entities that are subject to the law to include temporary employment agencies that provide employees or contractors to another entity.

Health and Social Services- continued

c. Defining “contractor” for purposes of the law as a person who provides services to an entity under an express or implied contract, including a person who has staff privileges at the entity.

d. Eliminating the authority of DHFS to define by rule the serious crimes for which a person is barred from licensure, employment, contracting or residence and instead specifies those serious crimes in the statutes. The act also eliminates the authority of DHFS to establish by rule a list of crimes or acts that are not serious crimes, but that are substantially related to the care of a client and warrant a less stringent measure than a bar on association with an entity.

e. Eliminating a permanent bar on licensure, employment, contracting or residence, with no opportunity to demonstrate rehabilitation, for a person who has committed first-degree intentional homicide or certain sexual assaults.

f. Eliminating a pending charge as a bar on licensure, employment, contracting or residence, but requiring a person conducting a background check to determine the final disposition of a pending charge of a serious crime and certain other crimes that are not serious crimes.

g. Requiring a person conducting a background check to make a good faith effort to obtain background information from any United States jurisdiction about an individual who within the last three years has been a nonresident of this state or whose employment, licensing or state court records provide a reasonable basis for further investigation. Preexisting law required that information to be obtained only from other states and only in the case of a current or former nonresident.

h. Permitting a person conducting a background check to require an individual to be fingerprinted and permitting DOJ to submit those fingerprints to the Federal Bureau of Investigation for verifying the individual’s identity and obtaining his or her criminal history record.

i. Permitting an American Indian tribe to conduct rehabilitation reviews with respect to entities located on the tribe’s reservation if DHFS approves the tribe’s rehabilitation review plan.

j. Permitting DHFS or a county, child welfare agency or school board to charge a fee for providing background information to an entity about an employee or contractor of the entity.

9. Creates a program to award grants to county agencies and private nonprofit organizations to provide substance abuse treatment services in Milwaukee County to low-income individuals.

10. Creates a grant program to award grants to two community health centers in the city of Milwaukee, to community health centers that are federally qualified health services and to HealthNet of Janesville, Inc. A community health center is an entity that provides primary health care, health education and social services to low-income persons.

Act 52 (AB-802) increases funding for home-delivered and congregate meals for persons aged at least 60 years under the state supplement to federally-funded congregate nutrition projects.

Act 103 (SB-504) makes various miscellaneous changes relating to health and social services, including:

1. Changing the basis for calculating limits on the amounts of revenue that a nonprofit provider of rate-based services under contract with DHFS or a county may retain.

2. Requiring DHFS to pay a portion, according to a schedule established by DHFS, of the health insurance premium for a person who is on unpaid medical leave because of an illness or medical condition caused by human immunodeficiency virus (HIV) (the virus that causes AIDS) and whose family income exceeds 200%, but does not exceed 300%, of the federal poverty line. Under preexisting law, which is not changed, DHFS must pay the entire health insurance premium for such a person whose family income does not exceed 200% of the federal poverty line.

Act 165 (SB-417) specifies that premiums for persons who are eligible for Medicare and who have coverage under HIRSP are to be determined primarily on the basis of the difference between the average amount that HIRSP paid in covered expenses in the previous year for a person who is eligible for Medicare and the average amount that HIRSP paid for a person who is not eligible for Medicare. (HIRSP does not pay expenses that are covered by Medicare.)

Insurance

Act 9 (AB-133) makes various changes in the insurance laws. The act:

1. Creates the Private Employer Health Care Purchasing Alliance (see *HIGHLIGHTS*).

2. Requires an employer that offers its employees health care coverage through a health maintenance organization or a preferred provider plan also to offer a point-of-service option plan, which is a health maintenance organization or preferred provider plan that permits an enrollee to obtain covered health care services from providers that are not participating providers of the health maintenance organization or preferred provider plan and for which the enrollee pays any additional costs or charges.

3. Prohibits a managed care plan, such as a health maintenance organization, that provides coverage of obstetric or gynecological services from requiring a female enrollee to obtain a referral for covered obstetric or gynecological services from a participating provider of the managed care plan who specializes in obstetrics and gynecology, regardless of whether the provider is the enrollee's primary provider.

4. Changes the cost-sharing amount that a group health insurance policy may impose for coverage of treatment for nervous and mental disorders and alcoholism and other drug abuse problems from a maximum of 10% to the amount or level charged generally under the policy.

Act 30 (AB-551) changes the priority in which claims are paid when an insurer is liquidated in order to conform state law to the ruling of the U.S. Supreme Court in *U.S. Department of the Treasury v. Fabe*, 113 S. Ct. 2202 (1993), primarily by making loss claims and claims of the federal government higher in priority than wage claims of the employees of the insurer. The act makes a number of miscellaneous additional changes in the insurance laws, including conforming the law governing the restructuring of mutual insurance companies to

changes in the law governing nonstock corporations, authorizing the Commissioner of Insurance to employ experts to assist with examinations and reviews of insurers and reducing license fees that an out-of-state insurer must pay to the state by the amount of credits the insurer receives from this state for investments in certain companies.

Act 79 (AB-428) increases penalties for knowingly and wilfully obtaining personal medical information about a person from an insurer under false pretenses and provides for actual damages to the person, as well as exemplary damages and costs and reasonable actual attorney fees (see also *Health and Social Services - Health and Health and Social Services - Mental Health, Developmental Disabilities and Substance Abuse*).

Act 95 (AB-392) prohibits and restricts, with various exceptions and qualifications, a number of insurance practices on the basis of whether an insured or prospective insured, or a member of an insured's or prospective insured's family, is or is believed to be a victim of domestic abuse. The act also requires an insurer that denies a person coverage under a health or life insurance policy to provide the reasons for the denial in writing.

Act 113 (AB-806) requires OCI to review the cost and availability of insurance in the private market that provides residential property owners with liability coverage for lead-bearing paint hazards and, if OCI determines that the insurance is not sufficiently available or affordable in the private market, to submit drafting instructions for proposed legislation creating a state residential lead liability fund to provide the insurance (see also *Health and Social Services - Health*).

Act 115 (SB-136) requires a health insurance policy, or a self-insured health plan of the state or a county, city, village or school district, that provides coverage for dependents to cover certain specified immunizations for a child of the insured from birth to the age of six years.

Act 155 (SB-350) requires a health insurer to provide an internal grievance procedure and an independent review procedure for insureds' grievances (see *HIGHLIGHTS*).

Act 191 (AB-538) removes the authority of the Commissioner of Insurance to establish minimum standards for benefits for funeral policies (life insurance policies, the proceeds of which are assigned to funeral directors or operators in exchange for agreed upon funeral merchandise and services), prohibits an insurer from issuing a funeral policy for which premiums are paid over time (multipremium funeral policy) unless the face amount of the policy is at least equal to the value of the agreed upon funeral merchandise and services, provides the exclusive circumstances under which the death benefit under a multipremium funeral policy may be less than the face amount of the policy and specifies the maximum period of time over which premiums for a multipremium funeral policy may be payable.

Local Law

Act 9 (AB-133) makes various changes in the area of local law. The act:

1. Changes the requirements for enacting or amending comprehensive plans, requires the development of certain model zoning ordinances and creates a Smart Growth dividend aid program (see *HIGHLIGHTS*; see also *Act 148*).

2. Changes the membership of the Dane County Regional Planning Commission (DCRPC), dissolves the DCRPC on October 1, 2002, and creates a task force to study and make recommendations regarding the creation of a multi-county regional planning commission to replace the DCRPC.

3. Increases the minimum contract amount requiring competitive bidding for public works projects for cities, villages, towns, counties, 1st class city sewerage districts, technical colleges and federated public libraries (local governmental units), and makes such competitive bidding requirements optional for local governmental units' public works projects if the materials for the project are donated or the labor for the project is provided by volunteers.

4. Makes various changes related to environmental remediation tax incremental financing districts (ERTIDs), by, among other things, modifying the eligible costs that may be paid from tax increments, authorizing the inclusion of private property in an ERTID, increasing the number of years for which expenditures that are to be reimbursed through the allocation of tax increments may be incurred and clarifying the membership of an ERTID's joint review board.

5. Includes environmental pollution as a factor to be used in determining blighted areas for purposes of the laws relating to blighted areas, blight elimination and slum clearance and tax incremental financing.

6. Requires counties, under certain circumstances, to issue a tax deed on property for which a tax certificate has been issued and which is contaminated by a hazardous substance.

7. Modifies the provisions regarding membership on city, village or town plan commissions to permit, rather than require, local officials to serve on such a commission.

8. Authorizes the Milwaukee County Sheriff's Department to let a contract for the construction of a training academy using a design-build construction process.

9. Makes a number of minor changes in the tax incremental financing law, each of which apply only to a particular city or village, including the Village of Jackson in Washington County, the Village of Birnamwood in Shawano County, the Village of Ashwaubenon, the Village of Gilman in Taylor County, the city of Milwaukee and the city of Sheboygan.

10. Allows the removal of lead contamination from buildings and infrastructure within a tax incremental financing district to be included as an eligible cost if the city or village declares that the lead contamination is a public health concern.

11. Deletes the provision of preexisting law that limited to two consecutive full terms membership on a local exposition district board of persons who are officers or employees of a private sector entity. Currently, this provision applies only to the Wisconsin Center District Board.

Act 25 (AB-227) changes the boundaries of Jackson County and Monroe County to reflect what county officials understand to be the boundaries of these two counties.

Act 65 (AB-853) authorizes any city with a population of more than 150,000 to create a cultural arts district (district), which is a special purpose district and a separate local

governmental unit. A district is governed by a district board whose members are appointed by the mayor of the sponsoring city, the governor and the county executive, except that if the sponsoring city is a 1st class city (presently only Milwaukee), the district board members are appointed as determined by the common council. A district may issue tax-exempt revenue bonds; acquire, construct and maintain cultural arts facilities; and acquire property by condemnation. A district's property is exempt from taxation, and purchases made by the district are exempt from the sales and use taxes. Construction and professional services contracts awarded by a district are subject to minority and women's business contracting goals. Under the act, bonds issued by a district are not debts of the state or of the sponsoring city, but the state pledges that it will not limit or alter the rights vested in the district until the bonds are fully discharged (see also *Taxation*).

Act 67 (AB-177) authorizes the State Historical Society, if a city, village, town or county (political subdivision) issues a permit to raze, or states its intent to raze, an historic building to shorten the period before which the historic building may be razed, subject to any applicable local ordinance, if the State Historical Society completes its creation or preservation of an historic record or decides not to create or preserve such a record.

Act 93 (AB-226) changes the publication requirements for, and the disposition of, unclaimed funds in a public treasury.

Act 96 (AB-583) makes various technical changes to the ways in which a register of deeds handles certain documents and modernizes obsolete language and references that describe certain activities of a register of deeds.

Act 112 (SB-373) authorizes the board of a municipal theater that has been created by a 1st class city (presently only Milwaukee) to transfer any of the city's interests in the theater to another person, subject to approval by the city's common council.

Act 131 (AB-116) requires DOT to reimburse towns for the costs of fire calls on a state or federal highway even if the fire equipment is not actually used.

Act 148 (AB-872) specifies that, beginning on January 2, 2010, the comprehensive plan of a city, village, town, county or regional planning commission that engages in any program or action that affects land use, such as zoning ordinances and annexation procedures, must contain at least all of the planning elements that are required under current law, such as housing, transportation and natural and cultural resources. The act limits to cities and villages with populations of at least 12,500 the requirement under Act 9 that every city and village enact a traditional neighborhood development ordinance. The act also deletes the requirement in Act 9 that a city, village or town enact a conservation subdivision ordinance (see also *State Government - Other State Government*).

Act 150 (AB-710) reorganizes the statutes on general municipal law into logical subchapters and modernizes the language used in those statutes.

Act 167 (AB-892) creates a local professional football stadium district (see *HIGHLIGHTS*).

Natural Resources

CONSERVATION

Act 9 (AB-133) makes various changes in the conservation laws. The act:

1. Creates the Warren Knowles-Gaylord Nelson Stewardship 2000 Program (see *HIGHLIGHTS*).

2. Creates the natural resources endowment trust fund. Gifts made to this fund must be used to benefit land that is subject to DNR's jurisdiction and that is used for conservation or recreational purposes.

3. Provides that a specific project in Trempealeau County be considered to be in compliance with state water quality standards that are applicable to wetlands and with other water quality requirements if the affected wetland area is under 15 acres, and if the project is in an area zoned for industrial use and supported by a resolution adopted by the city in which it is located. The act also provides that a specific project in Dunn County be considered to be in compliance with these water quality standards and requirements if the affected wetland area is under 4.2 acres, and if the project is in an area zoned for a technology park and supported by a resolution adopted by the city in which it is located.

4. Requires DNR to provide one grant in each fiscal year to a nonprofit corporation to encourage private entities to undertake activities to protect and preserve the state's natural resources and one grant in each fiscal year to a nonprofit corporation for urban land conservation.

5. Authorizes DNR to provide one grant in each fiscal year to a corporation for supporting the development and maintenance of the ice age trail area and for promoting tourism in that area.

Act 147 (AB-859) creates a process and requirements for DNR to use in determining whether to allow wetland mitigation as a way to comply with water quality standards that must be met for the issuance of a permit that adversely affects wetlands. Wetland mitigation allows the restoration or enhancement of another wetland, or the creation of a new wetland, as compensation for the adversely affected wetland. The act prohibits wetland mitigation projects that adversely affect wetlands in areas of special natural resource interests, which include Lake Michigan, Lake Superior, the Mississippi River, most lands under the jurisdiction of DNR and other areas designated by DNR by rule. The act also prohibits DNR from considering wetland mitigation unless the permit applicant demonstrates that all appropriate and practicable measures will be taken to avoid and minimize the adverse impacts on the affected wetland.

NAVIGABLE WATERS AND BOATING

Act 9 (AB-133) makes various changes in the laws relating to navigable waters and boating. The act:

Natural Resources- continued

1. Allows the public to use, for water-based recreation such as fishing and swimming, the exposed area of the bed of a body of water that is located between the water's edge and the ordinary high-water mark even though the exposed area is adjacent to private land.
2. Increases from two years to three years the period for which a boat certification or registration is valid and increases certain fees for the issuance or renewal of certificates of number and registration.
3. Changes the laws governing county shoreland zoning ordinances to require counties to grant special zoning permission for certain structures located in setback areas, which are areas along the shore in which the placement of structures is prohibited or restricted. To receive special zoning permission, the structure must have no sides or open or screened sides, and the property owner must provide a vegetative buffer zone near the water.
4. Authorizes DNR to appoint third parties, such as county clerks and other agents, to renew boat registrations and authorizes DNR to establish for these renewals an expedited service procedure and a supplemental renewal fee.
5. Expands the local assistance program for dams, under which DNR provides funding for maintaining, repairing and removing dams, to include any type of project that increases dam safety; imposes a maximum amount on each grant; allows private owners to receive grants for removal of smaller dams; and allows anyone, rather than only counties, municipalities and lake protection and rehabilitation districts, as under former law, to receive grants to remove abandoned dams.
6. Prohibits DNR from requiring a dam owner to place a fishway or fish ladder unless DNR has promulgated rules specifying the public's rights in navigable waters that are dammed, the state or federal government implements a cost-sharing program for equipping dams with these structures and a grant under the program is available to the dam owner.
7. Allows a boating organization that has as its primary purpose the promotion of boating to object to a municipal ordinance regulating the operation of boats on rivers on the grounds that the ordinance is not necessary for public health, safety or welfare or the public's interests in preserving the state's natural resources. Former law allowed only municipalities, certain local units of government and nonprofit conservation organizations to make these objections.
8. Changes former law to require, rather than authorize, DNR to impose a fee, which is set by rule, for the boating safety course and places a maximum on the amount of the fee that DNR may authorize the instructor to retain.
9. Specifies that a drainage district drain located in the Duck Creek Drainage District is not navigable unless a U.S. geological survey map or other scientific evidence shows that the drain was a navigable stream before it became a drainage district drain. The act also exempts the Duck Creek Drainage District from obtaining a permit from DNR to place a structure or deposit material in a drain operated by the board for the Duck Creek Drainage District (board) if DATCP, after consulting with DNR, approves the structure or deposit or if the structure or deposit is required by DATCP rules. The act allows the board to clean material from a drain

operated by the board without a permit from DNR, if the removal is required under DATCP rules in order to conform the drain to specifications imposed by DATCP after consultation with DNR.

Act 153 (AB-803) requires that guidelines and standards adopted by DNR to be used in city, village and town zoning ordinances for nonconforming structures located along the the Lower St. Croix Riverway be the same as DNR's standards and guidelines for county zoning of nonconforming structures in the Lower St. Croix Riverway. The act specifically requires that these guidelines and standards allow these local zoning ordinances to differentiate between structures that are nonconforming due to their location and physical dimensions and structures that are nonconforming due to the purpose for which they are used.

WILD ANIMALS AND PLANTS

Act 9 (AB-133) makes various changes in the laws related to wild animals and plants. The act:

1. Prohibits DNR from expending in a given fiscal year from the fish and wildlife account of the conservation fund an amount for administrative costs that exceeds 16% of the total expenditures from that account in that fiscal year.

2. Creates an exception to the general requirement that an applicant for certain fish and game approvals provide a social security number to DNR as a condition of applying for the approval. The exception enables an applicant who does not have a social security number to apply for an approval if the applicant submits a statement to DNR indicating that the applicant does not have a social security number.

3. Provides that, if the federal government allows a method under the child support collection system that does not require the use of social security numbers for individuals who apply for fish and game approvals, DNR must request that the Legislative Reference Bureau prepare legislation that allows compliance with that method and requires the Secretary of Natural Resources to submit the proposed legislation to the legislature.

4. Expands the types of costs for which handling fees may be charged in issuing fish and game licenses to include costs associated with paying for licenses in person with credit cards. Former law only authorized handling fees for long-distance transactions. The act also specifies which types of agents may collect in-person handling fees and which may collect long-distance handling fees.

5. Creates an issuing fee for resident and nonresident bonus deer hunting permits and decreases the base fees for such permits so that the total fee for the permit remains the same.

6. Raises the fees for approvals for pheasant and quail farms, game bird and animal farms and deer farms and the fees for approvals for wildlife exhibits.

7. Creates a grant program to reimburse counties for the costs of processing venison from certain donated deer carcasses that is then distributed to food pantries and other charitable organizations.

8. Gives preference to nonresident owners of land in this state over other nonresidents under the preference system for issuing turkey hunting licenses.

Natural Resources- continued

9. Repeals the law prohibiting DNR from authorizing the pursuit of bear with dogs or the training of dogs to track bear in areas of the state where DNR has not authorized the use of dogs for bear hunting.

10. Allows the gray wolf to be considered an endangered species, regardless of whether the gray wolf is on the endangered and threatened species list established by DNR, for purposes of the part of the endangered resources income tax check-off that provides funding for wildlife damage control.

11. Eliminates the statutory fee for the course of instruction under the Hunter Education Program and requires DNR to establish the fee amount by rule.

12. Requires that DNR's rules for regulating the issuance of falconry permits impose certain requirements on nonresidents applying for these permits.

13. Requires DNR and the Board of Regents of the UW System to enter into an agreement with a national organization to provide training to persons who are interested in learning about the outdoor skills needed by women to engage in outdoor recreational activities.

Act 178 (AB-561) prohibits DNR from promulgating or enforcing any rule that prohibits persons who are fishing for trout in inland waters during certain times from possessing barbed hooks.

OTHER NATURAL RESOURCES

Act 9 (AB-133) changes other laws related to natural resources. The act:

1. Provides that all moneys received by the state from receipts on national forest lands must be distributed to school districts in accordance with the number of acres of national forest land located within the school district boundaries. Previously, all such moneys were required to be distributed to towns in accordance with the number of acres of national forest land located within the town boundaries, and at least 50% of the moneys were required to be spent on public roads in the towns (see also *Act 74*).

2. Makes various changes in the laws regulating snowmobiles and all-terrain vehicles (ATVs), including:

a. Requiring that, effective January 1, 2001, in order to operate a snowmobile, a person born after January 1, 1985, hold a snowmobile safety certificate that is issued for successful completion of a snowmobile safety course. Under current and former law, no person under the age of 12 may operate a snowmobile.

b. Authorizing DNR to appoint third parties, such as county clerks and other agents, to renew snowmobile and all-terrain vehicle registrations and authorizing DNR to establish for these renewals an expedited service procedure and a supplemental renewal fee.

c. Requiring DNR to establish by rule the fees for snowmobile and all-terrain vehicle safety courses and placing a maximum on the amount of each fee that DNR may allow course instructors to retain. Under former law, DNR was not required to charge a fee for the all-terrain vehicle safety course, and the fee for the snowmobile safety course was specified in the statutes.

Natural Resources- continued

Act 64 (SB-398) authorizes DOA to agree to indemnify the federal government from claims arising from or through the state's management and operation of the Kickapoo Valley Reserve, which the state received from the federal government.

Act 74 (SB-450) reverses the changes made by Act 9 related to distribution of moneys received by the state from receipts on national forest lands and requires that all such moneys be distributed to towns in accordance with the number of acres of national forest land located within the town boundaries and that at least 50% of the moneys be spent on public roads in the towns.

Act 88 (AB-315) provides that, if DNR requires an individual to complete a form to obtain a license, permit or other authorization or privilege (license) or to obtain a product or service from DNR and the form requires the individual to furnish certain personal information, the form must include a place for the individual to declare that the information may not be disclosed, with certain exceptions, on any list of 10 or more individuals that DNR furnishes to another person. The act requires that DNR also give an individual the option to make this declaration if the individual applying for a license or applying to obtain a product or service from DNR does so by telephone or other electronic means (see also *Transportation - Other Transportation and Occupational Regulation - Professional Licensing*).

Act 190 (AB-504) makes various changes in the laws governing the harvesting of forest products, including creating specific provisions for calculating and awarding monetary damages and costs that a landowner may recover from a person who harvests forest products from the landowner's property without his or her consent.

Occupational Regulation

CEMETERY REGULATION

Act 9 (AB-133) makes changes to the regulation of cemeteries, including:

1. Requiring any person who sells caskets, outer burial containers or certain cemetery merchandise or services to make specified disclosures prior to a sale, including providing prospective purchasers with a price list and description of each item or service sold. These requirements do not apply to funeral directors and operators of funeral establishments, who are subject to comparable requirements under federal law.

2. Allowing any private military academy in a 4th class city that provides an educational program for grades 7 to 12 to establish a private cemetery, if the common council of the city consents to the cemetery.

PROFESSIONAL LICENSING

Act 9 (AB-133) makes various changes to the regulation of professions and occupations that are issued credentials by DORL and boards in DORL. The act:

1. Creates an Athletic Trainers Affiliated Credentialing Board (board) in DORL for licensing athletic trainers. Under the act, a person may not represent that he or she is an athletic trainer unless the board has issued him or her a license. Excepted from this requirement are

Occupational Regulation- continued

athletic training students, certain out-of-state athletic trainers who temporarily practice in this state and other credentialed health care professionals who lawfully practice athletic training within the scope of their credentials.

2. Increases initial credential fees and makes adjustments to credential renewal fees.

3. Allows DORL to charge expedited service fees to applicants for initial credentials or credential renewals.

4. Establishes a procedure for DORL to cancel a credential if the credential holder pays a fee with a credit or debit card and the charge or debit is denied by the credential holder's financial institution.

5. Modifies a license exemption for a person who assists in the practice of audiology or speech-language pathology under the direct supervision of a licensed audiologist or speech-language pathologist to include a person who is not employed by the audiologist or pathologist. Under former law, a person could not qualify for this exemption unless he or she was employed by the licensed audiologist or speech-language pathologist.

Act 22 (AB-305) adopts an interstate compact on nursing licensure. Under the compact, a nurse who is licensed in a state that has adopted the compact may practice nursing in any other state that has adopted the compact without obtaining a license from that other state.

Act 88 (AB-315) provides that, if DORL or a board in DORL requires an individual to complete a form to obtain or renew a credential or to obtain a product or service from DORL or the board and the form requires the individual to furnish certain personal information, the form must include a place for the individual to declare that the information may not be disclosed, with certain exceptions, on any list of 10 or more individuals that DORL or the board furnishes to another person. The act requires that DORL or the board also give an individual the option to make this declaration if the individual applying for a credential or applying to obtain a product or service from DORL or the board does so by telephone or other electronic means (see also *Transportation - Other Transportation* and *Natural Resources - Other Natural Resources*).

Act 98 (AB-237) changes former law to allow DORL, in addition to the Educational Approval Board, to approve a course of instruction that an applicant for a license of registration as a massage therapist or bodyworker must complete. In addition, the act requires an applicant who applies after March 1, 2000, to complete successfully a national certification examination and allows DORL to require all applicants to pass an examination on state laws and administrative rules governing massage therapy or bodywork.

Act 180 (AB-751) creates an Occupational Therapists Affiliated Credentialing Board in DORL and transfers to that board the authority that the Medical Examining Board had under former law to license and professionally discipline occupational therapists and occupational therapy assistants.

Public Utilities

Act 9 (AB-133) makes various changes to the laws related to public utilities. The act:

1. Provides for the creation of an electric transmission company, creates utility public benefits programs and establishes renewable resource requirements for retail electric sales of electric utilities and cooperatives (see *HIGHLIGHTS*; see also *Act 75* and *Taxation*).
2. Makes various changes to programs that are funded through assessments paid by public utilities into the universal service fund, including:
 - a. Transferring rule-making and reporting duties relating to the Educational Telecommunications Access Program from the PSC to the Technology for Educational Achievement in Wisconsin (TEACH) Board, except that the act requires the PSC, in consultation with DOA and the TEACH Board, to promulgate rules specifying the telecommunications services that are eligible for funding under the program.
 - b. Allowing moneys in the universal service fund to be used to provide statewide Internet access to periodical and reference information databases and to promote access to information and library services for blind and visually handicapped persons.
 - c. Creating a program for awarding grants to nonprofit medical clinics and public health agencies for purchasing telecommunications equipment.
 - d. Requiring the PSC annually to provide to Wisconsin Works agencies information booklets that describe the assistance from the universal service fund that is available to low-income individuals served by the agencies.
 - e. Eliminating the program for providing rate discounts to certain educational institutions for interactive video, data transfer and internet access services.
3. Allows the PSC to order the electric transmission company that is created under the act and public utility affiliates in holding company systems to make adequate investments in facilities under their control to ensure reliable electric service and requires the PSC to promulgate rules for reporting by electric utilities on current reliability status.
4. Prohibits, with certain exceptions, public utilities and nonutility affiliates of public utilities from engaging in certain activities related to real estate practice, residential real estate development, property management and residential and commercial construction.
5. Prohibits the sale of an energy unit of a holding company system, cooperative, public utility or nonutility affiliate of a public utility, unless the purchaser complies with certain requirements regarding the employment of the energy unit's nonsupervisory employees.
6. Requires persons that are issued certificates of public convenience and necessity by the PSC for constructing high-voltage transmission lines that operate at 345 kilovolts or more to pay to DOA environmental and annual impact fees and requires DOA to distribute the fees to local units of government in which such high-voltage transmission lines are routed.
7. Requires investor-owned electric utilities to offer, subject to PSC approval, certain market-based compensation rates, pricing options and individual contract options and allows electric utilities that are not investor-owned to offer similar rates and options.
8. Requires certain electric utilities and cooperative associations to pay annual assessments to the PSC for the purpose of funding a stray voltage research program established by the UW Board of Regents (see also *Education - University of Wisconsin System*).

Public Utilities- continued

9. Allows the PSC to resolve disputes between railroads and certain sewerage system operators over the use of each others' rights-of-way in the same manner that the PSC resolves such disputes under preexisting law between railroads and public utilities, telecommunications providers or cable television operators.

10. Eliminates the 10-day waiting period between the date on which a telecommunications utility files a new tariff with the PSC and the date on which the telecommunications utility is allowed to offer new telecommunications services or limited promotional rates that are included in the new tariff.

11. Requires the PSC to promulgate rules establishing requirements and procedures for the PSC to follow in carrying out its duties under state law to consider the environmental impacts of legislative proposals and major actions that significantly affect the environment.

12. Allows the governor to enter into an interstate compact for addressing need and siting issues for regional electric transmission facilities.

13. Requires the PSC to study, in consultation with DOA and DOR, establishing a program for providing incentives for developing certain high-efficiency small-scale electric generating facilities.

14. Requires the PSC to study and recommend to the legislature measures for eliminating horizontal market power that frustrates the creation of an effectively competitive market for retail electricity.

Act 75 (SB-481) changes the following deadlines related to the electric transmission company created under Act 9:

1. The transmission company's application deadline for state and federal approvals, from November 1, 2000, to January 1, 2001.

2. The deadline for a public utility affiliate in a holding company system to commit to contribute its transmission facilities and associated land rights to the transmission company, from September 30, 2000, to January 1, 2001.

Act 196 (SB-12) provides that the PSC, if authorized by a federal court or the federal Department of Energy, may require that state agencies or persons pay to the PSC, instead of to the federal Department of Energy, the fees that are due under contracts that govern the acceptance of title, subsequent transportation and disposal of waste or spent fuel by the federal Department of Energy, if the PSC determines that the federal Department of Energy is not meeting its obligations under the contracts. If the secretary of the federal Department of Energy shows that the federal Department of Energy is meeting its obligations under the contract, however, the PSC must pay, to the secretary of the federal Department of Energy, any fees paid to the PSC.

Real Estate

Act 89 (AB-613) provides that, in connection with a sale, exchange, purchase or rental of real property, a real estate broker or salesperson, a landlord or an owner of an interest in the real property has no duty to disclose any information about or from the sex offender registry

(such as whether a person who is required to register lives in the neighborhood) unless the broker or salesperson, landlord or property interest owner is specifically asked and he or she has actual knowledge of the information. In addition, the act gives a broker or salesperson, landlord or property interest owner immunity from liability for any act or omission related to the disclosure of information about or from the sex offender registry if he or she provides to a person who specifically requests the information written notice about how the person may obtain that information himself or herself (see also *Correctional System - Adult Correctional System*).

State Government

STATE BUILDING PROGRAM

Act 4 (SB-179) authorizes \$59,500,000 in additional state general fund supported borrowing for completion of the state capitol restoration project (see also *State Government - Other State Government*).

Act 9 (AB-133) makes various changes affecting the state building program. The act:

1. Authorizes \$745,699,100 in new or expanded state building projects, excluding highway projects, for the 1999-2001 authorized state building program. This compares with \$668,189,200 authorized in the previous fiscal biennium. The act also authorizes \$365,898,400 in new general obligation bonding authority for the state building program and for capital equipment for buildings.

2. Permits the state to finance an energy conservation construction project, which is a project outside the authorized state building program under which a contractor selected by DOA guarantees a specified amount of savings to be realized by the state within a specified period. Under the act, if the savings resulting from the construction project within the specified period are less than the amount specified in the construction contract, the contractor must pay the difference to the state. Formerly, energy conservation construction projects were financed exclusively by the contractor and the state paid the contractor for the work as energy savings from the project accrued.

Act 197 (AB-796) eliminates requirements that the legislature approve building projects proposed by the State Fair Park Board (SFPB) costing more than \$500,000 and that the Building Commission approve building projects for SFPB costing \$250,000 or less. The act eliminates review and approval by DOA of architectural and engineering designs for building projects proposed by SFPB, as long as the designs conform to applicable laws, rules, codes and regulations. The act eliminates a requirement that the governor approve contracts for certain SFPB building projects. The act also authorizes SFPB to allow a private person to construct a building, structure or facility at the State Fair Park, and eliminates a requirement making such construction subject to the approval of the Building Commission. In addition, the act requires that state contracts for construction work to be performed at the State Fair Park require the contractor to set a goal of ensuring that, of the employees hired because of the agreement, at least 25% are minority group members and at least 5% are women, and the act requires SFPB

to encourage private persons who construct buildings, structures or facilities at the State Fair Park to adopt similar goals (see also *Agriculture*).

STATE FINANCE

Act 9 (AB-133) makes numerous changes relating to state finance. The act:

1. Broadens the definition of “revenue obligations” to allow for two types of revenue obligations by the state. Under prior law, a revenue obligation was an obligation that was incurred to purchase, acquire, lease, construct, improve, operate or manage a revenue-producing enterprise and that was repayable solely from, and secured solely by, the property or income from the revenue-producing enterprise. The first type of revenue obligation created under the act, called an enterprise obligation, includes all obligations authorized under prior law, but eliminates the requirement that the bond be repayable *solely* from, and be secured *solely* by, property or income from the revenue-producing enterprise. The second type of revenue obligation, called a special fund obligation, is an undertaking by the state to repay a certain amount of borrowed money that is payable from a special fund consisting of fees, penalties or excise taxes.

2. Increases the required general fund statutory balance from 1% of total general purpose revenue appropriations plus compensation reserves in each fiscal year to 1.2% for fiscal year 2000–01, 1.4% for fiscal year 2002–03, 1.6% for fiscal year 2003–04, 1.8% for fiscal year 2004–05 and 2% for fiscal year 2005–06 and each fiscal year thereafter.

3. Requires that, if the estimated general fund expenditures for general obligation debt service for the 1999–2000 fiscal year and the 2000–01 fiscal year exceed the actual general fund expenditures for general obligation debt service for those years, an amount equal to the excess is to be transferred to the budget stabilization fund for each fiscal year.

4. Permits the Building Commission to authorize up to \$15,000,000 of general fund supported borrowing to aid in the construction of a dental clinic and education facility at Marquette University.

Act 120 (AB-694) prohibits the Wisconsin health and educational facilities authority from issuing bonds to purchase a health maintenance organization or any other insurer.

OTHER STATE GOVERNMENT

Act 4 (SB-179) vests title in DOA to all furnishings that have historical significance and that are or were associated with the current or a prior state capitol building if the furnishings are in the possession of a state agency or authority. The act permits the Joint Committee on Legislative Organization to direct DOA to take possession of any such furnishings. The act also permits DOA to acquire by purchase or gift any furnishing that has historical significance and that was associated with the current or a prior state capitol building (see also *State Government – State Building Program*).

Act 9 (AB-133) makes various other changes relating to state government. The act:

1. Authorizes DOA to provide planning grants, funded with state general purpose revenue, to local governmental units (see *HIGHLIGHTS*).

2. Requires each principal, whenever it engages a lobbyist to make a lobbying communication with respect to a budget bill subject, an unintroduced legislative proposal or a proposed administrative rule that has not been numbered, to report to the ethics board each topic of that lobbying communication. The act also requires a principal to provide a reasonable estimate of the time spent by the principal on lobbying with respect to each budget bill subject or other topic that accounts for 10% or more of a principal's time spent on lobbying during a reporting period. Formerly, identification of proposals and estimates of time spent on lobbying with respect to specific proposals was required only for introduced proposals and numbered administrative rules.

3. Deletes requirements that DOA prescribe specifications for the purchase by state agencies and authorities and local governments of products made from recycled or recovered materials or from materials that are recyclable or recoverable, and that DOA submit annual reports concerning the state resource recovery and recycling program and DOA's resource recovery and recycling activities. The act also deletes a requirement for DOA to maintain a clearinghouse of information regarding products made from recycled or recovered materials for purchase by state agencies and authorities.

4. Permits the governor to accept gifts, grants and bequests for any purpose, and to expend the proceeds to carry out the purposes of the gifts, grants and bequests. Formerly, the governor was authorized to accept gifts, grants and bequests only with respect to advocacy activities.

5. Deletes the information technology investment fund, from which DOA made grants to state agencies for information technology development projects, and renames the fund the "VendorNet fund". Under the act, the money in the fund, which is derived from assessments paid by prospective state vendors, is used only to provide information concerning state procurement opportunities.

6. Permits the Land Information Board, prior to September 1, 2003, to conduct soil surveys and soil mapping activities. The act does not authorize the board to charge for these activities.

7. Requires the state auditor to undertake periodic county and municipal best practices reviews.

8. Requires DOA to conduct a statewide program to educate the public concerning federal census procedures and the importance of assuring a complete and accurate 2000 federal decennial census in this state. The act also directs DOA to provide grants to certain counties, municipalities, groups of municipalities and municipal associations for specified costs of programs designed to ensure a complete and accurate 2000 federal decennial census in this state, subject to the approval of a Census Education Board, created by the act and consisting of four legislative members.

9. Transfers responsibility for regulating mobile home parks and mobile home dealers from DOA to the Department of Commerce.

Act 10 (*October 1999 Special Session AB-1*) prohibits state agencies from considering a person's receipt of the sales tax rebate in determining eligibility for, or the amount of, a state-funded grant, loan, monetary assistance or other benefit and, to the extent permitted under federal law, in determining eligibility for, or the amount of, a federally-funded grant, loan, monetary assistance or other benefit (see also *Health and Social Services – Medical Assistance and Taxation*).

Act 19 (*AB-370*) increases distribution of certain major state publications to certain libraries and substitutes the Council of State Governments for the Center for Research Libraries as a depository for state publications. The cost of the increased distribution is charged to the agencies that publish the publications.

Act 29 (*AB-44*) changes the name of the legislature's Joint Committee on Information Policy to the Joint Committee on Information Policy and Technology.

Act 60 (*AB-585*) changes the name of the legislature's American Indian Study Committee to the Special Committee on State-Tribal Relations. It also changes the number of members that may be appointed to the committee from 14 to not fewer than 12 and not more than 23.

Act 81 (*AB-571*) repeals the transition provision regarding the continued appointment of the director of the Legislative Council staff who was appointed before August 1, 1987.

Act 31 (*SB-99*), **Act 32** (*SB-146*), **Act 47** (*AB-254*), **Act 83** (*AB-920*), **Act 84** (*AB-922*), **Act 85** (*AB-925*), **Act 97** (*AB-748*), **Act 184** (*AB-968*), **Act 185** (*AB-967*) and **Act 186** (*AB-969*) are revisor's correction and revision acts.

Act 86 (*SB-155*) eliminates requirements in former law that the Board on Aging and Long-Term Care (BOALTC) gather information and report to the legislature on physicians who accept Medicare Part B reimbursement as payment in full for services provided to Medicare beneficiaries. The act also authorizes disclosure of BOALTC client information by the designated representative of the long-term care ombudsman, whereas former law permitted disclosure only by the long-term care ombudsman.

Act 148 (*AB-872*) deletes a requirement established in Act 9 for state agencies to ensure that, consistently with other laws, whenever they administer laws under which local governmental units prepare plans, the actions of the local governmental units are designed to further certain local comprehensive planning goals, to the extent practical (see also *Local Law*).

Taxation

Act 5 (*SB-114*) modifies the lottery property tax credit (see *HIGHLIGHTS*).

Act 9 (*AB-133*) makes various changes related to taxation. The act:

1. Modifies the individual income tax structure (see *HIGHLIGHTS*).
2. Imposes an annual recycling surcharge on businesses (see *HIGHLIGHTS*).
3. Modifies the penalty for converting agricultural land to other uses (see *HIGHLIGHTS*).
4. Changes the tax on tobacco products from an occupational tax to an excise tax (see *HIGHLIGHTS*).
5. Increases the maximum income amount for the homestead credit.

6. Creates an income tax credit for up to \$200 in income received as an active duty member of the U.S. armed forces while stationed outside of the U.S.
7. Extends the lottery and gaming property tax credit to properties that are sold or transferred after January 1 of the year for which the property owner claims the credit (see also *Act 5*).
8. Provides that an out-of-state corporation is not subject to corporate income taxes or franchise taxes if: a) the corporation's activity in the state is limited to storing the corporation's tangible personal property for 90 days or less in or on a parcel of property in this state that is owned by a person other than the corporation; b) the tangible personal property is transferred to the person; c) the person uses the tangible personal property for manufacturing on the parcel in or on which the tangible personal property is stored; and d) the parcel has an assessed value, for property tax purposes, of at least \$10,000,000 but not more than \$11,000,000 on January 1, 1999.
9. Authorizes DOR to enter into voluntary agreements with out-of-state direct marketers to collect the sales tax and use tax on goods that are shipped into this state (see also *Children*).
10. Exempts from the sales tax and use tax the sale of electricity for use in farming, regardless of the month in which the electricity is sold. Under prior law, the sale of electricity for use in farming was exempt from the sales tax and the use tax only if the electricity was sold during certain months.
11. Provides that the sale of time-share property is subject to the real estate transfer fee rather than the sales tax.
12. Provides that, effective July 1, 2001, food and beverages that are exempt from the sales tax when sold in a store for consumption outside the store are exempt from the sales tax when sold from a vending machine.
13. Provides that food and beverages provided by a restaurant to an employee of the restaurant during the employee's work hours are exempt from the sales tax.
14. Provides that the sales tax exemption for occasional sales applies to auctions for the sale of personal farm property or household goods, as long as an auctioneer holds no more than five such auctions at the same location during the year.
15. Specifies that a state resident who is a member of the National Guard or the United States Armed Forces and who leaves a foreign country to return to this state after spending at least 48 hours in that country on duty or in training may bring a total of six liters of intoxicating liquor or wine into the state without paying the liquor tax on that amount.
16. Creates personal property tax exemptions for digital broadcasting equipment and for certain motion picture theater equipment.
17. Expands the personal property tax exemption for commercial fishing boats to include the equipment used by commercial fishing boats.
18. Expands the personal property tax exemption for charter sailboats to include charter boats other than sailboats that are used for tours.

19. Excludes churches that are required to file property tax exemption reports from paying the filing fees related to those reports.

20. Adopts for state income tax and franchise tax purposes most of the federal income tax changes enacted in 1998.

21. Specifies that all income from the sale of, or the purchase and subsequent sale of, a lottery prize is taxable by the state if the original purchaser of the winning lottery ticket purchased the ticket in this state.

22. Limits use of development zone income and franchise tax credits to offsetting income from a claimant's business activities only in a development zone. Under former law, those credits could be used to offset income from any of a claimant's business activities (see also *Business and Consumer Law - Economic Development and Investment*).

23. Eliminates the requirement that a telecommunications company that is subject to a transitional adjustment fee for the year 1999 and for the year 2000 pay the fee and permits the company to claim a credit against the company's ad valorem tax assessment, if the calculation of the transitional adjustment fee results in a negative amount. A telecommunications company, generally, pays the state an ad valorem tax, which is based on the value of the company's personal and real property, instead of paying local property tax.

24. Provides that computers and computer related equipment owned by air carrier companies, municipal electric companies, pipeline companies and railroad companies are not taxable personal property for ad valorem tax assessment purposes.

25. Increases the late filing fee for delinquent sales tax and use tax returns from \$10 to \$20.

26. Decreases, from 3% to 2.55%, the amount of local exposition district taxes that DOR retains for administration of the district's tax collections.

27. Increases, from 1.5% to 1.75%, the amount of county sales and use taxes that DOR retains for administration of the county's tax collections.

28. Increases by 3% the amount that is distributed to counties under the County Mandate Relief Program, under which the state pays to a county an amount based on the county's population.

29. Increases by 18.75% the amount that is distributed to municipalities under the Expenditure Restraint Program, under which certain eligible municipalities receive payments from the state for limiting increases in their municipal budgets.

30. Increases, from \$10,000,000 to \$11,000,000, the amount that is distributed to municipalities under the Small Municipalities Shared Revenue Program, under which certain municipalities that have populations of no more than 5,000 and real property with taxable value of no more than \$40,000,000 receive payments from the state.

31. Increases, from \$18,065,300 to \$21,565,300, the amount that is distributed to municipalities for municipal services in the fiscal year 2000-01.

32. Requires the electric transmission company created under the act to pay a license fee, based on a percentage of the company's gross revenues, in lieu of paying local general property taxes (see also *Public Utilities*).

33. Excludes from income taxation any amounts received as a settlement for claims for recovered assets, or any gain generated on such assets, that were stolen from, hidden from or otherwise lost by an individual who was persecuted by Nazi Germany or any Axis regime during any period from 1933 to 1945 and that have been recovered, returned or otherwise paid to the original victim or to an heir or beneficiary of the victim.

34. Specifies that any amount claimed under the deduction for higher education tuition expenses is not allowed for purposes of the itemized deduction credit.

35. Specifies that the proration of the higher education tuition expense deduction for nonresident and part-year resident taxpayers applies to the full deduction and, for full-year resident taxpayers, limits the amount of the deduction to the aggregate wages, salary, tips, unearned income and net earnings from a trade or business that are taxable to this state.

36. Deletes a requirement that an individual add to income, for purposes of calculating Wisconsin adjusted gross income, any alimony or repayments of supplemental unemployment benefits that the individual paid while he or she was a nonresident of Wisconsin and that the individual deducted for federal income tax purposes. This change conforms state law to the U.S. Supreme Court decision in *Lunding v. New York Tax Appeals Tribunal*, 522 U.S. 287 (1998).

37. Specifies that DOR must issue an income tax refund to a formerly married person under the terms of his or her judgment of divorce if the person includes a copy of that portion of the judgment with his or her return.

38. Modifies the taxation of certain irrevocable inter vivos trusts (a trust that takes effect during the life of the person creating it).

Act 10 (October 1999 Special Session AB-1) creates a one-time sales tax rebate, repeals the school property tax rent credit and reduces the school levy tax credit (see *HIGHLIGHTS* and see also *Act 198*).

Act 44 (AB-654) creates exemptions from individual income taxation for moneys paid into and earned on an account under the College Savings Program and for moneys paid into an account under the College Tuition Prepayment Program (known popularly as EdVest) (see *HIGHLIGHTS, Education - Other Education*).

Act 54 (SB-276) exempts from individual income taxation any amount received as a one-time sales tax rebate.

Act 65 (AB-853) provides that, generally, the property of a cultural arts district is exempt from local general property taxes and that the income of a cultural arts district is exempt from the income tax. The act also provides a sales tax and use tax exemption for tangible personal property and services that are purchased by such a district (see also *Local Law*).

Act 68 (AB-178) provides that a county or municipality may bring an action to recover the costs of razing property against the person who owned the property while the order to raze the property was recorded in the office of the register of deeds.

Act 121 (AB-871) authorizes a county to assign its right to a judgment in an action to foreclose a tax lien on property for which property taxes are delinquent, if: a) the property is

Taxation— continued

a brownfield; b) an environmental assessment is conducted on the property and DNR is given the results of that assessment; and c) the person to whom the judgment is assigned agrees to clean up, maintain and monitor the property if the property is contaminated by a hazardous substance.

Act 189 (AB-402) authorizes payment schedules for delinquent taxpayers who enter into compromise payment agreements with DOR.

Act 194 (AB-860) adopts for state income tax and franchise tax purposes certain federal income tax changes enacted in 1998 and not adopted under Act 9, and specifies that a person who purchases an assignment of a lottery prize must withhold income taxes from the amount the person pays to purchase the assignment.

Act 198 (May 2000 Special Session SB-1) restores the school property tax rent credit, which was repealed in Act 10 (see *HIGHLIGHTS*).

Transportation

DRIVING PRIVILEGES

Act 9 (AB-133) makes various changes in the laws regarding driver licensing. The act:

1. Establishes a graduated driver licensing system for youthful drivers (see *HIGHLIGHTS*).
2. Eliminates court authority to suspend a juvenile's operating privilege for failure to pay forfeitures imposed for ordinance violations unrelated to operating a motor vehicle.
3. Increases from \$10 to \$15 the testing fee for noncommercial driver's licenses.
4. Allows reproduction of a driver's license for business purposes.

Act 124 (AB-764) requires all driver education courses offered by driver schools to include instruction relating to organ and tissue donation and organ and tissue donation procedures (see also *Education – Primary and Secondary Education*, and *Education – Technical College System*).

Act 140 (AB-57) begins a period of disqualification as an operator of commercial motor vehicles, except for 24-hour disqualifications, on the date that DOT notifies the operator of the disqualification, instead of on the date of the disqualifying conviction. The act applies certain laws regulating the transport of hazardous materials only to vehicles that are required by federal law to be placarded as transporting hazardous materials.

Act 143 (AB-668) clarifies that convictions for certain offenses (driving a motor vehicle with a driving privilege that is suspended or revoked, or operating a commercial motor vehicle while ordered out of service or while disqualified) that are committed before the implementation of 1997 Wisconsin Act 84, which substantially revised the laws pertaining to these offenses, must be counted as prior convictions after the implementation of 1997 Wisconsin Act 84.

DRIVING WHILE INTOXICATED

Act 109 (SB-125) makes various changes in the law related to operating or driving of a motor vehicle while under the influence of an intoxicant (OWI) (see *HIGHLIGHTS*).

HIGHWAYS AND LOCAL ASSISTANCE

Act 9 (AB-133) makes numerous changes in state highway and local assistance programs. The act:

1. Increases the minimum general transportation aid payable to counties and municipalities for improving and maintaining local streets and roads by 6.8%, to \$1,704 per mile, for 2000 and thereafter.

2. Increases this state's authority to contract public debt for transportation facilities, including highways, by \$191,585,600, or 15.26%. The act also allows the Building Commission to contract public debt in amounts determined desirable to repay previously contracted public debt and to pay expenses associated with contracting new public debt for transportation facilities; authority to contract public debt for these purposes was previously limited to \$92,559,000, or 6.87% of the total authority.

3. Allows DOT to determine variable percentages of local law enforcement costs to be used in determining the amounts of general transportation aid payments.

4. Requires a local government to submit annually to DOT, for purposes of determining transportation aid, either: a) a certified highway mileage plat, if changes in mileage have occurred within its jurisdiction since the last plat was submitted; or b) a certified statement that no changes in jurisdictional mileage have occurred since the last certified plat was filed. The act requires a local government to report biennially to DOT an assessment of the quality of highways under the local jurisdiction and requires DOT to assess the accuracy of the highway data reported by local governments.

5. Requires, as a condition of receiving aid under the Urban Mass Transit Operating Assistance Program, that bids solicited by local public bodies for mass transit services be based on the fully-allocated costs of the services. These bids consider all shared and direct costs of the services, including public subsidies, capital grants and use of public facilities.

6. Provides \$1,000,000 to the city of Superior for construction of the Richard I. Bong Air Museum.

7. Provides \$57,500,000 in state and federal moneys to the city of Milwaukee for Sixth Street bridge construction.

8. Increases funding for state highway rehabilitation by \$87,785,000, or 19.2%, in 1999-2000 and by \$4,477,500, or 0.8%, in 2000-01.

9. Increases funding for major highway development by \$11,999,000, or 5.8%, in 1999-2000, and by \$509,000, or 0.2%, in 2000-01.

10. Enumerates two additional major highway construction projects (projects having a total cost of more than \$5,000,000 and involving construction of a new highway 2.5 or more miles in length).

11. Prohibits DOT from commencing an environmental impact statement or assessment for proposed major highway projects without approval from the Transportation Projects Commission.

Transportation- continued

12. Requires DOT to establish a Scenic Byways Program to develop highways with outstanding scenic, historic, cultural, natural, recreational or archaeological qualities. The program must meet eligibility requirements for federal aid for scenic byways.

13. Allows improvements to STH 59 in Waukesha County, and exempts the improvements from the approval process ordinarily required for major highway projects.

14. Allows or requires the erection of traffic control signs or signals in the cities of St. Croix Falls, Hartford and South Milwaukee, in the Village of Siren and in Rock, Portage, Milwaukee and Brown Counties.

15. Designates and marks a portion of I-794 in Milwaukee County as the John R. Plewa Memorial Lake Parkway.

16. Allows a private entity to engage in commercial activities and advertise at park-and-ride facilities within highway rights-of-way under a build-operate-lease or transfer agreement with DOT.

17. Restricts the ability of DOT to purchase remote land, easements or development rights as part of a highway project.

Act 46 (AB-188) exempts motor trucks transporting material pumped from a septic or holding tank from special or seasonal highway weight limitations.

Act 146 (SB-432) creates a Local Roads for Job Preservation Grant Program, under which DOT may award up to \$10,000,000 in grants to a local government for up to 80% of the costs related to improvement or construction of local roads that are necessary to support business and to retain jobs in the vicinity of the local roads. A project is eligible for a grant if: a) a number of local jobs equal to or greater than 5% of the local population would be lost were the local road not built or improved; or b) the project is necessary to retain any number of jobs of one or more employers that employ at least 5% of the local work force. The act requires that grants be paid first from available federal moneys, then from the state's general purpose revenues appropriated to DOT and then from the proceeds of general obligation bonds, up to \$10,000,000 of which the state is authorized to issue to pay for the grants.

MOTOR VEHICLES

Act 9 (AB-133) makes numerous changes in laws regarding motor vehicles. The act:

1. Establishes a regular six-year replacement cycle for most motor vehicle registration plates; provides \$2.89 million to reissue motor vehicle registration plates; and delays the initial replacement deadline from 2003 to 2005.

2. Increases, from \$5 to \$10, the fee for late payment of fees for commercial vehicle registration renewed by telephone.

3. Requires DOT to implement an automated system for designating routes for travel by oversize or overweight vehicles and, until July 2003, increases the fees by roughly 10% for oversize or overweight vehicle permits.

4. Transfers authority to register and title mobile homes 45 feet or more in length from DOT to the Department of Commerce.

5. Restricts a motor vehicle dealer or wholesaler from titling in his or her name motor vehicles that are held for sale and titled as salvage vehicles.

6. Establishes conditions under which a motor vehicle manufacturer, distributor or importer may hold an ownership interest, other than for a temporary period, in a motor vehicle dealership.

7. Allows the Child Abuse and Neglect Prevention Board (CANPB) to expend interest earned on revenues received from the sale of "Celebrate Children" license plates (but not the principal of plate revenues) on statewide child abuse prevention programs and grants and on CANPB operations.

Act 90 (AB-141) requires a motor vehicle owner to identify the vehicle's color when registering the motor vehicle.

Act 91 (SB-81) requires any vehicle that is offered for sale on consignment by a dealer, distributor or manufacturer to display motor vehicle dealer license plates whenever the vehicle is being operated on a highway.

Act 92 (SB-381) provides for the issuance of special license plates related to Ducks Unlimited, Inc., and establishes an annual registration fee that includes a tax deductible contribution to fund conservation efforts of Ducks Unlimited, Inc., in the United States, Canada and Mexico.

Act 110 (AB-327) makes the "innocent owner" defense in an action to forfeit a motor vehicle involved in a drug crime inapplicable to a vehicle owned by a person under 16 years of age, unless the court determines that the owner is an innocent bona fide owner. (An "innocent owner" is a person who was unaware at the time of crime that his or her vehicle was being used in the crime.) The bill requires birth dates to be included on motor vehicle registration applications.

Act 137 (AB-54) makes voluntary the requirement under former law that motor vehicle salvage pools (persons engaged primarily in the business of selling or distributing damaged motor vehicles at wholesale) obtain motor vehicle dealer registration plates for display on vehicles consigned to the salvage pools for sale.

Act 138 (AB-55) repeals the requirement that DOT revoke the license of a motor vehicle dealer, distributor or manufacturer who misuses, or consents to the misuse of, a motor vehicle dealer registration plate for a second or subsequent time within one registration year.

Act 139 (AB-56) clarifies that motor carriers registered by another state under the single-state registration system may operate in this state without having to obtain authorization from or be registered with this state. The act also clarifies that motor carriers that file proof of liability insurance with the state in which they are registered are not also required to file proof of liability insurance with DOT.

Act 141 (AB-58) allows DOT to deny, suspend or revoke the license of a motor vehicle auction dealer who wilfully defrauds any buyer.

Act 142 (AB-59) eliminates specific uniform expiration dates for the registration of certain motor vehicles registered on a biennial or five-year basis.

Transportation- continued

Act 145 (AB-136) transfers appeals concerning the international registration plan or a motor vehicle fuel or alternate fuel use tax, including interstate fuel tax agreements, from the Division of Hearings and Appeals in DOA to the Tax Appeals Commission.

Act 159 (AB-197) allows a blood bank vehicle to register for five years for a fee of \$3 if the blood bank vehicle is operated exclusively by a federally recognized nonprofit organization.

Act 167 (AB-892) creates a special motor vehicle registration plate representing any major professional football team having a home stadium in this state (currently, only the Green Bay Packers). Clear proceeds from the sale of the plates may be used only to pay the home stadium's operating and maintenance costs (see *Local Law*).

Act 179 (AB-137) repeals transitional language under which a motor vehicle security interest created and perfected prior to June 1, 1966, was effective even if not reflected on the vehicle's certificate of title. Now, only a security interest in a motor vehicle that is reflected on the vehicle's certificate of title is effective.

TRAFFIC AND PARKING REGULATION

Act 9 (AB-133) makes changes to traffic and parking regulations, including:

1. Allowing on-highway operation of all-terrain vehicles for land surveying.
2. Authorizing and funding employment by DOT of 14 additional state troopers; funding an additional officer training class for state troopers and inspectors; and making the state patrol division administrator eligible to be a protective occupation participant.

Act 66 (AB-2) allows the intermittent flashing of high-beam headlights at and within 500 feet of oncoming vehicles whose high-beam headlights are lit.

OTHER TRANSPORTATION

Act 9 (AB-133) makes numerous changes to other transportation laws. The act:

1. Increases aid for mass transit systems by 6.5% for aid payable for 2000 and thereafter. The act places Milwaukee County transit systems and Milwaukee user-side subsidy systems, which provide vouchers to mass transit system users for use as fares, in the same funding tier for payment of statutorily prescribed aid amounts, thus allowing the legislature easily to determine the sum of mass transit aid payable to the city of Milwaukee. The act requires that annual aid payments to a mass transit system smaller than Milwaukee's be based on a uniform percentage of the system's actual operating costs, instead of on projected operating costs. The act requires aid recipients to follow cost-efficiency standards established by DOT.

2. Requires municipalities and counties to establish and maintain separate segregated accounts for expenses related to local highways and mass transit, as a condition of receiving general transportation aids and state mass transit operating assistance for 2001 and thereafter. The act requires the deposit in those segregated funds of all state and federal aid received for mass transit and local highways.

3. Requires DOT to establish a maximum percentage of combined state and federal aid for capital assistance projects (buying buses and vans) for elderly and disabled transportation services, instead of capping the combined aid at 80% of the projects' costs.

Transportation- continued

4. Increases authority to contract state debt for the freight rail preservation program by \$4,500,000, or 23.7%.
5. Increases authority to contract state debt for harbor improvements by \$7,000,000, or 46.7%, and provides \$4,000,000 to the city of Marinette and \$800,000 to the city of Milwaukee for harbor improvements.
6. Changes former law to exempt all DOT-supervised transportation facility construction projects, rather than only highway and bridge projects, from various clean-water regulations, if the construction complies with an agreement between DOT and DNR.
7. Allows DOT to establish an annual renewal fee for outdoor advertising signs and allows non-permitted signs to be considered abandoned and therefore subject to removal.
8. Prohibits the erection of on-property signs that are traffic hazards and eliminates specific restrictions, such as limits on size and placement, that apply solely to on-property signs in unincorporated areas.
9. Prohibits, until June 30, 2001, public bodies from contracting for any purpose related to light rail, and prohibits DOT from expending money for any purpose related to light rail, if the cost of such an activity is to be paid with state or certain federal funds. The act contains exceptions for light rail services in the city of Kenosha and in Dane County.
10. Provides \$11.9 million from state trunk highway rehabilitation and major highway development programs to comply with federal stormwater regulations.
11. Merges DNR's public safety radio services with those of DOT.
12. Commences a process of consolidating DOT's vehicle fleet management functions with those of DOA.
13. Eliminates the sunset of, and increases funding for, the Pretrial Intoxicated Driver Intervention Grant Program, under which state grants are paid to local governmental units and private nonprofit organizations to treat the habitual substance abuse of persons charged with, but not yet tried for, second or subsequent offenses of operating motor vehicles while under the influence of intoxicants.

Act 80 (AB-444) makes minor, mainly technical, changes in the laws relating to transportation, including changes relating to proof of financial responsibility, motor vehicle registration and the location of vehicle identification numbers.

Act 88 (AB-315) makes various changes to the law relating to the release of personal information that is collected by DOT (see *HIGHLIGHTS*).

Trusts and Estates; Probate

Act 94 (AB-358) raises from \$30,000 to \$50,000 the value of an estate that may be summarily settled or summarily assigned, which enables the property in such an estate to be transferred to the persons entitled to the property under simplified procedures, without the appointment of a personal representative and more quickly than if the estate were administered formally or informally. The act provides that if a decedent solely owned property, including real property, that does not exceed a total of \$20,000 in value, the property may be transferred to

the persons entitled to the property by affidavit, another simplified probate procedure. Under former law, the property could not exceed \$10,000 in value for transfer by affidavit, and real property could not be transferred at all in that manner.

Veterans and Military Affairs

Act 2 (AB-65) allows DVA to accept gifts of money from the public for the construction of a memorial in Washington, D.C., honoring members of the U.S. armed forces who served in World War II. The act requires DVA to match the contributions up to a maximum of \$166,100 and to pay the matched funds to the memorial's commission in Washington, D.C., by May 15, 2000 (see also *Act 61*).

Act 9 (AB-133) makes various changes regarding veterans and military affairs. The act:

1. Requires DMA to recruit 10% of the 1999-2000 Badger Challenge Program class and 25% of the 2000-01 Badger Challenge Program class from families who are eligible to receive Temporary Assistance for Needy Families. (Badger Challenge Program is a summer program designed to help disadvantaged youth to continue in and graduate from high school.)

2. Prohibits DMA from providing a national guard member with a tuition grant for full-time college if the person is delinquent in child support unless the guard member provides DMA with a child support payment agreement approved by the county child support agency.

3. Requires the Division of Emergency Management in DMA to adopt the federal Emergency Planning and Community Right-to-Know Act reporting requirements for retail gas stations, thus requiring only gas stations that have more than 75,000 gallons of gasoline stored underground to file material safety data sheets, which contain information on the chemical composition and hazards of certain stored substances.

4. Changes former law to require the Division of Emergency Management to contract with nine, rather than with eight, regional emergency response teams in the state to assist in the emergency response to a Level A hazardous substance release, and requires that one of those nine regional emergency response teams be located in La Crosse County.

5. Prohibits DVA from providing benefits to a veteran and his or her family unless the veteran provides DVA with a statement by DWD that the veteran is not delinquent in child support or maintenance payments.

6. Revises the Veterans Tuition and Fee Reimbursement Program to permit a veteran to receive reimbursement for attending any institution of higher education, rather than only a UW or technical college system institution. The act limits eligibility for the Veterans Tuition and Fee Reimbursement Program to a veteran who completes at least 12 credits during the semester for which reimbursement is sought.

7. Expands the definition of a veteran for purposes of most veteran's benefits and programs to include a veteran who has been a resident of Wisconsin for any consecutive five-year period after entry or reentry in the armed services.

8. Authorizes DVA to enter into contracts with and provide grants to the governing bodies of American Indian tribes and bands for the creation of tribal veterans' service officers.

9. Allows DVA to borrow from the veterans mortgage loan repayment fund to make loans under the Veterans Personal Loan Program, which provides to veterans loans of up to \$15,000 for education, medical or funeral expenses, or for the purchase of a mobile home or business property.

10. Names two cemeteries that DVA was given authority to construct and operate during the preceding biennium the “Southern Wisconsin Veterans Memorial Cemetery” and the “Northern Wisconsin Veterans Memorial Cemetery.”

11. Authorizes DVA to acquire land and construct and operate a community-based residential facility in southeastern Wisconsin, to be known as the “Southern Wisconsin Veterans Retirement Center.”

12. The act also increases from 50% to 65% of the costs of the tuition and fees the maximum reimbursement to veterans for the costs of correspondence courses and part-time classroom study.

13. Increases from \$15,000 to \$25,000 the maximum amount that an authorized lender may loan to an eligible veteran for a home improvement loan under the Veteran’s Mortgage Loan Program.

14. Requires DVA to review the Health Care Aid Grant Program, examine program modifications that could restrain the program’s expenditure growth and submit a report to JCF presenting the results of the review and including any program changes DVA believes should be made in the program.

Act 26 (SB-176) adds Wisconsin to the states that have entered into the Emergency Management Assistance Compact. The compact allows states to provide assistance to other states in the compact in managing an emergency or disaster that is declared by the governor of the affected state. The compact requires each party state to formulate procedural plans and programs for interstate cooperation to protect and assure uninterrupted delivery of services, medicines, water, food, energy, fuel and critical lifeline equipment during the emergency or disaster. The compact provides that the emergency forces of a state, while assisting in another state, have the same powers (except that of arrest unless authorized by the assisted state), duties and rights as the emergency forces of the assisted state. In addition, under the compact, the emergency forces are considered agents of the assisted state for tort liability and immunity purposes, and are immune from liability for any act or omission performed in good faith while assisting the other state or on account of the maintenance or use of any equipment or supplies in connection with rendering aid. The compact provides for reimbursement of the assisting state by the state receiving assistance for any loss, damage or expense incurred as the result of providing the assistance.

Act 59 (AB-448) changes the date designated as the end of the Vietnam War from June 30, 1975, to January 1, 1977, for the purpose of constructing a memorial for veterans of that war, and from July 1, 1975, to January 1, 1977, for the purpose of defining who is eligible for certain veterans benefits, so that the same end date will apply when determining eligibility for all benefits and programs for veterans of that war.

Veterans and Military Affairs— continued

Act 61 (AB-720) extends from April 30, to May 10, 2000, the time by which individuals may make contributions to DVA for the World War II memorial in Washington, D.C., and from May 15 to May 20, 2000, the time by which DVA must send those contributions and the state matching funds to the memorial's commission in Washington, D.C.

Act 62 (AB-858) expands the types of situations in which the governor may order the National Guard into active service to include those for assessing damage or potential damage and recommending responsive action as a result of a natural or man-made event. Previously, the governor was authorized to activate the National Guard only in case of war, insurrection, riot, invasion or public disaster or on the application of certain public officials, such as the mayor of a city.

Act 63 (SB-291) makes numerous changes regarding veterans institutions and benefits. The act:

1. Adds language necessary to implement the authority given previously to DVA to construct and operate residential, treatment and nursing care facilities in southeastern Wisconsin, including the authority to employ the staff necessary to manage those facilities.

2. Provides that persons residing in the Southern Wisconsin Veterans Retirement Center are treated in the same manner as are residents of the facilities at the Wisconsin Veterans Home at King, including treatment with regard to membership and eligibility criteria, management of the veterans' personal funds, federal benefits received for the care of veterans and eligibility for an annual fishing license without charge.

3. Makes the nursing care facility at the Southern Wisconsin Veterans Retirement Center subject to the regulation of nursing homes to the same extent as is the Wisconsin Veterans Home at King.

4. Gives DVA the authority to release otherwise confidential information about a veteran to contractors providing collection services for DVA.

5. Adds attendance at proprietary schools, other than those offering four-year programs, to the types of instruction for which a veteran may receive a retraining grant from DVA. Previously, veterans could receive a grant only for technical college training or structured on-the-job training (see also *Act 108*).

6. Repeals the provision that prohibited a veteran from receiving a loan under the Veterans Housing Loan Program if the total cost of the housing, including a garage but excluding land and other nonhousing improvements, exceeded twice the veteran's annual income or if the total cost of the housing including a garage, land and other nonhousing improvements, exceeded 2.5 times the veteran's annual income. The act permits a veteran to receive a housing loan for property, the total cost of which exceeds the property's market value, only if the veteran pays the amount by which the cost of the property exceeds the property's market value as part of his or her down payment.

Act 108 (AB-820) expands eligibility for the Veterans Retraining Grant Program to include veterans who are enrolled in training courses at eligible proprietary schools. The Veterans

Veterans and Military Affairs- continued

Retraining Grant Program provides grants of up to \$3,000 to eligible veterans for job retraining.

Act 136 (AB-582) requires DVA to administer a program to coordinate the providing of military honors funerals for deceased veterans by members of local veterans groups and members of the Wisconsin National Guard. The act authorizes the Adjutant General to activate members of the National Guard to serve on an honors detail for a military honors funeral for a deceased veteran. The act requires DVA to reimburse a local veterans group for up to \$50 of the cost of providing the honors detail for a military honors funeral.

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