

Summary of the 2001-2002 Wisconsin Legislative Session

Wisconsin Legislative Reference Bureau

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Abbreviations

| | | | |
|-------------|--------------------------------------------------------------|-------------|-------------------------------------------------------|
| AB..... | Assembly Bill | DRL | 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 Employee 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 |

Wisconsin Legislative Reference Bureau
100 North Hamilton Street
Madison, Wisconsin 53703
(608) 266-3561
(608) 264-6948 (Fax)

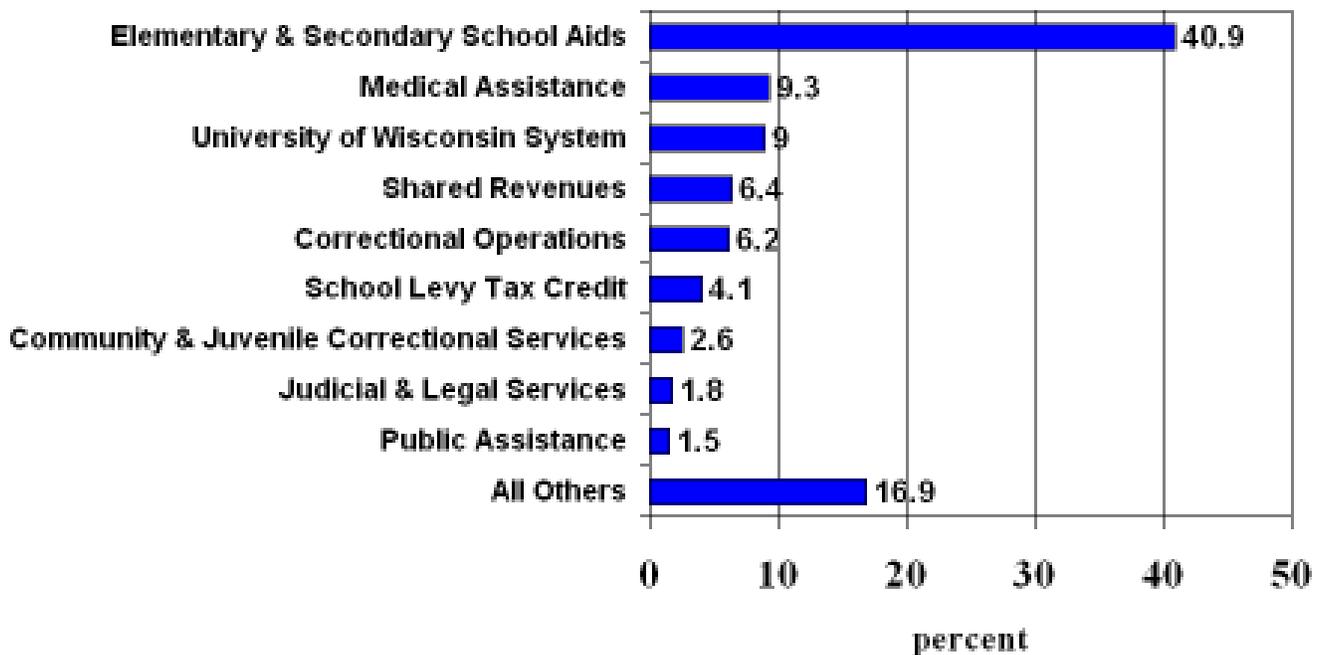
Stephen R. Miller, Chief

www.legis.state.wi.us/lrb

Introduction

This bulletin provides an overview of the acts and joint resolutions of the 2001-2002 Wisconsin Legislature. Legislation is organized by topic with acts described under the appropriate subject heading, as are significant provisions of any act affecting more than one area of state law (including 2001 Wisconsin Act 16, the biennial budget act). Selected significant acts and joint resolutions are highlighted by blue shading. The bulletin also includes summaries of enrolled joint resolutions that propose amendments to the Wisconsin Constitution under the heading “Constitutional Amendments.”

2001-03 Budgeted GPR Appropriations by Top Ten Programs



Data supplied by Legislative Fiscal Bureau

Agriculture

Act 3 (AB-7) further regulates the storage and handling of anhydrous ammonia. The act also exempts from civil liability certain persons who own, maintain, or install equipment for the storage, handling, or agricultural application of anhydrous ammonia and certain persons who use anhydrous ammonia for a legal purpose.

Act 16 (SB-55) requires persons who buy vegetables, milk, and grain from farmers and persons who operate warehouses that store grain owned by someone else (contractors) to be licensed. The act also establishes the agricultural producer security fund, into which certain licensed contractors must pay and from which DATCP pays farmers a portion of their losses when a contractor who pays into the fund defaults on payments to farmers.

Act 16 also requires pet dealers, dog and cat breeders, and persons who operate kennels and animal shelters to obtain licenses from DATCP beginning in 2004.

Act 40 (AB-135) exempts an agricultural society that operates a county fair from the requirement to obtain a public warehouse keeper's license.

Act 73 (AB-507) expands the authority of the Department of Commerce to promulgate rules concerning the storage and handling of anhydrous ammonia and expands the types of violations of these rules that are subject to civil, rather than criminal, penalties.

Act 91 (SB-378) provides penalties for the theft of farm-raised fish.

Beverages

Act 16 (SB-55) makes the following changes to the laws related to alcohol beverages:

1. Authorizes a store that sells liquor to provide wine taste samples on licensed premises.
2. Allows a brewer to hold retail beer licenses for up to 20 restaurants if each restaurant's gross receipts are not primarily derived from alcohol beverage sales and the brewer's own beer is not offered for sale in any of the restaurants.
3. Imposes additional restrictions on out-of-state wineries that ship wine directly to individuals within

Wisconsin without an out-of-state shipper's permit, including requiring an annual report to DOR of all shipments; requiring an annual report from each Wisconsin winery that ships wine to individuals in other states; and requiring shipments from out-of-state to individuals in Wisconsin to be accepted on the common carrier's delivery form by a person of legal drinking age.

4. Increases the value limit on certain gifts that a brewer or wholesaler may provide to a tavern or other beer retailer; allows any brewer or wholesaler to make monetary or in-kind contributions to national, state-wide, or local tavern leagues; and allows a brewer or wholesaler to conduct sweepstakes, contests, or promotions on the premises of taverns or other beer retailers.

5. Clarifies that a beer retailer may not require, as a condition of purchase of beer from a brewer or wholesaler, that the brewer or wholesaler furnish any other thing of value to the retailer.

Act 49 (AB-249) increases the number of on-premises retail liquor licenses that a municipality may issue if the municipality annexes territory that includes premises covered by a license and the municipality has otherwise reached its license quota.

Buildings and Safety

Act 16 (SB-55) transfers the authority for mobile home park water and sewer regulation from the PSC to the Department of Commerce. The act also makes various changes with regard to the titling of manufactured homes. Among other things, the act specifies that an owner of a manufactured home is exempt from having to obtain a title if the owner intends, upon acquiring the manufactured home, to affix permanently the manufactured home to land that the owner of the manufactured home owns.

Act 109 (January 2002 Special Session AB-1) requires the Department of Commerce to make certain retroactive grant payments under the fire dues grant program and to make grant payments from fire dues collected for 2001 to 2004 without regard to statutory eligibility requirements.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 362 would have changed the law concerning the use and possession of fireworks, the enforcement of prohibitions relating to fireworks, and the seizure of fireworks by law enforcement officials.

Assembly Bill 874 and Senate Bill 470, which were identical, would have established licensing requirements for electricians and electrical contractors and would have required inspection of electrical construction.

Business and Consumer Law

ECONOMIC DEVELOPMENT AND INVESTMENT

Act 16 (SB-55) makes the following changes in the laws related to economic development:

1. Authorizes the Department of Commerce to designate up to eight areas in the state as technology zones and to certify for tax credits a new or expanding, high-technology business that is located in a technology zone (see also *Taxation*).

2. Designates, in Milwaukee and Beloit, two new development opportunity zones in which a person conducting economic activity, or enabling another person to conduct economic activity, may be certified for tax credits by the Department of Commerce (see also *Taxation*).

3. Authorizes the Department of Commerce to designate one area in the state as an agricultural development zone and, on the basis of the number of jobs that will be created or retained, to certify for tax credits an agricultural business located in the agricultural development zone (see also *Taxation*).

4. Makes a dentist or a dental hygienist who agrees to practice in an area of the state with few dental professionals eligible for repayment of a portion of his or her educational loans related to his or her practice.

5. Provides grants for a manufacturing extension center.

6. Provides that a grant or loan under the Gaming Economic Diversification Grants and Loans Program may be used for remediating brownfields. Under former law, the grant or loan could be used only for diversifying a community's economy.

7. Changes the individual limits on loan principal amounts that WHEDA may guarantee under the programs guaranteed by the Wisconsin development reserve fund to an overall, aggregate limit for all of the programs guaranteed by that fund.

8. Authorizes WHEFA to issue bonds to purchase the state's right to receive payments under the tobacco settlement agreement.

TOURISM

Act 16 (SB-55) provides Indian gaming revenue funding for the Heritage Tourism Program, under which selected areas of the state receive grants for promoting historic and prehistoric resources and authorizes a new type of grant under the program for the promotion of historic and prehistoric attractions.

BUSINESS AND CONSUMER LAW

Act 16 (SB-55) prohibits telephone solicitors from, among other things, calling residential telephone customers who are listed, at their request, in a nonsolicitation directory maintained by DATCP, requires telephone solicitors to register annually with DATCP, requires telephone solicitors to disclose specified information at the beginning of a solicitation, and authorizes DATCP to enforce these requirements. Non-profit organizations and organizations attempting to solicit contributions are exempt from these requirements.

Act 16 also authorizes a person who is injured by the sale or purchase of cigarettes or other tobacco products at less than cost (in violation of the minimum markup law) to bring an action against the person who violated that law.

Act 72 (SB-471) authorizes dairy product wholesalers to sell or rent portable freezer cabinets to retailers for the display of frozen dessert novelties.

Children

Act 2 (AB-54) permits a parent of a child who is no more than 72 hours old to relinquish the child to a law enforcement officer, emergency medical technician, or hospital staff member and grants the parent immunity from liability for any act or omission in connection with the relinquishment, including immunity from prosecution for child neglect or abandonment. The act also grants the parent the right to remain anonymous and prohibits any person from attempting to locate or ascertain the identity of the parent, unless the person has reasonable cause to suspect that the child has been abused or neglected or that the parent has been coerced into relinquishing the child.

Act 16 (SB-55) makes the following changes to the laws relating to children:

1. Eliminates a requirement that a child between the ages of 14 and 18 consent before receiving inpatient alcohol or other drug abuse (AODA) treatment and instead permits the parent to consent; eliminates a requirement that such a child who has been voluntarily admitted to an inpatient facility for AODA treatment be discharged on the minor's request and instead requires discharge at the request of the parent or on the order of the juvenile court; and permits a child younger than 14 to petition the juvenile court to approve his or her admission to an inpatient facility for AODA treatment, and a child younger than 12 to receive outpatient AODA services, without parental notice or consent, if the child's parents cannot be found or if no parent has legal custody of the child.

2. Requires a county, a child welfare agency, or, in Milwaukee County, DHFS (collectively, "agency") to refer to the sheriff or police department all cases of suspected or threatened sexual abuse of a child reported to the agency; requires the sheriff or police department and agency to coordinate the investigation of those cases; requires all sheriffs and police departments to adopt a written policy specifying the kinds of child sexual abuse cases that will be routinely referred to the district attorney for prosecution; and requires agencies to provide child abuse and neglect training for law enforcement agency staff.

3. Requires licensed or certified providers of day care for children under one year of age, and the employees and volunteers of those providers, to receive training in the most current medically acceptable methods of preventing sudden infant death syndrome.

4. Eliminates the prohibition against the state public defender's representing or assigning an attorney to represent juveniles who are not in custody and for whom the appointment of counsel is not otherwise required under the Children's Code or the Juvenile Justice Code (see also *Crime and Criminal Procedure*).

5. Reduces from \$200 to \$100 the annual deductible for claims submitted to DHFS by a foster, treatment foster, or family-operated group home parent for bodily injury or property damage resulting from an act or omission of the parent or of a child placed in the parent's care.

Act 59 (AB-655) changes the term describing a residential facility operated by a child welfare agency for the care of four or more children from a "child caring institution" to a "residential care center for children and youth" (see also *Health and Human Services — Public Health and Mental Health, Developmental Disabilities, and Substance Abuse*).

Act 69 (AB-488) permits DHFS to license a group home solely to provide a safe and structured living arrange-

ment for children 12 years of age or over who are custodial parents or expectant mothers and to provide those children with training in parenting and other skills to promote their long-term economic independence and the well-being of their children. The act also requires DHFS to distribute grants to private agencies to operate those group homes and provide related services.

Act 79 (SB-247) permits a representative to the assembly or senator who is appointed to serve on the Child Abuse and Neglect Prevention Board to select a designee to serve on that board.

Act 109 (January 2002 Special Session AB-1) modifies the Children's Code and the Juvenile Justice Code by:

1. Requiring a permanency plan, which is designed to ensure that a child who is placed outside the home is reunified with his or her family or attains a placement providing long-term stability, to be prepared when a child is placed in the home of a relative under a court order.

2. Requiring certain information to be included in a child's permanency plan, including a plan for transition to independent living for a child 15 years of age or over.

3. Requiring a juvenile court to hold a hearing to review a child's permanency plan every 12 months after the child is removed from the home.

4. Generally, requiring a juvenile court, when ordering a child to be placed outside the home, to make findings that continued placement of a child in the home would be contrary to the welfare of the child and that reasonable efforts have been made to prevent the removal of the child from the home and to make it possible for the child to return safely home.

5. Extending the maximum length of an order placing a child outside the home from one year after the date of the order to the date on which the child reaches 18, or, if on that date the child is still in school, the date on which the child reaches 19 years of age.

6. Setting deadlines by which a termination of parental rights petition must be filed for a child who has been placed outside the home for 15 of the most recent 22 months, who was abandoned as an infant, or whose parent has committed certain crimes of violence against the child or another child of the parent.

7. Prohibiting a person who has committed an alcohol-related felony within the past five years from being licensed as a foster parent or a treatment foster parent.

Constitutional Amendments

Enrolled Joint Resolution 2 (*Senate Joint Resolution 2*), proposed by the 2001 Legislature on first consideration, provides that the people have the right to fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed by law. To become part of the constitution, it must be concurred in by the 2003 Legislature and be ratified by the people.

Correctional System

ADULT CORRECTIONAL SYSTEM

Act 16 (SB-55) makes the following changes to the laws relating to the adult correctional system:

1. Establishes medium security correctional institutions at Redgranite and at New Lisbon.
2. Prohibits any person from constructing and the Building Commission from leasing or acquiring any correctional facility unless it is enumerated in the state building program.
3. Requires DOC to remove any person who is under 18 years of age from the maximum security prison at Boscobel.
4. Requires DOC to work to minimize the residential population density of sex offenders under DOC or DHFS supervision in the community and requires sex offenders on extended supervision to live in a residence that DOC has approved.
5. Specifies that DOC may contract with or award grants to religious organizations to prevent delinquency and crime and to rehabilitate offenders on the same basis as it does with respect to any other nongovernmental provider.
6. Authorizes DOC to permit one or more nonprofit, community-based organizations to operate an inmate rehabilitation program in any DOC facility, without compensation from DOC.
7. Allows DOC to charge a prisoner who does not have earnings a deductible, coinsurance, or copayment for the medical or dental care he or she receives.
8. Reduces from six to two the number of firms that may conduct business within state prisons using inmate labor.

9. Requires any prisoner who is employed to answer telephone calls made to a charitable organization or to make unsolicited telephone calls to encourage persons to purchase property or services, make a contribution, or answer an opinion survey, to identify himself or herself, state that he or she is a prisoner, and inform the person of the name and location of the facility where the prisoner is incarcerated.

10. Prohibits DOC from entering into a contract that would allow a prisoner to perform data entry or telemarketing services and have access to any personal identifying information of an individual who is not a prisoner.

Act 96 (AB-481) adopts the Interstate Compact for Adult Offender Supervision, which regulates the travel across state lines of adult offenders to promote public safety, protect the rights of victims, provide effective tracking, supervision, and rehabilitation of adult offenders, and distribute the costs, benefits, and obligations of each member of the compact.

Act 109 (January 2002 Special Session AB-1) makes various changes relating to extended supervision (see also *Crime and Criminal Procedure*).

JUVENILE CORRECTIONAL SYSTEM

Act 16 (SB-55) permits a juvenile court to order a juvenile who has violated the law or been found to be in need of protection or services to report to a youth report center when the juvenile is not in school or otherwise under immediate adult supervision.

The act also increases funding to counties to purchase or provide delinquency-related services (youth aids) and generally 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.

Act 109 (January 2002 Special Session AB-1) permits a county that has paid the cost of an examination to determine whether a juvenile who allegedly committed a delinquent act is competent to proceed, or is not responsible for the delinquent act because of mental defect, to recover from the juvenile's parent or guardian a reasonable portion of the examination's cost.

Courts and Civil Actions

Act 42 (AB-246) allows a circuit court to make an order determining the status of a marriage without obtaining personal jurisdiction over the parties to the marriage.

Act 61 (AB-354) renames “family,” “probate,” and “juvenile” court commissioners “circuit” court commissioners, names part-time court commissioners “supplemental” court commissioners, and consolidates the responsibilities of court commissioners in one place in the statutes.

Act 86 (SB-88) allows a city, village, or town to bring an action to declare real property a nuisance if that property does not meet the health and safety provisions of the municipal building code. The act also allows a circuit court to appoint a person to take control of residential property that constitutes a nuisance in order to abate the nuisance and creates a lien on the property for the costs of abating the nuisance.

Act 109 (January 2002 Special Session AB-1) increases the circuit court support fee in circuit court, raising that fee to \$52 for appeals from municipal courts and administrative hearings, to \$39 for civil actions involving less than \$5,000, and to \$130 for civil actions involving \$5,000 or more.

The act also makes the following changes in the laws relating to domestic violence actions in circuit court:

1. Subjects adult caregivers and adults who had a dating relationship to those actions.
2. Permits the person bringing the action to serve the other party by publication of a summary of the petition. Formerly, the entire petition was required to be published.
3. Allows the court to issue, as part of the order or injunction, any remedy that is not inconsistent with the remedies requested by the person bringing the action.
4. Permits a guardian to bring a domestic abuse action on behalf of an incompetent person.
5. Prohibits the disclosure, in court documents, of the address of the person bringing the action.
6. Allows the arrest of a person who violates a domestic abuse injunction if that person was served with a copy of the petition and a notice of the hearing on the injunction even if the person did not attend the hearing and was not served with a copy of the injunction.

Finally, the act creates an evidentiary privilege for victims of abuse, permitting the victim to refuse to dis-

close and to prevent others from disclosing confidential information shared with or obtained by the victim’s advocate while he or she provided counseling, assistance, or support services to the victim.

Crime and Criminal Procedure

Act 16 (SB-55) makes the following changes in the laws relating to crime and criminal procedure:

1. Extends for one year the time for commencing prosecution of a sexual assault offense if the prosecution identifies a DNA profile of the suspect before the otherwise applicable time limit expires, but is unable to match the profile with a known person before the time limit expires. The act also creates a process under which a person who has been convicted, adjudicated delinquent, or found not guilty by reason of mental disease or defect for an offense may request a court to order DNA testing of evidence and may seek postconviction or postcommitment relief based on the results of the DNA testing. Finally, the act requires courts, district attorneys, local law enforcement agencies, and DOJ to preserve evidence containing biological material while any person remains in custody as a result of a prosecution or adjudication in which the evidence was used.

2. More narrowly defines the crime against making, reproducing, or possessing a visual image depicting another person nude without that person’s consent to address the Wisconsin Supreme Court ruling in *State v. Stevenson*, 236 Wis. 2d 86 (2000), that the previous law was unconstitutionally overbroad because it barred depictions of nudity that are protected by the First Amendment, including various artistic, political, or newsworthy images (see also *Act 33*).

3. In response to the Wisconsin Supreme Court ruling in *State v. Weidner*, 235 Wis. 2d 306 (2000), requires that to convict a person for providing harmful material (nudity, sexually explicit images, or images of torture or brutality) to a child if the defendant does not have face-to-face contact with the child, the state must show that the defendant knew or reasonably should have known that the child was younger than 18.

4. Criminalizes the act of sending an electronic mail solicitation that contains obscene or sexually explicit material without including the words “Adult Advertisement” in the subject line.

5. Clarifies that criminal prohibitions against providing harmful material to children, prohibitions related

to child pornography, and prohibitions relating to making and distributing images of nude persons without consent apply to images and sounds produced, displayed, or distributed with computer technology.

6. Provides criminal penalties for intentionally causing an interruption in computer service by sending an electronic message that overloads computer capacity.

7. Increases from \$1,000 to \$2,500 the threshold of property damage or property loss that differentiates a misdemeanor from a felony for various property crimes, including certain types of theft, damage to property, and fraud.

8. Adds the drug commonly known as “4-MTA” or “flatliner” to the schedule of controlled substances and increases the penalties for offenses concerning certain “club drugs,” including ecstasy, GHB, GBL, 2-CB or nexus, ketamine, and flunitrazepam.

9. Requires the Milwaukee County district attorney and the district attorney of one other county selected by DOC (currently, Outagamie County) to establish restorative justice programs and to assist district attorneys in other counties who are establishing such programs, with the requirements sunseting on June 30, 2005.

10. Eliminates the prohibition on the state public defender’s representing or assigning an attorney to represent adults who are neither charged with a crime nor in custody and juveniles who are not in custody (see also *Children*, Act 16).

Act 33 (AB-60) clarifies the prohibition against making, reproducing, or possessing a visual image depicting another person nude without that person’s consent and allows a person to sue another person who violates that prohibition (see also *Act 16*).

Act 95 (AB-157) provides, with some exceptions, criminal penalties for the possession of any bulletproof garment by a person who has been previously convicted of or adjudicated delinquent for a violent felony.

Act 97 (AB-482) revises the existing criminal prohibition against a child sex offender working with children so that it applies to a person who is convicted of any sexual assault of a child under the age of 16.

Truth-In-Sentencing

Act 109 (January 2002 Special Session AB-1) makes the following changes to the laws relating to criminal sentences, including the “truth-in-sentencing” laws:

1. Replaces the existing six felony classes (A, B, BC, C, D, and E) with nine new felony classes (A, B, C, D, E, F, G, H, and I).

2. Reclassifies certain misdemeanors as felonies and certain felonies as misdemeanors and classifies all felonies within and outside of the criminal code (other than those that are felonies only because of the application of a penalty enhancer), based on the seriousness of the offense, in the new nine-tier system.

3. Eliminates most penalty enhancers (generally, by converting them into aggravating factors to be considered at sentencing) and most minimum penalty requirements.

4. Requires a court to state the reasons for any sentence it imposes.

5. Increases the maximum fine that may be imposed for most felonies.

6. Sets maximum terms of extended supervision for persons given bifurcated sentences (prison sentences that consist of a term of confinement and a term of extended supervision).

7. Requires a court, if it sentences a person to prison for a misdemeanor (through the application of a penalty enhancer), to impose a bifurcated sentence.

8. Specifies the sequence in which the confinement portions of sentences are to be served and, for certain cases, the sequence in which the parole or extended supervision portions of sentences are to be served if a person is subject to more than one sentence.

9. Permits a court, upon the petition of an inmate serving a bifurcated sentence for a crime other than a Class B felony, to release the inmate to extended supervision if: a) the district attorney does not object; b) the victim does not object (applies only if the crime was a sex offense); c) the inmate has served 85% (if the crime was a Class C, D, or E felony) or 75% (if the crime was a Class F, G, H, or I felony) of his or her term of confinement; and d) modifying the sentence is in the public interest.

10. Permits a court, upon the petition of an elderly or terminally ill inmate serving a bifurcated sentence for a crime other than a Class B felony, to release the inmate to extended supervision if: a) DOC agrees to the petition; b) the inmate has served at least five years (if he or she is 65 or older) or ten years (if he or she is 60 or older) of his or her term of confinement (does not apply to terminally ill inmates); and c) modifying the sentence is in the public interest

11. Permits a court, upon the petition of DOC or a person on extended supervision, to modify the conditions of extended supervision that the court has set.

12. Allows DOC to take custody of a person who is on extended supervision so it can investigate an alleged violation of a condition of extended supervision.

13. Permits DOC to confine a person who admits that he or she violated a condition of extended supervision for up to 90 days in a county jail or a regional detention facility (in lieu of revocation).

14. Requires a sentencing court (as opposed to DOC or the administrative law judge) to determine the time that a person will spend in prison if his or her extended supervision is revoked and requires that time be at least five years if the person is serving a life sentence.

15. Creates a sentencing commission (which sunsets on December 31, 2007) that is responsible for gathering and disseminating information regarding sentencing practices, for assisting the legislature in assessing the cost of criminal law legislation, and for promulgating advisory sentencing guidelines, which, if applicable, a court must consider in imposing a bifurcated sentence.

16. Establishes a joint review committee on criminal penalties and prohibits the legislature from voting on any bill creating a new crime or revising a penalty for an existing crime unless a) the committee has prepared a report regarding the relationship of the bill to existing law and regarding the costs that are likely to be incurred by state and local agencies if the bill were enacted; or b) the committee has had 30 days in which to do so.

Act 109 also prohibits, and provides criminal penalties for, using a computer with the intent to commit certain sex offenses against a person believed to be a child. In addition, the act makes the following changes in the law regarding stalking:

1. Changes the basic offense of stalking from a misdemeanor to a felony.

2. Redefines the circumstances under which stalking is subject to more severe penalties.

3. Redefines “course of conduct” (one of the elements of the offense) to mean a series of acts carried out over any period of time that show a continuity of purpose and lists examples of acts.

4. Prohibits, and provides criminal penalties for, engaging in one of the specified acts that can be used to demonstrate a course of conduct if: a) the person was previously convicted of sexual assault or found to have committed an act of domestic abuse; b) the individual at whom the current act is directed was the victim of the sexual assault or domestic abuse; and c) the person intends that the act will induce fear in the victim.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bills 529 and 675 and Senate Bill 357 would have permitted persons to be licensed to carry concealed weapons.

Senate Bill 278 would have provided the Office of the State Public Defender additional attorney positions and would have directed the office to create a unit to represent clients whom the office could not otherwise represent due to conflict of interest.

Discrimination

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 168 would have expanded the definition of employment discrimination based on creed to include discriminating against a health care provider for refusing to participate in certain acts, including acts related to sterilization, abortions, procedures involving the destruction of human embryos or using fetal tissue or organs, withholding or withdrawing nutrition or hydration, or euthanasia (see also *Occupational Regulation – Professional Licensing*).

Domestic Relations

Child Support Orders

Act 16 (SB-55), with some exceptions, requires every child support order to be expressed as a fixed sum rather than as a percentage of the payer’s income, even though the basis for the amount of support ordered is still a specified percentage of income, determined by DWD, that varies with the number of children for whom the support is paid.

Act 16 also allows a child support order to provide for an annual adjustment in the amount of required support if the payer’s income changes and authorizes a court to change the name of a child in a paternity action if one or both parents so request.

Education

PRIMARY AND SECONDARY EDUCATION

Act 16 (SB-55) requires that DOJ establish a 24-hour telephone hotline to accept anonymous reports of dangerous weapons in public schools. Upon receiving a report of a weapon, DOJ must notify the administrator of the affected public school and the local law enforcement agency for the affected community.

Act 16 also makes the following changes to the laws governing primary and secondary education:

1. Allows a school board to commence classes before September 1 if DPI concludes that the school board has extraordinary reasons for doing so.

2. Expands the charter school program to allow a cooperative educational service agency, a county board, a technical college district, or UW-Parkside to establish a charter school.

3. Requires all public and private schools to offer the Pledge of Allegiance or the National Anthem in grades 1 to 12 each school day.

4. Allows school boards to require pupils to wear school uniforms.

5. Requires school boards that offer instruction relating to human sexuality, reproduction, and family planning to offer instruction in marriage and parental responsibility.

6. Grants civil immunity to public school employees who responsibly administer glucagon to pupils experiencing a hypoglycemic emergency.

7. Establishes a trust fund for Wisconsin geographical education and eliminates the Wisconsin Geography Alliance Program.

8. Directs DPI to award grants to certain educational organizations to help American Indian pupils adjust to the school districts in which they are enrolled.

9. Reduces the per pupil payment for pupils attending summer classes under 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, to 40% of the regular payment. The act also eliminates the general school aid reduction for the MPCP from school districts other than the Milwaukee Public Schools (MPS), reduces the general school aid received by MPS to 45% of the estimated cost of the program, and provides that the

amount levied by MPS to offset the reduction is not counted for the purpose of determining the state's two-thirds funding goal.

10. Requires school boards and charter schools to request a pupil entering kindergarten to provide evidence that the pupil has had his or her eyes examined by an optometrist or evaluated by a physician.

11. Eliminates the requirement that a teacher be a Wisconsin resident in order to be eligible for a grant under the program that awards grants to certain teachers who are certified by the National Board for Professional Teaching Standards.

12. Requires that school performance reports, which must be distributed annually to the parent or guardian of each pupil enrolled in the school district, compare the school district's performance with that of other school districts in the same athletic conference.

13. Modifies eligibility for supplemental aid, under which certain low-enrollment, large-area school districts receive additional aid.

Act 48 (SB-302) changes the name of the Division for Libraries and Community Learning in DPI to the Division for Libraries, Technology, and Community Learning.

Act 54 (SB-118) modifies the procedures for changing the number of school board members in a common or unified school district, for establishing a plan of apportionment of school board members, and for assigning a number to each seat on a school board.

Act 57 (SB-176) changes the name of the Wisconsin School for the Deaf to the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, specifies the duties of the program, and creates a Deaf and Hard-of-Hearing Education Council to advise the State Superintendent of Public Instruction on issues relating to the education of children who are deaf or hearing impaired.

Act 83 (SB-178) allows optometrists, physician assistants, and advanced practice nurse prescribers to give written instructions for school district employees and volunteers to administer, with immunity from civil liability, prescription drugs to pupils. Under former law, only physicians, dentists, and podiatrists could give such written instructions.

Act 109 (January 2002 Special Session AB-1) makes several changes in the laws relating to primary and secondary education. The act:

1. Delays for two years, until the 2004-05 school year, the requirement for school boards to administer a high school graduation examination. The act also delays for

two years, until September 2005, the prohibition against granting a high school diploma to a pupil who has not satisfied the school board's criteria for granting a diploma.

2. Limits the amount of referenda-approved school district debt levy that is included in the definition of "partial school revenues," for the purpose of determining the state's two-thirds school funding commitment, to the lesser of the actual referenda-approved debt levy or \$490,000,000.

3. Provides that if a school board grants to one vender the exclusive right to sell soft drinks in a school, the contract may not prohibit the sale of milk in any school and the school board must ensure that milk is available to pupils in each school covered by the contract.

4. Directs DPI to reduce each school district's state aid payment by the district's proportionate share of the cost of educating residents of the district who are attending the Youth Challenge Program for disadvantaged youth, operated by DMA, and pay the total amount to DMA to pay for a portion of the costs of the program.

TECHNICAL COLLEGE SYSTEM

Act 16 (SB-55) limits technical and occupational program grants to first-year students, increases the limit on capital expenditures without referendum approval from \$500,000 to \$1,000,000, and extends the sunset date for expenditures on applied technology centers without referendum approval from July 1, 2002, to July 1, 2003.

Act 109 (January 2002 Special Session AB-1) eliminates the Technical and Occupational Program on July 1, 2003. Under the program, the state awards grants to certain technical college students who are recent high school graduates.

UNIVERSITY OF WISCONSIN SYSTEM

Act 16 (SB-55) makes the following changes to the laws relating to the UW System:

1. Permits the Board of Regents of the UW System to create, without legislative approval, faculty and academic staff positions funded with general purpose revenue, revenues generated from increased enrollment, and tuition that covers the full cost of offering the course if the Board receives permission from DOA.

2. Provides a nonresident tuition exemption for veterans who are honorably discharged from military service.

3. Authorizes the Board of Regents to set the salary ranges and adjustments for certain senior university executive positions without legislative approval. Previously, the establishment of the ranges and adjustments required the approval of the Joint Committee on Employment Relations.

Act 84 (SB-415) renames the Institute for Environmental Studies at the UW-Madison the Gaylord Nelson Institute for Environmental Studies.

OTHER EDUCATION

Act 7 (AB-321) creates a separate trust fund for contributions to the College Savings Program and makes other minor administrative changes to the College Savings and EdVest programs, both of which allow people to invest money on a tax-deferred basis for college educational costs.

Act 16 (SB-55) establishes a loan program under which nursing students receive educational loans, up to 50% of which may be forgiven if the loan recipient remains employed in Wisconsin as a nurse.

Elections

Act 16 (SB-55) eliminates the use of punch card voting systems in this state, directs the State Elections Board to train chief poll workers, and provides that all such workers must be certified by the Board.

The act also requires a person who files a recount petition to pay any fee due, or a reasonable estimate of the fee due, at the time of filing the petition. The amount of the fee depends upon the total number of votes cast at the election, the difference in votes cast for the relevant candidates or on the applicable referendum question, and the number of wards in which the recount is requested. In some cases, the act requires the petitioner to pay the actual costs of performing the recount.

Congressional Redistricting

Act 46 (AB-711) redistricts the state's congressional districts based upon the results of the 2000 federal decennial census. Among other things, the act reduces the number of congressional districts from nine to eight.

Act 51 (AB-589) permits any unregistered, hospitalized elector in a municipality where voter registration is required to register by agent under a procedure similar to that which applies to other late or election day registrations.

Campaign Financing

Act 109 (January 2002 Special Session AB-1) makes numerous changes in the campaign financing law. The act imposes registration and reporting requirements on certain individuals and groups that finance certain mass communications made during the 60 days before an election. The act also imposes a 24-hour reporting requirement on certain candidates for state office who are not bound by campaign spending and self-contribution limits. When reported expenditures reach specified levels, the act permits opposing candidates to receive additional campaign funds from the political parties and other committees and individuals, and to make additional expenditures to respond to the reported expenditures.

The act also makes changes to laws regulating campaign contributions. With certain exceptions, the act prohibits any candidate who accepts a public grant from the Wisconsin Election Campaign Fund (WECF) from accepting contributions from any committee other than a political party committee. The act also permits candidates for legislative office who are bound by campaign spending and self-contribution limits (typically as a result of accepting a grant from the WECF) to accept double the amount of contributions from particular individuals and, when permitted, from particular committees. The act imposes restrictions on fund-raising by incumbents during a legislative session and generally prohibits the trading of influence for contributions.

The act increases the amount a political party may receive in a biennium from all committees, other than political party committees, from \$150,000 to \$450,000 and increases the amount a committee, other than a political party committee, may contribute to a political party in a calendar year from \$6,000 to \$18,000. The act further permits political parties to accept an additional \$450,000 from all committees in any biennium for providing certain additional campaign funds to legislative candidates. The act also imposes restrictions on the transfer of contributions between certain committees other than political party committees.

In addition, the act increases the amount of campaign expenditures that candidates for state office who accept a grant from the WECF may make. The act provides that the maximum grant under the WECF is an amount equal to 40% of the applicable expenditure limit or, for candidates for the office of governor, 35% of the applicable expenditure limit. The act provides candidates

for the office of supreme court justice with a “first draw” on available grant funds. The act establishes a general account and political party accounts under the WECF and permits individuals who have a tax liability to designate on their income tax returns that \$20 is to be placed in the general account or a particular political party’s account. The designation does not increase an individual’s tax liability. Prior law permitted individuals to designate \$1 to the WECF.

Act 109 also does the following:

1. Requests the Joint Legislative Council to conduct a study of election administration services performed by municipalities and counties and prepare recommendations for the consolidation of those services.
2. Requires the State Elections Board to submit, as part of its 2003-05 budget request, a proposal to finance a statewide voter registration system and proposed legislation to implement the system and require voter registration statewide. The act also requires the State Elections Board to study and prepare recommendations for the implementation of the proposal.
3. Authorizes certain high school students to serve as poll workers.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 843 and *Senate Bill 104* would have substantially revised the state campaign financing laws.

Assembly Bill 49 and *Senate Bill 110* would have made substantial changes to the elections administration laws.

Employment

CIVIL SERVICE

Act 16 (SB-55) permits the State Adjutant General and any Deputy Adjutant General in DMA to take a leave of absence of less than three days. In addition, the act extends the Catastrophic Leave Program, which allows classified state employees to donate certain types of leave credits to other classified employees who have been granted an unpaid leave of absence because of a catastrophic need, to all state employees.

Act 26 (AB-572) grants reemployment rights to state employees who are absent from employment because

of service in the National Guard or the State Defense Force (see also *Employment – Other Employment*).

Act 29 (AB-461) creates a senior executive salary system that is outside of the state compensation plan and that must be approved by the Joint Committee on Employment Relations for the director and executive assistant of the Wisconsin Technical College System.

OTHER EMPLOYMENT

Act 16 (SB-55) makes the following changes in the laws relating to employment:

1. Permits an arbitrator to establish a system for conducting interrogations of members of the Milwaukee Police Department that is limited to the hours between 7 a.m. and 5 p.m. on working days if the interrogations could lead to disciplinary action, demotion, or dismissal and if the interrogations are not part of a criminal investigation.

2. Prohibits counties from adopting ordinances or resolutions that interfere with the construction of a migrant labor camp on property adjacent to a food processing plant or on property located on or contiguous to property on which vegetables are produced or adjacent to land on which a vegetable producer resides.

3. Increases from three years to four years the period for which an educational voucher issued to a Wisconsin Conservation Corps (WCC) enrollee who successfully completes six months of service may be used to pay postsecondary tuition and fees and decreases from two years to six months the period for which a person must be employed as a WCC crew leader or regional crew leader before he or she is eligible for health care coverage.

4. Prohibits a local partnership that is awarded a grant by the Governor's Work-Based Learning (GWBL) Board to implement a local youth apprenticeship program from using the grant to fund a for-profit business or an organization representing business interests and requires the GWBL Board to limit eligibility for a youth apprenticeship training grant to small employers and employers providing training in areas determined by the GWBL Board.

5. Eliminates a requirement that DWD provide, as part of the Job Center network administered by DWD, career counseling centers that provide youths with career education and job training information.

6. Provides funding from Indian gaming receipts for a Trade Masters Pilot Program that recognizes advanced training and postapprenticeship achievement in the industrial, construction, and service sectors of the economy.

Act 26 (AB-572) requires an employer to rehire a person who is called into active service in the National Guard or the State Defense Force in the position in which the person would have been employed but for the active service or in a position of like seniority, status, and pay, without loss of health care coverage, and prohibits discharge of the employee, except for cause, for up to one year after rehire.

Act 35 (AB-553) makes various changes in the unemployment insurance law, including adjustment of benefits rates, discounting of social security benefits received in calculating benefit amounts, deferral of certain contribution (tax) payments by employers, and allowing Indian tribes who act as employers to be accorded certain privileges in financing benefits for their employees.

Act 36 (SB-303) provides that if Congress does not enact a temporary emergency unemployment insurance program by January 1, 2002, the Council on Unemployment Insurance must recommend a Wisconsin temporary emergency unemployment insurance program to the legislature by January 31, 2002 (see also *Act 43*).

Act 37 (SB-251) makes the following changes in the laws relating to worker's compensation:

1. Imposes on the employer liability for disability resulting from unnecessary medical treatment undertaken in good faith if that treatment is invasive and generally medically acceptable, but exempts the employer from that liability if the treatment is noninvasive or not medically acceptable.

2. Increases the amount of disability benefits payable under the worker's compensation law, including an increase in the maximum weekly compensation for total disability from 100% to 110% of the state's average weekly earnings for injuries occurring before January 1, 2006, at which time that rate reverts to 100% of those earnings.

3. Exempts an employer that has offered a job that pays 90% of the employee's preinjury wage to an employee who is receiving vocational rehabilitation instruction from liability for temporary disability benefits during the employee's rehabilitation.

4. Eliminates the 12-year statute of limitations for a traumatic injury resulting in the loss or total impairment of a hand or foot, loss of vision, permanent brain injury, or the need for a hip or knee replacement and requires DWD, rather than the employer, to pay claims for those injuries becoming due 12 years after the date of injury or the date that worker's compensation was last paid, whichever is later.

5. Permits DWD to order an employer to pay for any necessary, future treatment, requires a party that

has been ordered to pay worker's compensation to do so within 21 days after the order is mailed to the party, and requires payments for permanent disability to begin within 30 days after the end of the employee's healing period and to continue during intermittent periods of temporary disability.

Act 43 (AB-742) provides for temporary supplemental unemployment insurance benefits to be paid to claimants who are partially or totally unemployed during the period between March 3, 2002, and December 28, 2002, if the claimants have exhausted rights to receive other benefits and are not eligible to receive any federally financed benefits during that period.

Act 109 (January 2002 Special Session AB-1) requires an employer to rehire a person who works for the State Laboratory of Hygiene during a public health emergency in the position in which the person would have been employed but for that work or in a position of like seniority, status, and pay, without loss of health care coverage, and prohibits discharge of the employee, except for cause, for up to one year after rehire (see also *Health and Social Services – Public Health*). The act also permits a pupil 16 years of age or over who has at least a 3.0 grade point average to be excused from school to work as an election inspector (see also *Elections*).

Environment

Act 16 (SB-55) makes the following changes in the laws relating to the environment:

1. Prohibits a person from using a high-capacity well to produce bottled drinking water without DNR approval.

2. Increases the recycling tipping fee from 30 cents per ton to \$3.00 per ton of solid waste disposed of in Wisconsin, except high-volume industrial waste.

3. Requires DNR to operate a pilot program under which nine local governments set goals for the amount of materials to be recycled and choose the kinds of materials to recycle, rather than being required to recycle materials specified in the statutes.

4. Authorizes DNR to award recycling efficiency incentive grants to local governments that operate recycling programs.

5. Prohibits oil and gas drilling that extends below the beds of the Great Lakes.

6. Requires additional communities to obtain discharge permits from DNR for their storm water systems.

7. Authorizes DNR to award grants to local governments for projects that remedy environmental contamination and that have long-term public benefits.

Act 109 (January 2002 Special Session AB-1) authorizes DNR to permit the use of aquifer storage and recovery systems under specified conditions. In an aquifer storage and recovery system, treated drinking water is placed underground through a well and stored until the water is needed as drinking water.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 95 and *Senate Bill 160* would have prohibited the use of cyanide in mining for metallic minerals and in processing metallic ore.

Financial Institutions

Act 10 (SB-9) revises Article 9 of the Uniform Commercial Code (UCC) governing the granting of credit and the perfecting of the creditor's security interest in the debtor's personal property, which allows the creditor to take the property if the debtor defaults on the debt. The revised Article 9: 1) expands the kinds of property used to secure credit to include deposit accounts, health care receivables, and commercial tort claims; 2) provides that perfection of a security interest by control is available not only for investment property, but also for deposit accounts and letter-of-credit rights; 3) provides that the location of the debtor rather than the location of the collateral determines where a security interest perfects; 4) simplifies and unifies the system of filing financing statements in one place in each state; 5) expands consumers' rights; 6) creates a production-money security interest, for financing the production of new crops; and 7) creates requirements for enforcing security interests.

Act 16 (SB-55) makes the following changes in the laws relating to financial institutions:

1. Alters the registration requirements, registration fees, and reporting requirements for persons who enter into consumer credit transactions and the filing fees for corporations and limited liability companies.

2. Alters the contents of required merger or consolidation plans for cooperatives and establishes reporting requirements concerning the implementation of these plans.

3. Changes the law with regard to the reporting and delivery of unclaimed and abandoned property to the state by, among other things, requiring an annual, rather than biennial, report of abandoned property, and reducing from seven years to five years the time that must pass before stocks and other intangible ownership interests in a business association are presumed abandoned.

Limited Partnerships

Act 44 (SB-333) creates a procedure by which limited partnerships, limited liability companies, business corporations, and nonstock corporations may merge with or convert into other forms of business organization. The act also permits one of these business entities to appoint another one of these business entities as its registered agent to receive certain communications and to accept service of process on behalf of the appointing business entity.

In addition, the act changes three of the current exemptions from the requirement that a person generally must register with DFI before offering or selling any security in this state. First, the act generally exempts a sale of a security if the purchaser is either a bank or an individual with a net worth that exceeds \$1,000,000 or an income greater than \$200,000 and generally exempts from licensing requirements any securities agents who sell those securities. Second, the act generally exempts an issuer's sale of a security if the issuer has its principal office in Wisconsin and if not more than 25 persons (rather than 15, as under former law) will hold all the issuer's securities after the sale. Third, the act generally exempts any transaction that is entered into pursuant to an offer made to not more than 25 persons in this state (rather than ten, as under former law) during any one-year period, if the other requirements under current law are satisfied.

Act 109 (January 2002 Special Session AB-1) exempts unredeemed gift certificates from the unclaimed property law.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 266 and *Senate Bill 84* would have provided different methods of regulating persons who make payday loans.

Assembly Bill 299 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. The bill also 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.

Assembly Bill 393 and *Senate Bill 473* would have exempted certain rent-to-own agreements from the scope of the Wisconsin Consumer Act.

Gambling

Act 16 (SB-55) increases the maximum cost of a raffle ticket from \$50 to \$100. In addition, the act requires that half the unclaimed winnings from wagering at racetracks be retained by the racetrack, rather than all unclaimed winnings, as previously required.

Act 109 (January 2002 Special Session AB-1) increases the period during which raffle tickets may be sold, from 180 days before the raffle drawing to 270 days before the raffle drawing.

Health and Social Services

HEALTH

Prescription Drug Assistance Program

Act 16 (SB-55) creates, effective September 1, 2002, a prescription drug assistance program for persons who are at least 65, do not receive Medical Assistance (MA), have annual household incomes at or below 240% of the federal poverty line, and pay a \$20 annual enrollment fee. Persons with higher household incomes who meet the other criteria may enroll after their prescription drug expenses reduce their incomes to the eligibility limit. After paying a \$500 annual deductible, enrollees may obtain prescription drugs by paying a \$15 copayment for brand name drugs and a \$5 copayment for generic drugs, except that persons with household incomes at or below 160% of the federal poverty line need not pay the \$500 deductible. Pharmacies may charge enrollees who have not met the deductible only the program payment rate (105% of the MA reimbursement rate and a dispensing fee), and may charge enrollees who have met the deductible only the applicable copayment. DHFS must reimburse pharmacies, from general purpose revenues and moneys obtained from rebates by drug manufacturers, at the program payment

rate. The program provides reduced charges for enrollees and reimbursement to pharmacies only for prescription drugs produced by drug manufacturers who enter into rebate agreements with DHFS.

Act 16 also makes the following changes to the health laws:

1. Authorizes a nursing home, if DHFS approves, to transfer a licensed bed to another nursing home that is owned by the same corporation and is in the same bed allocation area of the state, as determined by DHFS.

2. Modifies the vital records program by increasing fees for issuing certified vital records and changing certain birth certificates and creating fees for issuing additional vital records and copies, and performing expedited service and vital record searches; prohibiting the disclosure of cause-of-death information until 50 years after a death and authorizing hospices to prepare death certificates and release corpses to authorized persons; changing filing requirements for birth certificates; limiting information that may be changed after 365 days after a birth; creating criteria for altering facts misrepresented by an informant; creating a way to correct erroneous information on marriage licenses; and specifying the vital records information that may be published in public use indexes.

Act 109 (January 2002 Special Session AB-1) makes the following changes to the health laws:

1. Requires DHFS to promulgate rules, developed by an advisory committee that DHFS must appoint, that prescribe uniform maximum fees chargeable by health care providers for duplicate patient health care records and X-ray reports that are based on an approximation of actual costs and that permit charging for actual post-age or delivery costs.

2. Eliminates the requirement that DHFS implement the statewide trauma care system by July 1, 2002, and extends the termination of the Trauma Advisory Council to July 1, 2003.

MEDICAL ASSISTANCE

Act 1 (SB-18) increases funding by \$11,512,200 for the Badger Care Health Care Program, a health plan for low-income families.

Act 13 (AB-274) creates a segregated trust fund to receive federal Medicaid funds that match county funds for the Medical Assistance (MA) Program, a jointly funded federal-state program that provides health care services to persons with low income and few assets.

Act 16 (SB-55) makes numerous changes to the laws relating to MA. The act:

1. Beginning January 1, 2003, authorizes DHFS to limit the number of certified providers of MA services and to require a surety bond as a condition of certification of providers of some services; requires providers to pay interest on unpaid recoveries of MA funds; authorizes DHFS to charge fees to providers who repeat serious offenses; requires payment of any outstanding recoveries and receipt of MA certification before a person may take over a provider's operation; and expands access by auditors and investigators to MA provider documents and personnel.

2. Authorizes counties to provide services to persons with brain injury under an MA Community Integration Program, which provides community care to persons relocated from institutions serving the developmentally disabled.

3. Generally, funds residential services in community-based residential facilities with more than four beds.

4. Authorizes DHFS, or an entity with which DHFS contracts, to contract with prescription drug manufacturers to make rebate payments to the state for each of the manufacturer's drugs prescribed for persons eligible for state aid to treat kidney disease, cystic fibrosis, and hemophilia. The rebate payments are used to increase this state aid.

5. Provides that women under the age of 65 with breast or cervical cancer, who are otherwise ineligible for MA or health care coverage, are presumptively eligible for MA.

6. Provides that individuals in families who would qualify for Aid to Families with Dependent Children based on their income, if that program were operational, are eligible for MA regardless of the family's assets.

7. Increases the maximum amount of an irrevocable burial trust that may be excluded from an MA applicant's countable assets from \$2,500 to \$3,000.

Act 67 (SB-479) permits care management organizations (entities that enroll, assess, and provide services to elderly and disabled persons who are eligible for Family Care, a system for delivery of long-term care services) to receive supplemental MA funds if they contract with county, city, village, or town nursing homes to provide care to Family Care recipients.

MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE

Act 16 (SB-55) makes the following changes to the mental health laws:

1. Requires DHFS to make its best efforts to place sexually violent persons on supervised release in their county of residence and requires DHFS to consider the proximity of other sex offenders when choosing their placement.

2. Limits the rights of sexually violent, institutionalized persons to send and receive confidential mail, to be free from physical restraint and from being filmed or taped without consent, and to refuse to take a lie detector test.

3. Authorizes DHFS to contract with public or private entities to provide necessary, supplementary inpatient developmental disabilities services at centers for the developmentally disabled.

4. Requires a county department of community programs to reimburse a mental health institute for the costs incurred to monitor persons undergoing court-ordered examinations who remain at the institute 48 hours after the sheriff and county department are notified of examination completion.

5. Eliminates the December 1, 2001, expiration of laws relating to emergency detention and involuntary commitment for persons with mental illness under the “fifth standard.”

Act 59 (AB-655) changes membership requirements for the Council on Developmental Disabilities to require that 60% of the council consist of persons with developmental disabilities, parents or guardians of children with developmental disabilities, or immediate relatives or guardians of adults with developmental disabilities who are unable to be their own advocates. The act requires certain members who have received Council grants or who contract with the Council to recuse themselves from council discussion of grants or contracts and prohibits certain members from voting on matters that are conflicts of interest (see also *Children and Health and Social Services — Public Health*).

PUBLIC ASSISTANCE

Act 16 (SB-55) makes the following changes in the laws relating to public assistance:

1. Requires Wisconsin Works (W-2) agencies to establish procedures for screening victims of domestic abuse, to provide those victims with information on domestic abuse services, and, if a victim elects to receive those services, to provide referrals to service providers.

2. Excludes student financial aid received under any state or federal program and any scholarship used for tuition and books in calculating gross income to determine eligibility for a W-2 employment position, job access loan, or child care subsidy.

3. Requires DWD to include employer-sponsored training as permissible education and training for W-2 participants.

4. Provides that a relative who is providing care for a child under the Long-Term Kinship Care Program (generally, until the child turns 18) is eligible for a W-2 child care subsidy if the income of the child’s family is at or below 200% of the federal poverty level and that a parent who provides care for his or her child is eligible for a W-2 child care subsidy if the care is necessary because the child has a special health condition.

5. Imposes on a W-2 agency that submits unallowable expenses a sanction equal to 50% of those expenses.

6. Transfers administration of MA and the Food Stamp Program from DWD to DHFS, and transfers the responsibility for determining eligibility for MA and the Food Stamp Program from the W-2 agencies to the counties.

7. Awards grants to local governments and tribes for programs to improve the quality of child care.

8. Eliminates the Employment Skills Advancement Program, under which DWD awarded grants to eligible individuals for tuition, books, and other costs of a vocational training program.

PUBLIC HEALTH

Act 16 (SB-55) makes the following changes to the laws relating to public health:

1. Specifies procedures for the creation of a city-county health department and creates a compensation system and collective bargaining rights for city-county health department employees.

2. Requires an inspection to obtain a permit to operate a recreational facility; eliminates authority for a person to transfer a temporary restaurant permit to a different premises; requires that bed and breakfast establishment permits be annual, rather than biennial; and exempts county and district fairs from campground permit requirements.

3. Expands the breast cancer screening program to provide reimbursement for health care screenings, referrals, follow-ups, and patient education for low-income underinsured and uninsured women.

4. Requires DHFS to certify persons who operate radiation generating equipment, handle or store radioactive materials, or act as radiation safety consultants.

5. For persons with or at risk of contracting human immunodeficiency virus (HIV; the virus that causes AIDS), provides services for related infections.

6. Funds a statewide immunization registry.

Act 59 (SB-655) eliminates the requirement that the State Epidemiologist find a human ova donor to be at risk for having HIV before the donor is tested for HIV and instead requires that each human ova donor be tested for HIV (see also *Children and Health and Social Services – Mental Health, Developmental Disabilities, and Substance Abuse*).

Act 75 (SB-360) requires retailers to provide new employees whose duties will include the sale of tobacco products with training in compliance with the prohibition against selling tobacco products to minors. If an employee who has not received the training violates the prohibition, a citation may be issued only to the retailer and not to the employee. If an employee who has received the training violates the prohibition and a citation is issued to the retailer, a citation must also be issued to the employee. The act also permits local health departments and law enforcement agencies to conduct unannounced investigations of retail outlets where tobacco products are sold to enforce compliance with the prohibition without first contracting with DHFS, as required under former law, and permits counties and municipalities to enact ordinances that strictly conform to state law prohibiting minors from possessing tobacco products. Finally, the act requires an applicant for a tobacco products retailer's license to specify whether the applicant intends to sell tobacco products over the counter or in a vending machine, or both.

Act 81 (AB-733) expands reimbursement for prescription drugs to treat HIV to include persons with gross annual household incomes of more than 200% but less than 301% of the federal poverty line, but conditions this expansion on the availability of federal funding or MA rebate revenue from pharmaceutical companies.

Act 109 (January 2002 Special Session AB-1) requires DHFS to act as the state public health authority in a public health emergency (the occurrence or threat of a health condition that is caused by bioterrorism or a biological agent and that poses a high probability of death or significant harm). The act permits DHFS to authorize local health departments to inform state residents of the public health emergency; purchase, store, and distribute immunizing agents and antibiotics; order persons to receive vaccinations and isolate or quarantine noncomplying persons; and order the disposal of human remains. A pharmacy or pharmacist must report to DHFS unusual increases in the number or types of prescription drugs dispensed, and coroners or medical examiners must report to DHFS and local health departments deaths caused by bioterrorism or novel or previously eradicated biological agents. Hospitals must grant emergency staff privileges to health care providers during a public health emergency and are granted

immunity from civil liability for the acts or omissions of these health care providers (see also *Other State Government*).

OTHER HEALTH AND SOCIAL SERVICES

Act 16 (SB-55), with respect to Family Care, does the following:

1. Delays until January 1, 2004, entitlement to the Family Care benefit for persons who meet functional and financial criteria, but are ineligible for MA.

2. Specifies criteria for eligibility of persons with developmental disabilities for the Family Care benefit.

Act 16 also makes various changes to the state Health Insurance Risk-Sharing Plan (HIRSP), which generally provides health care coverage for persons who have been refused private health insurance coverage and persons who are covered under Medicare because they are disabled. The act:

1. Requires coverage of hospice care.

2. Authorizes DHFS to establish separate copayment amounts, coinsurance rates, and out-of-pocket limits for prescription drugs and prohibits DHFS from reducing the payment rate for prescription drugs below the rate paid for prescription drugs under MA.

3. Establishes a three-year pilot program under which an organization under contract with DHFS provides to certain persons with HIRSP coverage community-based case management services, such as development of treatment plans, coordination of health care services, family support, and monitoring and reporting of patient outcomes and costs.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 699 would have prohibited human cloning and the transfer or acquisition of any embryo, cell, tissue, or product derived from human cloning.

Assembly Bill 736 and *Senate Bill 404* would have prohibited human embryonic stem cell research, creating a human embryo outside a woman's body for research, causing the death of a human embryo living outside of a woman's body, and, along with *Assembly Bill 699*, human cloning.

Senate Bill 379 would have prohibited human cloning; the sale or purchase of an ovum, embryo, or fetus for human cloning; and the use of state funds for human cloning.

Insurance

Act 16 (SB-55) requires all insurers that sell group health insurance to employers with 50 or fewer employees (small employers) to publish annually their current new business premium rates and prohibits those insurers from using the occupation of an employee of a small employer as a factor in determining initial premium rates for small employer health insurance.

Act 65 (SB-375) makes various minor remedial and technical changes to the insurance laws relating to such matters as the period for which a temporary insurance agent's license may be issued and the period within which an action against the patient's compensation fund must be commenced.

Act 82 (SB-250) requires health insurance policies that cover expenses incurred in treating diabetes specifically to cover prescription medication to treat diabetes.

Act 109 (January 2002 Special Session AB-1) requires the Commissioner of Insurance to develop a uniform health insurance claim processing form to be used by all insurers and all providers and a uniform employee application form to be used whenever a small employer applies for group health insurance coverage.

Local Law

Act 5 (SB-7) specifies that if a city clerk submits to DOR on or before May 31, 2000, the required forms and an application for a tax incremental district (TID) that was created in February 1999, even though the forms and application were originally due on December 31, 1999, DOR must proceed as if the forms had been filed by December 31, 1999, except that DOR may not certify a value increment before 2001.

Act 9 (AB-24) repeals a state residency requirement for individuals who wish to take an examination for the position of deputy sheriff in all counties other than Milwaukee County.

Act 11 (SB-138) specifies that, if a city that created or attempted to create a TID in October 1999 and in September 2000 published the required public notices before the required public hearings were held, in substantial compliance with the statutory requirements, although the notices contained technical deficiencies, the creation date of both TIDs is January 1, 2000, and DOR must proceed as if they were created on that date.

Act 16 (SB-55) makes the following changes related to local law:

1. Requires a municipality to enter into an agreement with at least two municipalities or counties to collaborate in providing at least two governmental services.

2. Creates a program to study governmental services delivered by and to any city, village, town, or county with a population greater than 2,500.

3. Increases from 25 cents to \$1 the fee that registers of deeds charge for certifying copies of records or papers.

4. Generally authorizes a town meeting to establish the hourly wage, up to \$5,000 per year per employee, for town employees who are also elected town officers.

5. Increases from \$5,000 to \$15,000 the threshold at which a town sanitary district commission must let a contract to the lowest responsible bidder and at which the local public contract bidding requirements apply.

6. Authorizes a municipality to create accounts for volunteer funds in the name of the municipality's fire, emergency medical technician, or first responder departments in public depositories.

7. Authorizes Milwaukee County to create a tax stabilization fund.

8. Increases the minimum population necessary for a county to create a local professional baseball park district from 500,000 to 600,000.

9. Specifies that a county may contract with or award grants to religious organizations to prevent delinquency and crime and rehabilitate offenders on the same basis as a county would with any other nongovernmental provider.

10. Increases the fee for filing the first page of land records with registers of deeds by \$1 (see also *State Government — Other State Government*).

Act 50 (AB-368) generally prohibits a city, village, town, or county from enacting or enforcing a zoning regulation that affects the placement, screening, or height of amateur radio antennas or antenna support structures unless the regulation has a reasonable and clearly defined aesthetic, public health, or safety objective.

Act 85 (AB-65) authorizes the inclusion of tax-exempt parcels of property within the boundaries of a business improvement district and prohibits the district from specially assessing the parcels. The act also includes within a district's boundaries parcels that are contiguous to the district and were tax-exempt when the boundaries were determined, but are now taxable.

Act 88 (AB-412) authorizes the use of notarized signatures on petitions to establish a town sanitary district.

Act 109 (January 2002 Special Session AB-1) modifies shared revenue payments as follows:

1. In 2004, the total amount of shared revenue payments, excluding expenditure restraint and utility aid payments, is reduced by \$40,000,000.

2. In subsequent years, in addition to receiving expenditure restraint and utility aid payments, each county and municipality will receive payments equal to the shared revenue payments, excluding expenditure restraint and utility aid payments, that the county or municipality would have received in 2004 had the 2004 payments not been reduced.

The act also:

1. Provides that counties and municipalities that consolidate services may receive consolidation incentive payments, subject to approval from DOR.

2. Allows a city, village, town, or county to file a request with DOR for a waiver from a state mandate, except for mandates related to health or safety. A state mandate is defined as a state law that requires a political subdivision to engage in an activity or provide a service or to increase the level of its activities or services. The state agency responsible for administering the mandate, or DOR if no agency administers the mandate, determines whether to grant the waiver. A waiver expires after four years but may be renewed.

3. Specifies that an agreement between a municipality of this state and a municipality of another state that relates to the receipt, furnishing, or joint exercise of fire fighting or emergency medical services does not have to be submitted or approved by the state attorney general before the agreement may take effect.

4. Authorizes the city of Bayfield to enact an ordinance declaring itself to be a premier resort area. A premier resort area may impose a 0.5% sales tax on certain items that are sold by tourism-related retailers, the proceeds of which must be used for infrastructure expenses.

5. Delays from October 1, 2002, to October 1, 2004, the dissolution of the Dane County Regional Planning Commission.

Natural Resources

CONSERVATION

Wetlands Protection

Act 6 (May 2001 Special Session SB-1) prohibits the discharge of dredged or fill material into a nonfederal wet-

land that is no longer subject to the oversight of the U.S. Army Corps of Engineers, due to a recent U.S. Supreme Court decision, unless DNR certifies that the discharge complies with all applicable state water quality standards. Certain activities, such as normal farming, forestry, and ranching activities, that were exempt from federal oversight, are exempt from this certification requirement. The act also contains provisions for identifying nonfederal wetlands and specific provisions for inspection of nonfederal wetlands and records concerning activities in nonfederal wetlands.

Bonding Authority of Stewardship Program

Act 16 (SB-55) increases the total bonding authority under the Warren Knowles-Gaylord Nelson Stewardship 2000 Program from \$460,000,000 to \$572,000,000, to fund, among other things, land acquisition for habitat and natural areas, for the preservation or enhancement of Wisconsin's water resources, for local parks, for urban green space, or along urban rivers.

Act 16 also makes the following changes to the conservation laws:

1. Prohibits DNR from using funds available under the Warren-Knowles Stewardship 2000 Program for acquiring or developing land that is acquired by condemnation.

2. Requires DNR to award grants for the implementation of a wetland enhancement or restoration project.

FORESTRY

Act 16 (SB-55) makes various changes to the laws concerning forestry. The act:

1. Requires DNR to set aside at least \$2,000,000 from the funds available under the Warren-Knowles Stewardship 2000 Program to provide matching funds for grants for the purchase of land or easements under the federal Forest Legacy Program.

2. Requires DNR to award grants to counties to improve sustainable forestry on county forest lands.

3. Authorizes DNR to award grants to local governments and fire suppression organizations to acquire fire prevention materials and to train fire fighters in forest fire suppression techniques.

4. Increases the surcharge on the sale of planting stock produced in state forest nurseries and requires DNR to use the surcharge to develop a forestry education curriculum in grades kindergarten to 12 and to de-

velop a program to educate the public on the value of sustainable forestry.

Act 109 (January 2002 Special Session AB-1) creates a Council on Forestry to advise state government on various topics as they affect forests located in this state.

NAVIGABLE WATERS

Act 16 (AB-55) creates the Fox River Navigational System Authority to replace the Fox River Management Commission, which was authorized to enter into agreements with the federal government to operate and manage the locks and other facilities on the Fox River. The act directs the authority to take over the operation and maintenance of the navigational system after its transfer from the federal government to the state. If the operation of the navigational system becomes infeasible, the authority must submit a plan for its abandonment and DOA and DNR must determine that the plan will preserve the public rights in the Fox River and will ensure public safety.

The act also restricts the public's use of the exposed area of a body of water that is located between the water's edge and the ordinary high-water mark and that is adjacent to private land. Under the act, a member of the public may use this area only if it is necessary to exit the body of water or to bypass an obstruction. Under prior law, members of the public could use the area for any water-related recreational activity, such as swimming, fishing, and boating.

PARKS AND RECREATION

Act 14 (SB-58) makes the following changes to the laws that regulate snowmobile rail crossings:

1. Requires DNR to consult with an established snowmobile association and with the Office of the Commissioner of Railroads when promulgating rules that establish maintenance, design, and construction of standards for crossings.

2. Requires DNR to approve a crossing permit application within 90 days if certain conditions are met.

3. Makes changes to the kind of liability insurance that a snowmobile organization must maintain with regard to the design, construction, or maintenance of a crossing.

4. Eliminates the term limit for a crossing permit.

5. Requires a crossing permit holder to pay the applicable rail authority \$1,500 to compensate the rail authority for the cost of the construction of the crossing and to pay for the use of the crossing by snowmobile operators.

Act 16 (SB-55) makes various changes in the laws related to state park system and recreation. The act:

1. Increases most annual vehicle admission fees that DNR collects from residents and nonresidents to enter state parks and other state recreational areas.

2. Allows agents who issue vehicle admission receipts to state parks and other state recreational areas through DNR's statewide automated issuing system to retain 50 cents for each issuing transaction in addition to the issuing fee that may be retained under current law.

3. Expands the expedited service system administered by DNR for the registration of all-terrain vehicles, boats, and snowmobiles.

WILD ANIMALS AND PLANTS

Act 8 (AB-98) provides an exception to the general prohibition against discharging a firearm or shooting an arrow from or across a highway or within 50 feet of the center of a roadway.

Act 16 (AB-55) makes the following changes in the laws related to wild animals and plants:

1. Allows agents who issue DNR fish and game licenses and stamps through DNR's statewide automated issuing system to retain 50 cents for each issuing transaction in addition to the issuing fee that may be retained under current law and to retain 50 cents for each issuance of one or more special deer hunting permits to an individual.

2. Prohibits any person who does not have a permit issued by DNR from cultivating or introducing aquatic plants that are not native to this state, from manually removing any type of aquatic plant from navigable waters, and from controlling any type of aquatic plants by the use of chemicals.

3. Prohibits DNR from charging a fee for hunter education programs and authorizes DNR to reimburse instructors conducting the program up to \$5 per person who receives instruction. Prior law required DNR to establish a fee by rule to be paid by persons taking the course.

Act 17 (AB-61) allows issuing agents such as sporting good stores to issue fishing licenses, at a reduced fee, to disabled persons.

Act 18 (AB-153) authorizes a resident senior citizen who holds an archer hunting or wild turkey hunting license to use a crossbow to hunt the game authorized under that license without obtaining a permit from DNR.

Act 55 (AB-31) requires that persons receiving preference points under the cumulative preference system for

the issuance of Class A bear hunting licenses (those that authorize the actual killing of bear) be at least 12 years old on the first day of the upcoming bear hunting season and be eligible for a hunting license on that day. Under former law, persons under 12 years old could collect preference points without being eligible for a license.

DATCP Authority Over Deer Farms

Act 56 (SB-307) consolidates in DATCP the state's regulatory authority over all deer farms. Under former law, white-tailed deer, elk, and certain species of other non-native deer were subject to DNR licensing requirements. The act authorizes the hunting of all species of deer on deer farms and the hunting of certain birds on bird hunting preserves and authorizes the licensed owner of the premises to sell the opportunity to hunt these animals.

The act also expands DATCP's authority to control disease in domestic animals and livestock to cover all animals including captive wildlife. This authority includes issuing quarantines and regulating the importation and movement of diseased animals.

The act also creates a licensing structure administered by DNR for persons possessing captive wild animals. Under the act, most wild animals native to this state are subject to the DNR licensing requirements except for common native species. While the act prohibits a person from possessing most wild animals without a license from DNR, most public zoos, aquariums, and circuses are exempt from these licensing requirements.

Act 77 (AB-251) exempts from the prohibition against issuing spearing licenses during the open season for sturgeon spearing residents who turn 14 during the time the prohibition is in effect and residents who are in the armed forces outside Wisconsin and who are on leave in Wisconsin.

Act 92 (SB-330) creates the Wisconsin Outdoor Wildlife Heritage Trust Fund, which may be used only for the improvement and maintenance of fish and wildlife habitat.

Chronic Wasting Disease

Act 108 (May 2002 Special Session SB-1) authorizes spending of approximately \$4,000,000 to control chronic wasting disease (CWD) in Wisconsin. The act also includes the following provisions relating to CWD, which expire on July 1, 2004:

1. Requires DNR to regulate the feeding of wild animals for nonhunting purposes.
2. Allows state and federal agents to shoot from or over roads and from vehicles and motorboats at animals in the wild in CWD eradication zones.
3. Allows state and federal agents to shoot from aircraft in CWD eradication zones if DNR determines that the shooting is necessary to control the spread of disease.
4. Allows landowners to shoot from tractors and other farm vehicles in a CWD eradication zone.
5. Authorizes DATCP to test animals for CWD if there is reason to believe that the animals have been exposed to the disease.

Act 109 (January 2002 Special Session AB-1) makes various changes in the laws related to wild animals and plants. The act:

1. Authorizes DNR to issue elk hunting licenses and to otherwise regulate the hunting of elk in this state. The act allows DNR to make available only to state residents up to 99% of all the elk hunting licenses available in each year. Under the act, a person must complete an elk hunter education course to be eligible for a license. A person may be issued a license only once in his or her lifetime, and the license may be used in only one elk hunting season.
2. Consolidates under a single program DNR's programs and responsibilities relating to invasive species, including terrestrial invasive species as well as aquatic invasive species. Under the program, DNR must implement a statewide management plan to control invasive species and must implement a watercraft inspection program to conduct periodic inspection of boats and boating equipment entering and leaving navigable waters. The act also creates a 13-member Invasive Species Council to make recommendations to DNR and to conduct studies on controlling native invasive species (see also *Act 16*).
3. Increases the fee for a sturgeon spearing license.

OTHER NATURAL RESOURCES

Act 16 (SB-55) makes the following other changes to the laws relating to natural resources:

1. Limits the scope of the prohibition against disclosure of certain personal information compiled by DNR. Under the act, the prohibition applies only to personal information that is contained on lists generated by DNR's automated system for issuing approvals or that

is obtained by DNR from applications for boat, all-terrain vehicle, or snowmobile registration.

2. Requires Wisconsin to withdraw from the Minnesota-Wisconsin Boundary Area Commission and from the compact creating the commission.

Occupational Regulation

Act 16 (SB-55) makes the following changes to the regulation of professions and occupations by DRL and boards in DRL:

1. Requires the Accounting Examining Board to adopt the auditing, accounting, review, and attestation standards of the American Institute of Certified Public Accountants; creates new requirements for licensing CPA firms; and requires CPA firms to undergo peer review every three years.

2. Requires real estate brokers to supervise other brokers and salespersons employed by them, but does not require the supervision to be direct or full time, as was required under former law.

3. Allows certain pharmacy students and persons who have applied for a pharmacist license to practice pharmacy under the direct supervision of a licensed pharmacist and eliminates the Pharmacy Internship Board.

The act also requires cemetery authorities, if practicable, to provide for burials during each season.

Act 52 (AB-725) creates a new definition of “nurse-midwifery” that refers to the practice standards of the American College of Nurse-Midwives. In addition, the act requires a nurse-midwife to practice in collaboration with a physician, rather than under a physician’s general supervision, which was required under former law. “Collaboration” is defined to require a nurse-midwife and physician to practice in each other’s presence only when necessary. Also, if a nurse-midwife discovers a complication, the nurse-midwife must consult with the collaborating physician, or make a referral, as specified in a written agreement between the nurse-midwife and collaborating physician. Finally, with specified exceptions, the act requires nurse-midwives to carry the same minimum amount of malpractice insurance that advanced practice nurse prescribers must carry.

Act 53 (AB-358) exempts a person engaged in a certain practice who incidentally practices professional geology, hydrology, or soil science from the licensure requirements of those professions, if the person does not

represent that he or she is a professional geologist, hydrologist, or soil scientist.

Act 66 (SB-356) allows DRL and the Board of Nursing to disclose the name, social security number, telephone number, and street address of any licensed nurse or applicant for nurse licensure to the coordinated licensure information system, which is a cooperative effort by the states that are members of the Nurse Licensure Compact to create a coordinated database of all licensed nurses, all disciplinary actions taken against licensed nurses, and all denials of nurse licensure.

Act 70 (AB-615) creates a new definition for “physical therapy,” creates new titles that only a licensed physical therapist may use, requires physical therapists to maintain patient records, and requires the Physical Therapists Affiliated Credentialing Board to promulgate rules regarding referrals and establishing a code of ethics for physical therapists and physical therapy assistants. In addition, the act allows a chiropractor to claim to render physical therapy only if the physical therapy is provided by a physical therapist employed by the chiropractor. Also, the act allows a chiropractor to claim to render physical therapy modality services. The act also prohibits a person from representing that he or she is a physical therapy assistant without a license issued by the Physical Therapists Affiliated Credentialing Board. Under former law, no license was required.

Act 74 (SB-413) converts DRL registration requirements for massage therapists and body workers to certification requirements and changes the education requirements an applicant for certification must satisfy. In addition, the act: 1) prohibits DRL from certifying persons who have been convicted of specified sexual offenses; 2) requires a certificate holder to report to DRL if he or she learns that another certificate holder has committed such offenses; 3) requires a certificate holder to obtain informed consent from clients; 4) generally, requires a certificate holder to keep information received from clients confidential; and 5) prohibits a certificate holder from working at a sexually oriented business. Finally, the act creates a Massage Therapy and Bodywork Council to advise DRL when it promulgates rules regarding massage therapy and bodywork.

Act 76 (SB-340) provides that a person is eligible for a veterinary postgraduate training permit, which allows a person to practice veterinary medicine before obtaining a license, if he or she is an intern or resident at an in-state school of veterinary medicine. Under former law, additional requirements applied.

Act 80 (AB-206) transforms the certification requirements for independent clinical social workers, marriage and family therapists, and professional counselors into licensing requirements. The act also changes the title

“independent clinical social worker” to “clinical social worker.” In addition, with certain exceptions, the act prohibits a person from practicing clinical social work, marriage and family therapy, or professional counseling without a license. Under former law, only the use of a related title was prohibited. With certain exceptions, the act also prohibits a person without such a license from practicing psychotherapy.

Act 89 (AB-256) generally prohibits a person from practicing perfusion unless he or she is licensed by the Medical Examining Board. “Perfusion” is defined, in part, as operating and managing extracorporeal circulation to support, temporarily replace, measure, treat, or supplement the cardiopulmonary and circulatory system of a patient. To qualify for a license, an applicant must complete an accredited educational program and pass an examination. However, a person who has practiced perfusion for 10 years before the act’s effective date automatically qualifies for a license. Finally, the act creates a Perfusionists Examining Council that serves the Medical Examining Board in an advisory capacity.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bills 107 and 776 would have made various changes to the regulation of cemetery authorities, cemetery salespersons, and certain sellers of cemetery merchandise and mausoleum spaces, including creating a fund to assist in the management of abandoned or neglected cemeteries.

Assembly Bill 168 would have prohibited the Board of Nursing, the Medical Examining Board, and the Pharmacy Examining Board from disciplining health care practitioners for refusing to participate in certain acts such as sterilization; abortions; procedures involving the destruction of human embryos or using fetal tissue or organs; withholding or withdrawing nutrition or hydration; or euthanasia (see also *Discrimination*).

Assembly Bill 829 would have enacted the Uniform Athlete Agents Act to regulate agents who represent student athletes.

Public Utilities

Act 16 (SB-55) makes the following changes to the laws regulating public utilities:

1. Specifies the requirements for the PSC to approve a leased generation contract between a public utility and an affiliate. The act defines “leased generation con-

tract” as a contract under which the affiliate constructs or improves certain electric generating facilities and leases the facilities to the public utility for operation by the public utility.

2. Prohibits a telecommunications provider from refusing to transfer, or refusing to facilitate the transfer of, the provider’s local exchange service customers to another telecommunications provider on the same terms and conditions that the provider receives from any other telecommunications provider, unless the terms and conditions violate federal law.

3. Requires an electric utility that has received a certificate of public convenience and necessity for a large electric generating facility to begin construction of the facility within one year, unless the PSC grants an extension.

4. Prohibits the PSC from collecting more than \$5,000,000 in fiscal year 2003-04 in assessments from telecommunications providers for promoting universal service and from collecting more than \$6,000,000 in such assessments for each subsequent fiscal year.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 518 and *Senate Bill 248* would have restricted the authority of cities, villages, towns, counties, and other local governmental entities to provide telecommunications and Internet access services.

Assembly Bill 754 would have required electric utilities and cooperatives to remedy objectionable flows of current at the premises of customers and members and would have created an electric pollution fund to assist electric utilities and cooperatives in their efforts.

Assembly Bill 889 would have made various changes to telecommunications law, including creating a wireless 911 board to make grants for providing wireless 911 emergency telephone service.

Senate Bill 451 would have made various changes to telecommunications law, including requiring certain large telecommunications utilities to issue credits for poor retail service and imposing wholesale service standards on telecommunications providers.

Real Estate

Act 16 (SB-55) makes miscellaneous changes in the laws related to platting land.

State Government

CLAIMS AGAINST THE STATE

Act 60 (AB-327) directs DOT to reimburse Robert and Dorothy Messner of Brownsville, Wisconsin, for highway salt damage to their property.

STATE BUILDING PROGRAM

Act 12 (SB-144) authorizes the purchase of a Justice Center building in Madison and authorizes \$42,600,000 in additional general obligation bonding to finance the purchase.

Act 16 (SB-55) authorizes \$1,553,225,400 in new or expanded state building projects, excluding highway projects, for the 2001-03 authorized state building program. This compares with \$745,699,100 authorized in the previous fiscal biennium. The act also authorizes \$1,147,142,300 in new general obligation bonding authority for the state building program and for capital equipment for buildings.

STATE FINANCE

Tobacco Settlement Agreement

Act 16 (SB-55) authorizes the sale of the state's right to payments under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998, and creates a permanent endowment fund for the proceeds from the sale. The permanent endowment fund may be used only to transfer \$450,000,000 to the general fund in the 2001-03 fiscal biennium and, annually thereafter, to transfer the lesser of \$25,000,000 or 8.5% of the market value of the investments to the tobacco control fund.

Act 16 also requires the Secretary of Administration to include in the biennial budget report a statement of estimated general purpose revenue receipts and expenditures in the second fiscal biennium following the current fiscal biennium that would result from enactment of the biennial budget bill and a comparison of the state's budgetary surplus or deficit according to generally accepted accounting principles for the most recent fiscal year and the estimated change in the surplus or deficit that would result from enactment of the biennial budget bill.

The act also lends general fund money for construction of a biomedical and technology incubator, a museum, and a youth and family center.

Act 109 (January 2002 Special Session AB-1) does the following:

1. Requires that every state agency, including the legislature and the courts, prepare every six years a report that describes each programmatic activity of the agency and includes an accounting by fund source of certain expenditures.

2. Requires that the legislature may not adopt any bill that would cause in any fiscal year the amount designated as "taxes" and "departmental revenues" in the general fund condition statement to exceed the amount designated as "total expenditures" in that statement.

3. Requires the State of Wisconsin Investment Board to make an effort before June 30, 2004, to invest at least \$50,000,000 in venture capital firms.

OTHER STATE GOVERNMENT

Limitations on Appropriating General Purpose Revenue

Act 16 (SB-55) prohibits the legislature from appropriating general purpose revenue in any fiscal biennium in an amount that exceeds the amount appropriated in the prior fiscal biennium, adjusted by the annual percentage change in the state's aggregate personal income. The limitation does not apply, however, to appropriations affecting public debt, legal expenses incurred by the state, and certain transfers to the general fund; appropriations to the Higher Educational Aids Board, DPI, and the Board of Regents of the UW System; and appropriations contained in a bill that is enacted with the approval of at least two-thirds of the members of each house of the legislature.

Act 16 makes the following additional changes in the laws affecting state government:

1. Allocates a portion of the land recording fees received by the Land Information Board from registers of deeds for comprehensive planning grants to local governments (see also *Local Law*).

2. Generally prohibits state officers and agencies from collecting personally identifiable information from persons who visit their Internet sites.

3. Authorizes making state procurements by electronic auction.

4. Converts financing of DOA's procurement services for state agencies and local governments from gen-

eral purpose revenue to program revenue and permits DOA to charge and collect from state agencies any amounts saved by using DOA's procurement services.

5. Converts financing of DOA's municipal boundary review services provided to local governments from general purpose revenue to program revenue.

6. Creates a Department of Electronic Government to carry out certain functions relating to information technology and telecommunications that were formerly assigned to DOA and to coordinate and manage Wisconsin's information technology system (see also *Act 109*).

7. Provides that the per diem paid to legislators equals 90% of that paid by the federal government for travel for federal government business within the city of Madison. Previously, for each biennial legislative session, the amount was recommended by the Secretary of Employment Relations, subject to approval by the Joint Committee on Employment Relations.

8. Designates "Oh Wisconsin, Land of My Dreams" as the state ballad and "The Wisconsin Waltz" as the state waltz.

Elimination of the Legislative Partisan Caucus Staffs

Act 19 (SB-279) eliminates the legislative partisan caucus staffs.

Act 30 (AB-513), **Act 38** (AB-512), **Act 39** (AB-514), **Act 62** (SB-367), **Act 63** (SB-368), and **Act 64** (SB-369) are revisor's correction and revision acts.

Act 87 (SB-116) provides that if the legislature receives, on or after November 1 of an even-numbered year an agency notice that an administrative rule is in final draft form, the notice is considered received on the first day of the next regular session of the legislature.

Act 109 (January 2002 Special Session AB-1) authorizes the governor to proclaim a state of emergency related to public health, to designate DHFS as the lead state agency if a public health emergency exists, and to suspend administrative rules that would hinder emergency response (see also *Health and Social Services - Public Health*).

The act also eliminates the provision that appropriated to DOJ, for investigation and prosecution costs, ten percent of the money collected as the result of DOJ legal action.

Taxation

Tax Exemptions for Air Carriers, YMCA, and YWCA

Act 16 (SB-55) makes the following additional changes in the laws related to taxation:

1. Exempts an air carrier company that operates a hub facility in this state from local general property taxes and from the state tax based on the value of the company's property.

2. Exempts property owned by the Young Men's Christian Association (YMCA) and the Young Women's Christian Association (YWCA) and used for their purposes from local general property taxes.

Act 16 makes the following additional changes in the laws related to taxation:

1. Modifies the estate tax so that, for deaths occurring after September 30, 2002, and before January 1, 2008, the tax is computed as provided under the federal estate tax law in effect on December 31, 2000.

2. Increases the cigarette tax from 59 cents to 77 cents a pack.

3. Increases the excise tax rate on tobacco products from 20% to 25%.

4. Imposes a license fee on the sale of electricity at wholesale at the rate of 1.59% of the gross revenues from such sales.

5. Increases the total amount of shared revenue payments by 1% in both 2002 and 2003.

6. Excludes Lafayette County from the shared revenue maximum payment restriction.

7. Exempts the sale of the U.S. flag and the state flag from the sales tax and the use tax.

8. Exempts cash registers and fax machines from the property tax.

9. Exempts property owned by the Fox River Navigational System Authority from the property tax and exempts goods and services purchased by the authority from the sales tax and the use tax.

10. Modifies the property tax exemption for computers so that custom software is not exempt from property taxation.

11. Creates an income and franchise tax credit for capital investments made in a development zone (see *Economic Development*).

12. Creates an income and franchise tax credit for businesses in a technology zone (see *Economic Development*).

13. Allows DOR to enter into an agreement with representatives from other states to simplify sales tax and use tax administration.

14. Modifies the indexing adjustment for the top individual income tax bracket for taxable years 2002 and thereafter.

15. Provides that all payments received from the U.S. military employee retirement system, including those paid to surviving spouses, are excluded from taxation.

16. Modifies the individual income tax treatment of certain inter vivos trusts.

17. Requires DOR to undertake a program to promote volunteering, and training of such volunteers, for the Volunteer Income Tax Assistance Program.

Act 23 (SB-560) abates interest otherwise due on income tax returns filed under an extension by members of the armed forces who participated in Operation Enduring Freedom.

Act 32 (SB-259) grants an extension to a church or religious association for filing a 2001 property tax exemption form if the property tax exemption form relates to a parcel of property owned by the church or religious association and located on land that was annexed by the city of La Crosse from the town of Medary.

Act 45 (AB-769) provides that a person who receives a refund for a defective motor vehicle under the state's "lemon law" and who subsequently purchases a replacement motor vehicle pays sales tax only on the difference between the trade-in value of the defective motor vehicle and the purchase price of the replacement vehicle.

Penalty for Converting Agricultural Land

Act 109 (January 2002 Special Session AB-1) modifies the penalty for converting agricultural land to other purposes so that a person who converts pays a penalty to the county where the land is located based on the average fair market value of agricultural land in the county and the number of acres converted.

Act 109 makes the following additional changes to the laws relating to taxation:

1. Authorizes an individual who would have a tax liability to designate the lesser of \$20 or the amount of the individual's tax liability to the Wisconsin Election Campaign Fund and creates a nonrefundable income tax credit that may be claimed up to the amount of the designation (see also *Elections*).

2. Allows grandparents to claim the income tax deduction for certain contributions to college savings programs currently available to parents, and clarifies that the total deduction for contributions to the two available types of college savings programs is limited to \$3,000 per beneficiary per year for single taxpayers and for married couples filing jointly.

3. For tax years beginning after December 31, 2000, authorizes payments of interest to the State of Minnesota in association with the individual income tax reciprocity agreement between the two states.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 380 would have required a corporation that does business both inside and outside Wisconsin to apportion its income, for income tax and franchise tax purposes, based on a single sales factor, rather than on a sales factor, a property factor, and a payroll factor.

Transportation

DRIVING WHILE INTOXICATED

Act 16 (SB-55) makes the following changes in the laws relating to operating or driving a motor vehicle while under the influence of an intoxicant (OWI):

1. Increases to one year the waiting period for an occupational license for a person who has been convicted of two or more OWI offenses within five years.

2. Requires, instead of permits, a court to impose, for at least one year, certain sanctions for a second or subsequent OWI conviction within five years unless the court determines that imposition would result in undue hardship.

3. Requires a court to order a person who is convicted of a second OWI offense to perform a minimum of 30 days of community service if community service is ordered instead of imprisonment.

HIGHWAYS AND LOCAL ASSISTANCE

Act 4 (AB-37) modifies the use of projected operating expenses for purposes of receiving aid under the Urban Mass Transit Operating Assistance Program.

Marquette Interchange Reconstruction Project

Act 16 (SB-55) provides initial funding of more than \$160 million for the Marquette interchange reconstruction project in the vicinity of I 43, I 94, and I 794 in Milwaukee County. The act also provides funds to the city of Milwaukee, if the city makes a matching contribution, to reconstruct West Canal Street for traffic mitigation in connection with the Marquette interchange reconstruction project.

Act 16 makes the following additional changes in state highway and local assistance programs:

1. Maintains the rate for general transportation aid payable to municipalities for improving and maintaining local streets and roads at the same level in 2001 (\$1,704 per mile) as in 2000, and increases it by 3.0% to \$1,755 per mile for 2002 and by 7.1% (over 2001) to \$1,825 per mile for each year thereafter.
2. Maintains general transportation aids to counties and municipalities at the same level in 2001 as in 2000, and increases these aids by 3.0% for 2002 and by 7.1% (over 2001) for each year thereafter.
3. Increases the authorized limit on revenue bonds that may be issued for major highway projects and other transportation facilities by 21.1%, from \$1,447,085,500 to \$1,753,067,500, excluding certain defeased obligations.
4. Prohibits most state highway rehabilitation funds from being used for certain highway maintenance or for intelligent transportation systems (information processing systems to improve traffic efficiency or safety).
5. Authorizes DOT to contract with private entities for certain highway maintenance.
6. Enumerates three additional major highway construction projects (projects having a total cost of more than \$5,000,000 and meeting certain other criteria, which must be approved by the legislature before they may be constructed).
7. Increases aid under the Urban Mass Transit Operating Assistance Program by 4.0% in 2002 and 2.0% in 2003.

8. Prohibits construction of a light rail mass transit system in Milwaukee County unless the county board authorizes the construction by resolution and the electors of the county ratify the resolution by referendum.

9. Provides \$9,100,000 in transportation aids to the Green Bay/Brown County Professional Football Stadium District.

Act 101 (AB-519) designates the bridge on I 43 across the Fox River in the city of Green Bay as the Leo Frigo Memorial Bridge.

Act 109 (January 2002 Special Session AB-1) makes the following changes in state highway and local assistance programs:

1. Authorizes up to \$140,000,000 of transportation fund supported borrowing for major highway and rehabilitation projects, including southeast Wisconsin freeway rehabilitation projects, to compensate for federal highway aid reductions.
2. Requires DOT to design any reconstruction of I 94 in Milwaukee and Waukesha counties (except the Marquette Interchange) to allow for traffic needs on I 94 for 25 years. The act also prohibits DOT from using certain funds for any southeast Wisconsin freeway rehabilitation project that involves five miles or more of lane addition unless the legislature specifically enumerates the project.
3. Exempts nonprofit organizations from paying an annual permit fee to DOT for off-premise advertising signs owned by the nonprofit organizations.

MOTOR VEHICLES

Act 16 (SB-55) makes the following changes in the laws regarding motor vehicles:

1. Provides funding for training in extrication techniques for rescue personnel.
2. Increases, from \$6 to \$9, the environmental impact fee for titling of a vehicle or manufactured home.
3. Provides for the issuance of a special veterans license plate for motorcycles owned by veterans of the U.S. armed forces.
4. Allows the operation, regardless of vehicle weight, of pickup and delivery vehicles on certain highways designated by local authorities.

Act 28 (AB-290) prohibits the sale, distribution, or installation of a previously deployed or an otherwise non-functional airbag, prohibits the removal or disconnection of an airbag, and prohibits the concealment of a missing or previously deployed airbag.

Act 58 (SB-179) requires that, beginning in 2004, every school bus be equipped with a retractable crossing gate to prevent children from crossing in front of the bus where the bus driver cannot see them.

Act 78 (AB-147) authorizes DOT to issue permits allowing vehicles exceeding 100 feet in length that are designed to transport exceptionally heavy cargo to be operated on highways for one-way trips.

Act 90 (SB-393) regulates the operation of electric personal assistive mobility devices on highways, sidewalks, bicycle lanes, and bicycle ways. An electric personal assistive mobility device is a one-person scooter, commonly referred to as a “segway,” that has a maximum speed of not more than 15 miles per hour. Electric personal assistive mobility devices are exempt from registration by DOT.

TRAFFIC AND PARKING REGULATION

Act 15 (SB-10) regulates the operation of motor vehicles that are passing any stopped emergency vehicle, tow truck, or highway maintenance equipment and requires the suspension of the motor vehicle operating privilege of any motorist convicted of violating these traffic regulations.

Act 16 (SB-55) imposes an assessment of \$8 on persons convicted of traffic law violations involving a commercial motor vehicle. Moneys collected from the assessment may be used only for grants to certain technical colleges for truck driver training (see also *Education – Technical College System*).

Act 27 (SB-70) requires law enforcement officers to report traffic violations and accidents involving foreign diplomats to the federal Department of State.

Act 34 (AB-142) prohibits a motorist from following a snowplow closer than 200 feet upon a highway having a vehicle speed limit of more than 35 miles per hour.

Act 47 (SB-38) requires a motorist approaching a marked “school crossing” to slow to no more than 15 miles per hour when a single child is present (rather than when children are present), or when a school crossing guard is within a crosswalk or in the roadway.

Act 68 (AB-737) clarifies that state traffic patrol officers and inspectors may conduct investigations relating to crimes involving the use or operation of vehicles.

OTHER TRANSPORTATION

Act 16 (SB-55) increases the authority to contract state debt for harbor improvements from \$22,000,000 to \$25,000,000 and for the acquisition and improvement

of freight rail property from \$23,500,000 to \$28,000,000. The act also prohibits DOT from disclosing certain financial-related information obtained by DOT from bidders and contractors.

The act also allows a court to suspend a juvenile’s motor vehicle operating privilege if the juvenile fails to pay a forfeiture for any ordinance violation. Under former law, a court could not suspend a juvenile’s motor vehicle operating privilege if the forfeiture was imposed for an ordinance violation that was unrelated to the operation of a motor vehicle.

Act 31 (SB-275) provides that a manufacturer, distributor, or importer of motor vehicles who unreasonably prohibits a motor vehicle dealer from undertaking certain action is liable for the dealer’s financial loss and actual costs, including attorneys’ fees.

Act 41 (AB-110) allows a law enforcement agency of Wisconsin or an adjacent state to examine formerly confidential DOT photographs for drivers’ licenses and identification cards during a criminal investigation, investigation of a missing person, or identification of an accident victim.

Act 93 (AB-242) requires DOT to forward to the Selective Service System the application of any male between the ages of 18 and 25 for a driver’s license, permit, or identification card. DOT must also notify the applicant that his application will be forwarded to the Selective Service System for the purpose of selective service registration.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bills 201, 202, and 240 would have established limitations on the use of a cellular or other mobile telephone while operating a motor vehicle, or would have required motor vehicle traffic accident reports to include information on use of a cellular or other mobile telephone at the time of an accident.

Senate Bill 47 would have established primary enforcement of safety belt use requirements for persons in motor vehicles.

Trusts and Estates; Probate

Act 16 (SB-55) allows DHFS to recover from the real property of a decedent the amount of certain benefits, such as medical assistance, that DHFS paid on behalf of the decedent during his or her life.

Act 94 (AB-123) provides that, in the informal administration of an estate, any individual who has the consent of all interested parties and who qualifies may be appointed personal representative if no personal representative is named in a will or if the person named in the will does not qualify. Under former law, an individual could be appointed personal representative under those circumstances only if he or she was an attorney licensed to practice in Wisconsin, a beneficiary under the decedent's will, or an heir of the decedent if there was no will.

Veterans and Military Affairs

Act 16 (SB-55) makes the following changes in the laws related to veterans and military affairs:

1. Prohibits the receipt of a National Guard tuition reimbursement grant if the guard member is absent without leave for more than nine unit training assemblies or fails to achieve a grade point average of at least 2.0 for the semester for which the grant is requested.

2. Requires a National Guard member to repay a tuition reimbursement grant if the guard member is separated from the National Guard for misconduct.

3. Reimburses a veteran who was a resident of Wisconsin for any one-year period after entry into the armed services for his or her undergraduate tuition and fees for attending an institution of higher education or a school approved by the Educational Approval Board, or 85% of the equivalent resident costs at the UW-Madison, whichever is less.

4. Increases a veteran's reimbursement for a correspondence course or part-time classroom study from 65% to 85% of the tuition and fees, or 85% of the equivalent undergraduate resident costs at the UW-Madison, whichever is less.

Act 20 (AB-238) designates the ninth day of April each year as "Prisoners of War Remembrance Day" and requires the governor to issue an annual proclamation to that effect.

Act 21 (AB-468) adds one representative of the Wisconsin chapter of the Paralyzed Veterans of America to the Council on Veterans Programs.

Act 22 (AB-558) provides that every state-issued license in effect on September 11, 2001, and issued to a person who was a member of a reserve unit of the U.S. armed forces or the Wisconsin National Guard expires 90 days

after the service member is discharged from state or active duty if that license would have expired while the service member was on state or active duty. The act also requires public and private colleges and universities to give a student who withdraws from school because he or she is called into active service in the U.S. armed forces or in the Wisconsin National Guard either a prorated portion of room and board payments and all tuition and fees paid for the courses withdrawn from or an incomplete for those courses and to permit the student to complete the courses within six months after he or she leaves state or active service, without paying additional tuition or fees. Finally, the act provides eligibility for veterans benefits to any person who served in Operation Enduring Freedom and allows a local unit of government to pay a member of the U.S. armed forces who was granted a leave of absence from the governmental unit the difference between the salaries paid by the governmental unit and the armed forces.

Financial Transactions of the Members of the Wisconsin National Guard

Act 24 (AB-571) makes the following changes in the laws relating to the rights of persons actively serving in the Wisconsin National Guard or the Wisconsin State Defense Force (service member):

1. Limits the interest that may be charged an active service member to 6% per year unless a court determines that the ability of the service member to pay a higher rate of interest is not materially affected by his or her active state service.

2. Prevents a lender, creditor, insurer, or consumer credit information provider from refusing to grant credit or insurance or from issuing an adverse credit report because an active service member postponed paying an obligation.

3. Limits and stays court actions and obligations under a mortgage or installment contract, if a service member would be negatively affected.

4. Allows a service member to terminate a lease without penalty if the lease was signed before his or her entry into active state service.

Act 25 (AB-509) increases the appropriation account in DMA that funds tuition grants for members of the Wisconsin National Guard by \$1,534,300.

Act 99 (SB-364) requires the governor to proclaim annually August 7 as "Purple Heart Day" and to urge the display of the American flag on that day to recognize those who have been wounded or killed in action in the U.S. armed forces.

Act 100 (AB-497) designates the third Friday of September as “POW-MIA Recognition Day” and requires the governor to annually issue a proclamation observing that day and requesting that some portion of the day be used to contemplate the plight of U.S. armed forces members who are or have been prisoners of war or missing in action.

Act 109 (January 2002 Special Session AB-1) makes the following changes in the laws related to veterans affairs:

1. Permits the burial at the state veterans cemeteries of deceased veterans who were discharged from active service under honorable conditions and who were residents of this state for at least 12 consecutive months after entering or reentering active service.

2. Allows the county board to elect as county veterans’ service officers and appoint as assistant county veterans’ service officers veterans who served on active duty under honorable conditions, other than duty for training, if the veterans meet the conditions required to obtain state veterans benefits.

3. Permits DVA to award grants to a county for transportation services if the county does not receive such services from the state Disabled American Veterans organization.

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